

Raising expectations? Civil society's influence on human rights and US foreign policy

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Introduction

The strategic politics of non-governmental actors, as Margaret Keck and Kathryn Sikkink have observed, is 'rooted in values and aimed at changing values' (Klotz 1995, Keck and Sikkink 1998). In the language of social movement literature, advocacy groups frame our ways of understanding and presenting the world that 'underscore and embellish the seriousness and injustice of a social condition or redefine as unjust and immoral what was previously seen as unfortunate but perhaps tolerable' (Tarrow 1998: 110). By framing issues in human rights terms, NGOs and other actors seek to shape public opinion and influence policy options, ensuring that the human rights dimension of policy options is addressed.

Through the use of 'specific metaphors, symbolic representations, and cognitive clues' civil society organizations 'cast behavior and events in an evaluative mode and . . . suggest alternative modes of action' (Zald 1996: 262). While some organizations seek to frame issues to fit into existing policy agendas, others seek to prompt the creation of new agendas (Weldon 2003). Some organizations thus create issues, while others interpret issues. The same organizations may also be involved domestic or international human rights litigation as well as the direct drafting of legal instruments related to human rights, including international human rights treaties, peace agreements and domestic legislation.

Using the term 'civil society' to refer to the space in which human rights advocates operate is not intended to reify 'civil society', but rather to describe an imagined and contested space with a particular meaning for human rights advocates. While it is possible to view the idea of civil society through various political and philosophical lenses, for the purpose of examining the promise of civil society actors for framing human rights concerns, a definitional focus on relational networks helps to sharpen the inquiry. One proponent of this focus, Michael Walzer, explains that '[t]he words "civil society" name the space of uncoerced human association and also the set of relational networks – formed for the sake of family, faith, interest and ideology – that fill this space' (1996: 89). For human rights advocates, civil society creates a setting in which the human rights norms are worked out, tested, and applied. The agenda and priorities of civil society are hotly debated. Although civil society may be prove to be a venue for raising the concerns of the oppressed and disempowered, it is just as likely a space for the already empowered elites to dominate.

The most well-known tactic of human rights civil society has been that of 'naming, blaming and shaming', that is, naming human rights violations, publicly identifying the violator (traditionally a state, but increasingly a corporation or other actor), and shaming them into compliance by employing a public campaign (involving letter writing and other public acts of condemnation). This 'watch' role of civil society, popularized by Amnesty

International's letter writing campaigns and Human Rights Watch's various 'watch groups' for regions and topics, remains significant today. The efficacy of this tactic has improved as the technical expertise of the 'watchers' has been strengthened and as communication technology has advanced (Vandenberg 2001).

Even as the 'watch' campaigns have remained popular, civil society actors have engaged in policy analysis and advocacy activities in addition to atrocity reporting. Early on, human rights organizations focused on 'standard-setting', that is, the establishment of the human rights standards by which the conduct of states could be judged (Korey 2001). They also began serving as ombudsmen intervening on behalf of 'prisoners of conscience' and providing legal services and other support for victims and families of victims of gross human rights abuses (Korey 2001). They have advocated for the creation of systems and mechanisms to enforce human rights, at the international, national and regional levels, and have pressed for greater NGO access to the working of those systems (Korey 2001: 139, 229). All of these efforts have had an impact on US foreign policy, but it is the new strategies of more recent years that have targeted US foreign policy specifically. These efforts have moved beyond public shaming techniques focused singularly on human rights to advocacy approaches that integrate human rights into broader public policy agendas and suggest long-term solutions to the roots of human rights violations as well as addressing the impact of their ongoing manifestation.

The ability of civil society to influence US foreign policy has been advanced by the professionalization of the field and the increased mobility of individuals from the government sector to civil society. Today individuals working on human rights issues are likely to be former members of the Clinton administration and other previous administrations, former State Department employees who quit in protest over US policies, and former Ambassadors and military officers, as well as individuals who cut their teeth working on humanitarian projects in Afghanistan, election monitoring in Bosnia, or the founding of the Truth Commission in South Africa. And the organizations they join are more likely to be highly sophisticated, and staffed with lawyers, area experts, lobbyists, advocacy teams and recent graduates of new programs offering specific training in human rights. 'Before, human rights NGOs were a conglomerate of the elite, but with grassroots and idealism as their guide', says Martina Vandenberg (2001), a former Human Rights Watch researcher, 'Now they are a community of elite voyeurs with a few wild haired exceptions'. The age of email and Web pages makes it even more possible for individuals or a small cadre of folks hunched over computers to have an impact on a human rights issue (Wapner 2002a). But even these individuals are likely to have elite training, and over time even they are likely to either join larger organizations or collapse.

One could think of three chronologically distinct generations of individuals in America working on human rights:

The first generation is comprised of people from the peace movement, who opposed what the US was doing in Latin America, as well as some people working on political prisoners in the Soviet Union, general cold war stuff. The second generation is comprised of people who began doing civil rights work and other social justice work in the US and then they crossed over to the international sphere and began working on their issues there. The third generation comprises people who don't know what human rights are, but they want to study the topic nevertheless. (Wapner 2002a: 157)

The resources of NGOs have ebbed and flowed along with the financial fortunes of the individuals and foundations which support their operations, leading to new projects and

new personnel in good times, and belt tightening layoffs and program cutbacks when the domestic and global financial picture soured. Yet throughout these three generations of human rights work, the training and expertise of individuals has steadily improved.

Tapping this expertise, human rights organizations now reach deeper into the US foreign policy establishment and make new demands on the behavior of the US government and military. In contrast to the technique of public shaming, these new efforts often involve private meetings and cooperative information sharing, the provision of concrete policy proposals, and the offer of technical assistance. The new generation of human rights advocates target their advocacy more precisely and work deeper within government structures, turning to particularly sympathetic ears wherever they may be – as long as they have influence over policy makers (Wapner 2002a).

This essay highlights cases in which civil society actors have had an impact on a range of US foreign policy decision-making related to human rights. It presents five short case studies which were chosen based on three criteria: (1) the issue profiled involves specific organizations who have some discernable impact on the application or formation of US foreign policy (in Martha Finnemore and Kathryn Sikkink's terminology, they are 'norm entrepreneurs'; 1998), despite the difficulties of gauging the exact impact of civil society organizations; (2) the examples are both ideologically liberal and conservative; (3) comparatively little has been written about these cases.

A tale of two treaties

Civil society organizations play vital roles in influencing the stance of the US toward international human rights treaties. As a recent white paper on 'The Role of an International Convention on the Human Rights of People with Disabilities' notes, the advantages of pursuing an international treaty include: (i) providing an immediate statement of international legal accountability; (ii) providing an authoritative and global reference point for domestic law and policy initiatives; (iii) providing mechanisms for more effective monitoring, including reporting on the enforcement of the convention by governments and non-governmental organizations, supervision by a body of experts mandated by the convention, and possibly the consideration of individual or group complaints under a mechanism to be created by the convention; (iv) establishing a useful framework for international cooperation; and (v) providing transformative educative benefits for all participants engaged in the preparatory and formal negotiation phases (National Council on Disability 2002a).

The benefits of pursuing a treaty, however, must be weighed against competing arguments against multilateral treaty efforts. As the National Council on Disability White Paper (2002a) notes, treaty strategies are often blocked by 'well-worn and oddly unquestioned justifications for US non-participation in human rights treaties based on the complexities of our federal system, the notion that human rights are an exclusive concern of domestic jurisdiction and the US Constitution does not permit the use of the treaty power for regulation of such matters, the potential for conflict between treaty obligations and the Constitution, and the like'.

Nonetheless, despite the odds against them – or perhaps because of these odds – civil society continues to press for the adoption of new treaties. The following examples illustrate how in some cases, key individuals act as norm entrepreneurs by playing a persistent role in bringing certain concerns to the negotiating table and in shaping how they are discussed and ultimately reflected in the resulting treaty (Lumsdaine 1993). Throughout treaty negotiations, human rights advocates may be partners with or opponents of the US

government and, as these examples suggest, the nature of the relationship between government and the NGO community is likely to change over time.

Mitigating damage on treaty negotiations: tobacco control

The World Health Organization (WHO) had never negotiated an international treaty before, but the new WHO Director-General, Dr. Gro Harlem Brundtland, thought it was worth a try. The idea for an international treaty on tobacco control had been circulating ever since Professor Ruth Roemer at UCLA and her then student Allyn Taylor (who, by 1998, was a well established WHO legal consultant) wrote about the idea in the early 1980s and 1990s (Taylor and Roemer 1996). But it was not until Brundtland took the helm that WHO started the ‘Tobacco-Free Initiative’ and made international tobacco control a top priority for that organization (Brundtland 2000, Committee of Experts on Tobacco Industry Documents 2000). In a move that surprised those who expected the WHO to maintain its non-activist tradition, the 191 member countries of WHO, meeting at the 1999 World Health Assembly, voted to support opening negotiations for the Framework Convention on Tobacco Control (FCTC) (Henderson 1999). Formal talks on the convention commenced in 2000 with the first session of the FCTC Intergovernmental Negotiating Body (INB) (World Health Organization 2003).

From the outset, WHO turned to non-governmental organizations for expertise and assistance. The London-based organization ASH (Action on Smoking and Health) was one of the NGOs working closely with WHO from the beginning, and a host of public health and human rights organizations soon joined on the effort. But they needed a strong US partner. ASH turned to the American-based Campaign for Tobacco-Free Kids, a privately-funded anti-smoking organization, to fill the void. While Tobacco-Free Kids had no experience with international standard-setting, it had a reputation for impeccable research, creative advocacy and unflagging energy. To spearhead the American side of the campaign, Tobacco-Free Kids hired attorney Judy Wilkenfeld as director of international programs. Having served as Special Advisor for Tobacco Policy in the US Food and Drug Administration (1994–1999) and Assistant Director of the Division of Advertising Practices in the US Federal Trade Commission (1980–1994), Wilkenfeld not only knew the issues, but also enjoyed congenial relations with many in the Clinton administration who would work on the proposed treaty.

Support for the treaty among NGOs grew rapidly. In March 2000, eight groups set out to ‘inquire and induce and cajole more groups to join’ (Wilkenfeld 2003). The coalition-building effort included groups from all over the spectrum of activism and issues pertaining to tobacco, including not only public health and human rights groups but also labor rights groups, women’s organizations, and environmental groups. Within the course of three years, the coalition grew from the original eight to more than 120 partners.

For those from the US, the negotiation process involved a different cast of characters than that present in the usual treaty negotiation. Because the treaty was developed under the auspices of the World Health Organization, the State Department took a back seat to the Department of Health and Human Services, that is, they did not head the delegation. The NGOs enjoyed a cooperative partnership with the delegation under the Clinton administration headed by Thomas Novotny. ‘The [Clinton] administration was in general supportive of the treaty and working against companies like Phillip Morris’ (Wilkenfeld 2003). Wilkenfeld (2003) states, ‘We didn’t always agree with them, but we were able to deal

with them and to tell them our disappointments. But then prior to the second session, there was a radical change in how the delegation behaved’.

The early work which the Campaign for Tobacco-Free Kids conducted was mostly as a collaborative partner of the US government. Initially there were ‘major questions [of] whether the US and other tobacco-exporting nations will support a strong treaty’ (Campaign for Tobacco-Free Kids 1999). Once the first round of negotiations was completed, however, there was a feeling of ‘cautious optimism about the progress of the discussions’ on the part of NGOs (‘NGOs urge strong action on WHO tobacco treaty’ 1999). On the fifth day of the first meeting, the US delegate gave a statement calling for ‘a robust statement restricting advertising, sponsorship and promotion of tobacco, to the extent permitted under domestic law, with a special emphasis on eliminating those messages that have special appeal to children and adolescents’ (Framework Convention on Tobacco Control 2000). With such strong support from the Clinton administration, the American NGOs focused less on the passage of a treaty, which appeared to be within grasp, and more on working with the government representatives to make the treaty a strong one.

The new presidential administration of George W. Bush brought an abrupt change in the relationship between NGOs and the US government. To ease the transition before the second international meeting on the convention, active NGO groups and the outgoing US delegates convened a meeting with the incoming US delegates. According to Judith Wilkenfeld (2003), who attended the meeting, ‘prior to the second session, there was a radical change in how the delegation behaved . . . it became quite painful . . . they were backing away on second hand smoke – all of the provisions they had taken a decent stance on they were backing away from. Not to mention they were becoming more unilateral’. Other people in the US who were closely involved with the issue, such as Congressman Henry Waxman (Democrat, California), accused the US of taking cues from Phillip Morris in their international negotiations (Associated Press 2001). Even at this early stage of the new administration’s involvement on the tobacco treaty issue, the lines were being drawn.

Throughout the rest of the negotiations, NGOs perceived the US government as ‘no longer an ally, but an obstacle’ (Wilkenfeld 2003). The lead official of the US delegation, Thomas Novotny, resigned after the second round of negotiations ‘rather than argue the case of the new [Bush] administration on tobacco issues’, including US proposals that would make certain mandatory steps voluntary and soften restrictions on advertising aimed at children and smoking in public places (Kaufman 2001: A1). Tensions mounted and by the fifth session of negotiations of the tobacco treaty, American NGOs attempting to influence foreign policy were at a point of collision with the delegation. ‘As their behavior became worse and worse, more intransigent, more unilateral – so did our rhetoric’, remembered Wilkenfeld (2003). The first press release on the US behavior came during the fifth meeting. Headlined ‘U.S. Continues Obstructionist Behavior as Negotiations Resume on Proposed Tobacco Treaty’, the statement accused the delegation of taking positions protecting industry interests rather than public health (Wilkenfeld 2002).

The leading American NGOs working on public health issues, many of whom have Republican reputations, were among those galvanized into taking the strongest stand yet on the negotiations. In a joint statement in February 2003, the American Cancer Society, American Heart Association, American Lung Association and Campaign for Tobacco-Free Kids called on the US to withdraw from the negotiations on the proposed international tobacco treaty (‘Leading US public health groups tell US delegation to tobacco treaty negotiations: go home’ 2003). They issued a statement that ‘sent a message to the world community that US NGOs did not stand by the actions of their government’ (Wilkenfeld 2003). The relationship of the NGOs toward the US delegation thus evolved from a

cooperative partnership in the Clinton era, to being combative in the beginning of the Bush administration, to one of outright dismissal later in the Bush administration.

The openly confrontational tactics of the US representatives eventually gave way to a quieter 'poison pill' policy. On 1 March 2003, 171 nations reached agreement on a strong treaty. The US agreed to sign on to the treaty, but only if the convention were substantially changed. The US issued a new statement of position on the FCTC which was generally supportive, but which still complained that 'our ability to sign and ratify the Convention is undermined by the current prohibition on reservations'. The US proposal was essentially to allow any nation to opt out of any of the treaty's substantive provisions (Position of the United States of America: Framework Convention on Tobacco Control 2003). When the non-governmental community received information regarding this development, it signaled a virtual call to arms in their activism and rhetoric. They launched a media blitz which yielded stories in all of the major US newspapers.

In another abrupt about-face, on 18 May 2003, Health and Human Services Secretary Tommy Thompson declared that the US would join the other members of the WHO in supporting the Framework Convention on Tobacco Control. 'This is an outstanding day when you can stand up and make a step forward for public health', Thompson said, adding, 'It is no exaggeration to state that the United States is a world leader in anti-smoking efforts'. Thompson did not specify whether the United States would sign the treaty, but said the US is 'carefully reviewing the text'.

Adoption of the treaty by the WHO assembly cleared the way for the FCTC to be opened for signature on 16 June 2003. The treaty commits nations to banning all tobacco advertising, promotion and sponsorship (with an exception for nations with constitutional constraints). It also commits them to requiring large warning labels covering at least 30 percent of the principal display areas of the cigarette pack. The treaty provides nations with a roadmap for enacting strong, science-based policies in other areas such as secondhand smoke protections, tobacco taxation, tobacco product regulation, combating cigarette smuggling, public education, and tobacco cessation treatment.

As of 11 November 2003, the treaty had been signed by 77 countries (Framework Convention Alliance 2003). The NGOs claimed an initial victory, but immediately began preparing for the hard work that lay ahead in urging nations to ratify and implement the treaty.

Initiating a treaty: disability rights

'Nothing about us without us' (Charlton 1998): so goes the familiar refrain of the disability rights movement. When, in the last month of 2001, the US State Department began sizing up its position on a prospective international convention on disability rights, leaders in the disabled community wanted to make sure they had input from the outset. While the presidency of George W. Bush was unlikely to recommend that the US sign an international treaty on disability rights, the State Department had a variety of options, none of which the disability community considered constructive: it could use its powerful voice to obstruct the progress of a treaty desired by other countries; it could ignore the process; or it could indirectly support the process while still asserting its irrelevance to the United States. No matter how it acted, the State Department would leave its mark on the way disability issues are understood. Knowing this, the disability movement in the US geared up to try to work with government actors on framing the issues and initiating the treaty process.

The first step the disability movement took was to eliminate the chance that the US

could ignore the growing momentum for an international treaty on disability rights and thus signal its irrelevance to the rest of the world. Once dead, a treaty process is hard to revive. The advocates needed to send a clear message to the US government that an international convention on disability rights was of great importance to disabled people in America and throughout the world. But disability rights advocates are an extremely diverse lot, and very few at that time were thinking in terms of international human rights. They had been a bit taken by surprise when Mexico raised the issue of an international disability rights convention as part of the Platform of Action adopted at the World Conference against Racism in Durban, South Africa. The speed with which the United Nations took up the issue was indeed breathtaking. On 28 November 2001, the UN General Assembly adopted by consensus a resolution calling for the establishment of an Ad Hoc Committee to elaborate 'a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, based on the holistic approach in the work done in the field of social development, human rights and non-discrimination' (Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities 2001).

The establishment of the Ad Hoc Committee created a new focus and source of energy for disability activists. In planning their advocacy strategy, disability leaders tried to ensure that it was inclusive of the disability community as a whole and not dominated by European or North American members of the network or by any particular sector of the disability community. The framing of the issue in legal and human rights terms posed great challenges to inclusiveness. As Janet Lord, Legal Counsel and Advocacy Director for Landmine Survivors Network (LSN), has observed, 'human rights framing will necessarily, in the short term at least, privilege a certain elite group of disability advocates and organizations unless and until the [disability community] succeeds in equipping and supporting its members to engage in human rights advocacy at many levels' (Lord 2003a: 16).

To avoid privileging elites, the National Council on Disability embarked on an extensive capacity-building campaign. Significant publications included the National Council on Disability's *A Reference Tool: Understanding the Potential Content and Structure of an International Convention on the Human Rights of People with Disabilities* (2002b). Most significant was the White Paper publication entitled *Understanding the Role of an International Convention on the Rights of People with Disabilities* which was published by the National Council of Disability (2002a) and around which two historical events took place. One event brought together leaders of the American disability community and leaders of the international human rights movement for the first time. Another brought together leaders of the American grassroots disability community for a day long conference on international disability rights, and the convention process in particular. To further enhance participation of people with disabilities in the decision-making process, a coalition of nine American-based disability organizations wrote a 'Rough Guide' to participation in the Ad Hoc Committee to help on-site participants influence the negotiations (Campaign Development Group 2002). Landmine Survivors Network followed up the first edition with revisions and five regional editions of the Rough Guide (Inter-American, African, European, Asia-Pacific and Middle Eastern) in anticipation of the meeting of the second Ad Hoc Committee at the UN in 2003.

In the months leading up to the first Ad Hoc Committee meeting, disability organizations lobbied hard to achieve access to the meeting at the United Nations. The participation of NGOs was far from decided. Only seven membership-based international disability groups comprising the International Disability Alliance (IDA) held ECOSOC consultative status, while many of the organizations taking leadership roles in the new treaty process were excluded from the IDA group, making coordination amongst NGOs a challenge. An

additional obstacle was presented by the UN which kept disability organizations in limbo, refusing to commit on procedures for NGO participation. Just one week before the meeting was to commence, the UN General Assembly adopted a resolution which allowed all organizations enjoying consultative status with the Economic and Social Council to participate in ad hoc sessions and to speak in the general debate and provided that other, non-accredited organizations could apply for accreditation for the meeting (Accreditation and Participation of Non-governmental Organizations in the Ad Hoc Committee to Consider Proposals for a Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities 2002).

By the time of the first Ad Hoc meeting in July 2002, the State Department had come around from being apathetic to the treaty process, to being obstructionist. The State Department's original stance was classic American exceptionalism: the US did not need the treaty because it had the much stronger Americans with Disabilities Act (ADA). In so doing they implied that human rights treaties are for other people. At the 2002 Ad Hoc meeting, however, the US representatives stalled the process, poking technical holes in the document, asserting that the time was not ripe for a disability treaty.

Avraham Rabby, US Advisor for Economic and Social Affairs, told the UN delegates that the American experience (through the ADA) 'proves that, when crafted correctly, legislation can have real and lasting effects on the promotion of the rights of persons with disabilities and have a positive effect on the population as a whole' (2002). However, he warned that:

A new treaty, hurriedly conceived and formulated, will not necessarily change the practice of states. Indeed, experience has shown that the human rights instruments that have resulted in the most profound change in state practice have been those instruments which were carefully considered over a substantial period of time and which were adopted by consensus among states, after significant discussions and debate. (2002)

Disability advocates and human rights activists fought back by publicizing America's recalcitrant stance and by framing America's opposition in terms of hostility toward the disabled. Throughout the two weeks of the first Ad Hoc Committee meeting in 2002 in New York, meetings of a spontaneously created Disability Caucus were held adjacent to the Ad Hoc Committee conference room. This tactic was successful in terms of presenting, at various points, a unified voice of NGOs before the Ad Hoc Committee. The NGOs agreed to use the internet and other mechanisms to expose the United States' obstructionist behavior.

Before the close of the first Ad Hoc Committee, an urgent action alert was sent out to mobilize American disability activists to demand that the US withdraw its objection to the treaty (Light *et al.* 2002). Under intense pressure, the US delegation stepped aside and allowed the process to continue. While the end result of the meeting was only a decision to continue deliberations (Report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities 2002) NGOs could claim victory (Meeting of the Ad Hoc Committee 2002).

The conclusion of the first Ad Hoc Committee meeting stepped up the domestic momentum for the disability community and its supporters. Four developments are particularly noteworthy (Lord 2003b). First, Senator Tom Harkin (Democrat, Iowa) established a working group after the first Ad Hoc Committee which, on a monthly basis, brought

together disability activists and members of the National Council on Disability to discuss developments in relation to the convention. Activists worked with staffers from the offices of Senator Harkin, and Representatives James Langevin (Democrat, Rhode Island), and Tom Lantos (Democrat, California) to develop a draft congressional resolution which would call on the United States to support the new convention effort. Activists also used the 'New Freedom Initiative' of President Bush to build an argument for support of the convention effort.¹ Finally, the National Council on Disability's International Watch, a federal advisory group established to follow international disability issues, began to focus extensively on the new convention effort and discussed ways in which to build awareness of the effort in its monthly teleconferences.

At the next major United Nations meeting on the proposed convention, in June 2003, the US agreed to neither support nor obstruct the treaty process. The American representatives still insisted that American law was far superior and that, although some countries might need a treaty, the US did not (Boyd 2003). In marked contrast to the Tobacco Control Treaty negotiations, however, the US would take a stance which was very close to what NGOs were calling for from them, namely, a non-obstructionist position.

What explains the US adoption of a more congenial position? According to some human rights activists in Europe, the American UN Mission in Geneva was telling Washington to support this treaty effort, given the backlash about US action in Iraq and positions on other treaties (Anonymous 2003). Some activists in Washington DC assert that individual personalities in government were genuinely in support of the treaty, and others speculate that the US made a simple instrumental calculation that it had more to gain than to lose by a 'non-position position' (Lord 2003b). In any event, the American position paved the way for a remarkable outcome: the Ad Hoc Committee's decision to put the drafting of the initial treaty text in the hands of a Working Group consisting of 25 governments, 12 NGO representatives and one representative of a national human rights institution. While this group is reminiscent of earlier treaty drafting processes, it is completely unprecedented in according 12 NGOs a formal place at the negotiating table via the drafting Working Group. In previous UN multilateral treaty negotiations in the human rights – and indeed other – sphere, the most that could be hoped for in the way of participation was informal observer status.

The turn toward US legislation

Civil society has also had a tremendous impact on the shaping and implementation of domestic human rights legislation. The oldest legislative strategies have involved linking foreign assistance to improvements in human rights (Vogelsang 1980). Beginning in the 1970s, a US military and economic aid to all countries with specific built-in carrots and sticks for countries with a history of abusing human rights. More recently NGOs have pushed for such measures as the Lautenberg and Leahy-McConnell bills on aid conditionality to the former Yugoslavia. The Coalition for International Justice, for example, helped shape the Lautenberg Amendment to the Foreign Assistance Act of 1997 (Foreign Operations, Export Financing, and Related Programs 1989), which links bilateral aid and multilateral loans to evidence of cooperation with International Criminal Tribunal for the Former Yugoslavia (ICTY). Among its provisions, the law also stipulates that Congress consult with human rights organizations prior to awarding aid (Leahy 2002).

At the level of local government, human rights advocates have pushed laws and regulations on human rights, thus testing the ability of local governments to shape foreign

affairs. The Free Burma Campaign, for example, succeeded in persuading the state of Massachusetts to pass a law forbidding purchases from any corporation doing business in Burma. The US Supreme Court struck down the law in June 2000 on the grounds that it was preempted by a federal law imposing sanctions on Burma. However, because the decision did not comment directly on the foreign affairs question, some commentators argue, it left open the possibility of locally imposed sanctions (Guay 2000). The campaign of human rights activists in Massachusetts served to spur a new effort for legislation addressing Burma at the federal level (Jackson-Han 2002).

This section provides illustrations of two contemporary examples of the role NGOs play in shaping the content and implementation of federal legislation related to human rights. As these cases demonstrate, the content of these strategies may be ideologically conservative or liberal, but they all share a faith in the power of domestic human rights legislation to effect change. These cases also demonstrate that the creation of new legislation marks only the beginning of monitoring efforts as civil society remains vigilant to the legislation's implementation.

Shaping legislation: the International Religious Freedom Act

Sometimes, ideas for social change initiatives come in a flash of inspiration, and at other times they are carried around in a briefcase for years until the right opportunity presents itself. For Reverend Richard Cizik, Vice President for Governmental Affairs of the National Association of Evangelicals (NAE), the umbrella association for Evangelical churches in the US and around the world, accomplishing his dreams was a matter of long-term persistence. In 1992, Cizik read an article by Darryl Hart in the *Christian Century* discussing the Evangelical 'midlife crisis'. The article argued that the movement suffered from an identity problem and in order to be political relevant, it had to change its strategy away from 'eliminating individual sins' to focusing on the 'broader structural problems that often breed the evils they oppose' (Hart 1992: 1028–1031). Cizik couldn't have agreed more, but he did not know how to frame the issues differently (Cizik 2003). While he mulled over these ideas, the article went into his briefcase, where it stayed for a few more years.

The right moment to act on the ideas in the article came a few years later when, in 1995, Cizik and four others similarly concerned with broadening the evangelical agenda met and, in his words, 'decided to change the status quo' (2003). By then, Cizik was using human rights discourse to engage US policymakers on issues of religious freedom internationally. So he sat down with Nina Shea of Freedom House's Center on Religious Freedom, Diane Knippers of the Institute of Religion and Democracy, Mike Horowitz of the Hudson Institute, and Dwight Gibson of the World Evangelical Alliance and began discussing a plan of action.

This initial meeting produced the text for the NAE Statement of Conscience Concerning Worldwide Religious Persecution ('Statement of Conscience of the National Association of Evangelicals Concerning Worldwide Religious Persecution' 1996). In a section entitled 'Facts', persecution of religious believers, and in particular Christians, is characterized as 'an increasingly tragic fact in today's world'. Citing such countries as China, Cuba, Laos, North Korea and Vietnam, specifically, as well as 'Islamic countries', generally, the statement outlines threats, persecution, and intimidation against Evangelical Protestants, Catholics, and Muslims seeking freedom from repressive regimes. It called on the US government to take a leadership role on these issues and outlines four action areas for government: (1) public acknowledgement of anti-Christian persecution through

international and national agencies; (2) State Department reporting of incidents of religious persecution; (3) reform of INS policies for refugee and asylum petitions of those fleeing anti-Christian persecution; (4) and its most controversial provision, the ‘termination of non-humanitarian foreign assistance to governments of countries that fail to take vigorous action to end anti-Christian or other religious persecution’ (‘Statement of Conscience of the National Association of Evangelicals Concerning Worldwide Religious Persecution’ 1996).

To advance this agenda, NAE embarked upon a highly coordinated campaign that included a strong media component, a large, well-publicized public gathering in Washington, DC, and smaller private meetings bringing together leaders in the Evangelical community with White House officials, Congressmen, and other political leaders. Their strategy was to present the Statement as a *fait accompli* at the meeting and to request that conservative religious organizations sign on and support the initiative. To raise the stakes, NAE succeeded in getting an article about the Statement and the event in *The New York Times* to coincide with the start of the public meeting (Steinfels 1996). The timing of the event and the targeted publicity around it was intended to maintain momentum on this issue (Cizik 2003).

While the publicity was welcome and indeed desired, it brought the movement to the public eye and in so doing it invited criticism as well as praise. Some detractors worried about the lack of democratic process in the drafting of the NAE agenda and expressed concern that it ‘disproportionately represents the interests of the so-called “missionary religions” that have evangelicalism, particularly international evangelicalism, at the heart of their mission’ (Cizik 2003). Supporters of the NAE insisted, however, that the bill, while prompted by the concerns of Christians, was not privileging any particular faith. Pragmatic reasons, Cizik contends, explain the drafting process, rather than any desire to exclude any group. Cizik (2003) explains that it would have been impossible to craft a document with a larger group. In his opinion, having the smaller group undertake the initial drafting and then heavily promoting the final language was more effective. Cizik argues that they ‘had to start with the most aggressive, highest and best, most assertive language knowing full well that with everyone opposing us, it was going to be watered down’ (2003).

In May 1997, the text of the NAE Statement served as the basis for a bill introduced by Congressman Frank Wolf (Republican, Virginia). It immediately set off intense debate (Gunn 2000). While strongly endorsed by the Christian Coalition and other conservative religious groups in the United States, the proposed law was viewed with skepticism by moderate and liberal religious groups (Schmitt 1998). Mainstream and liberal religious non-governmental organizations expressed concern with the language of the proposed law and pressed for a final product that would reflect a more ecumenical approach. Prominent among the opposition was the National Council of Churches (NCC), a group which, according to its self-description, is ‘the leading force for ecumenical cooperation among Christians in the United States’.² As the representative coalition of 36 Protestant, Anglican and Orthodox member denominations in the US, the NCC advocated for a multilateral approach to human rights violations abroad, drawing on established human rights instruments and mechanisms instead of creating new unilateral measures. NCC was particularly concerned about the provisions of the proposed law that required sanctions against countries that violated religious freedom.

Instead of sanctions, the NCC also suggested training for government officials in investigating human rights violations, reserving sanctions as a ‘thoughtful last resort, not automatic first resort’, language that respected cultures and traditions of other nations, and measures to ensure that the issue of religious freedom would not be further politicized (National Council of Churches 1998). The sanctions’ provisions also troubled the Clinton

administration. John Shattuck, Assistant Secretary for Democracy, Human Rights and Labor, expressed the Clinton administration's concerns about these provisions in a statement before the Senate Committee on Foreign Relations. While 'public condemnation – and even sanctions – may be appropriate in many instances', Shattuck urged that United States maintain the flexibility to determine when and how to condemn violators (Shattuck 1998).

Some of the administration's concerns about the need for flexibility were addressed in the revised version that was passed by both Houses of Congress. Senator Orrin Hatch (Republican, Utah) noted that the Congressional consensus on the bill came 'at a time that was in other respects highly polarized politically – the House of Representatives was determining whether to go forward with impeachment proceedings against President Bill Clinton' (Hatch 2001).

On 27 October 1998, President Clinton signed the International Religious Freedom Act into law (Public Law No. 105–292, 112 Stat. 2787 (1998)). In doing so, he tried to downplay its significance, suggesting that it did not represent a great change of policy (Clinton 1998: 2149). The White House's attempts to downplay the impact of the International Religious Freedom Act (IFRA), however, were soon eclipsed by the many real and substantial changes the new law required. The IFRA created three government bodies to monitor and respond to issues of religious freedom: the State Department Office on International Religious Freedom, directed by an Ambassador-at-Large; the Commission on Religious Freedom, an independent body with nine members with the Ambassador-at-Large serving as an ex-officio member; and a Special Advisor on international religious freedom in the National Security Council. The Office on International Religious Freedom was assigned the responsibility of issuing annual reports on the status of religious freedom for all foreign countries, advising the President and the Secretary of State on the issues, and representing the US with foreign governments on issues of religious freedom (Gunn 2000: 843).

By providing a certain amount of leverage for human rights organizations to request that the US government take specific actions in religious freedom cases, the Office of Religious Freedom has changed the way many human rights organizations approach the issue. Human Rights Watch, for example, created 'The Religious Freedom Program of Human Rights Watch' in order to 'press the U.S. government to identify nations engaged in serious violations of religious freedom as countries of particular concern and enforce the restrictions called for in the International Religious Freedom Act'. In August 2002, for example, the Europe and Central Asia Division of Human Rights Watch wrote a letter to Secretary of State Colin Powell asking him to designate Uzbekistan and Turkmenistan as countries of particular concern for religious freedom under provisions of the IRFA. As the letter states, designating these countries would not trigger sanctions, but would 'strengthen the U.S. government's hand in that dialogue and give the administration a broad range of policy tools that it could use to prod both governments toward better practices in the area of religious freedom' (Human Rights Watch 2002).

There is little doubt that the small group of NGOs meeting at Cizik's request had an enormous impact in shaping legislation dealing with human rights concerns and US foreign policy. While the IFRA's strategy for confronting serious concerns of religious persecution remains controversial in the human rights and religious community, the NAE did succeed, to use President Clinton's words, in making religious freedom a 'central element of U.S. foreign policy' (Clinton 1998: 2149).

Shaping the foreign policy agenda

Civil society organizations have found creative ways to shape policy options far beyond participation in treaty processes and domestic legislation. While these activities may be described as ‘lobbying’, David Forsythe observes that ‘in order to preserve their non-political and tax-free status . . . , the groups tend to refer to these activities as education’ (2000: 157). In recent years, examples of the civil society influencing the US foreign policy agenda can be claimed by both liberals and conservatives. For example, just as Ken Roth, the Executive Director of Human Rights Watch, convinced President Clinton to end his term by signing onto the treaty on the International Criminal Court (ICC), the conservative think tanks that provided President George W. Bush with his anti-ICC platform persuaded the new president to begin his term by ‘unsigning’ the treaty.

The two cases discussed in this section only begin to illustrate the ways in which civil society has an impact on foreign policy. As these examples illustrate, the members of civil society come from all political and ideological vantage points. In seeking to influence the philosophy and operation of US foreign policy, they forge unusual alliances and test new political strategies.

Mr. Smith goes to Washington: the ‘lift and strike’ campaign

On 23 August 1993 Stephen Walker became the third person that month to quit the US Foreign Service in response to American policy in the Balkans. ‘When I quit, I was under this delusion that no one outside the Beltway knew about or cared about Bosnia, and I would slink off and try to find a life doing something else’, Walker recalled (2003). His work on Bosnia, however, had only just begun.

Walker, like many of his colleagues, believed that the war in Bosnia was resulting in wide scale atrocities that would likely continue to escalate unless a third party intervened or until the United Nations arms embargo, in place on all parts of former Yugoslavia, was lifted against Bosnia ‘so that the [Bosnian] Muslims could defend themselves’ (Walker 2003). President George H. Bush had supported the arms embargo in September 1991, when the Serb-controlled Yugoslav National Army was using its immense weapons stash against Croatia. A lot had changed ‘on the ground in Bosnia’ since 1991. The United Nations had recognized Bosnia as a separate state, war raged, and well documented reports of mass rape and massive forced expulsions of civilians had drawn public sympathy to the plight of the most victimized group, the Bosnian Muslims. Walker had had good reason for pinning his hopes on the newly-elected President Clinton turning US policy on Bosnia around. After all, throughout his campaign and his early presidency, Clinton had talked as if he would support the lifting of the arms embargo and the commencement of air strikes (Berdal 1994). Specifically, Clinton had declared that the United Nations, supported by the United States, must do ‘whatever it takes to stop the slaughter of civilians and we may have to use military force. I would begin with air power against the Serbs’ (Jennings 1994: 9). It was the Clinton administration’s refusal to follow through with this pledge that led to Walker’s resignation.

One of Walker’s first speaking engagements as an ex-Foreign Service Officer was with Friends of Bosnia at Amherst College. ‘I went out up there to find standing-room only, with all these people who knew about [Bosnia] and cared about it and felt frustrated with the policy and wanted to do something about it’, remembers Walker (2003). The audience was united by its concern over Bosnia, not by any ideological platform. This is not to say that

all views were represented. The 'left' remained 'fundamentally antagonistic to the idea of U.S. military intervention', and certain members of the 'right' opposed US military intervention in the absence of a direct threat to American security (Robbins 1994). But between right and left was a broad middle of both political conservatives and liberals, including many who had long activist careers opposing US intervention abroad, but who believed in the necessity of intervention in Bosnia.

Looking back at that time, Glenn Ruga, co-founder of the pro-intervention advocacy group Friends of Bosnia, sighs: 'Sometimes I feel it was a brief moment in human existence where people with a genuine commitment to human rights came together' (Ruga 2003). The diversity of the movement 'led to some strange bedfellows: Richard Perle, [Paul] Wolfowitz, Jeane Kilpatrick, Dick Cheney, Anthony Lewis and Susan Sontag' (Ruga 2003). This provoked some soul searching, particularly among the more left-leaning adherents to the cause. 'Generally, there was not much discomfort over the issue of human rights', remembered Ruga (2003). 'There was a general agreement on lifting the arms embargo. But some people had a very aggressive military agenda, talking about military hardware and strategy' and it took some of the activists a long time to 'understand that this is what we were calling for' (Ruga 2003).

'If Americans don't care about what is happening in Bosnia, what will they ever care about?' wondered Aryeh Neier, the former head of Human Rights Watch, now President of the Soros-funded Open Society Institute (Robbins 1994). The financier-philanthropist George Soros was already funneling a tremendous amount of money into humanitarian assistance, but this was not enough. Earlier that year, Soros had taken out a large newspaper ad urging the lifting of the arms embargo and the commencement of air strikes against Serbian targets. Soros had also begun funding a lobbyist group led by Marshall Harris, another former State Department officer who had quit over the US policy on Bosnia. The missing element in the campaign was a coordinated grassroots campaign. Thus, under the name American Committee to Save Bosnia, Walker began to organize grassroots support for a more aggressive US foreign policy in the Balkans ('Abdication' 1994).

The 'lift and strike' campaign garnered the support of Senators Bob Dole (Republican, Kansas) and Joe Lieberman (Democrat, Connecticut), who had sponsored a Senate resolution that called on Clinton to lift the arms embargo. But at that time there were few other allies for their proposal. 'We were told by one former member of Congress . . . you guys are crazy . . . they are never going to go for it' (Walker 2003). Walker had low expectations. 'We thought, we'll give it our best effort and a year from now, at least we'll be able to say, we tried.' So he set off to take the 'lift and strike' campaign 'to the people' (2003).

As it turned out, Walker had little difficulty getting his message across. The 'lift and strike' message resonated surprisingly well with both the general public and Congress. In testimony before the Senate, Lake would later contend that, in fact, the White House reached a compromise on the embargo which amounted to a *de facto* lifting. 'The United States would continue itself to implement the arms embargo, but we would no longer enforce it', Lake said. In other words, the US policy of 'no instructions' amounted to looking the other way when Bosnian Muslims did import arms. The only mistake with this approach, Lake asserted, was that Congress was 'not informed of the no-instructions policy'. On the other hand, 'Congress knew, as [the administration] did, that there were Iranian arms going in . . . That had been briefed to the Congress in a variety of ways from the intelligence community. It was in the press. There was no secret about it' (CNN News 1997).

The 'no instructions' approach did not satisfy the activists who continued to push for an open endorsement of the lifting of the embargo. One of the greatest successes came on

27 July 1995, when in a ‘stinging rebuke’ to President Clinton’s handling of the Bosnia crisis, the Senate voted 69–29 to lift unilaterally the arms embargo on Bosnia’s government (Robbins 1995). The bill specified, however, that the embargo be lifted only after the United Nations peacekeeping force withdraws from Bosnia, or 12 weeks after the Bosnian government asks the UN to leave.

The bill still faced a fight in the House and a likely presidential veto, but the ‘lift and strike’ activists saw it as an enormous victory. ‘It was like Civics 101 and *Mr. Smith Goes to Washington*’, exclaimed Walker. ‘I said, “My God, it worked! The system worked!” There were votes that we got because grassroots people faxed and called and lobbied and influenced their representatives to change their votes’ (Walker 2003). Indeed, James O’Brien, a senior advisor to Madeline Albright, agrees that the activists were a major factor in the Congressional debate over Bosnia (O’Brien 2003). But according to O’Brien (2003), the activists’ influence went far beyond these debates. ‘Mostly they created issues and an agenda to which the Administration had to respond’, he explained. ‘They helped those of us [within the administration] arguing for U.S. engagement in Bosnia and certainly kept human rights issues front and center.’

The Federalists take on the NGOs: NGOWatch.org

It all started with some conservative lawyers at the Federalist Society discovering the scholarly literature on the ways in which NGOs influence international law (Leo 2003). John McGinnis and Mark Movesian’s article in the *Harvard Law Review* (2000) stood out in particular. The authors warn of the dark side of NGOs in influencing the World Trade Organization (2003: 581). Reading this, Leonard Leo, a lawyer with the Federalist Society, was struck by the similarities with Federalist Paper No. 10. In this passage, James Madison warns of the ‘mischief’s of factions’, that is, the danger posed where ‘a number of citizens . . . are united . . . by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent aggregate interests of the community’ (Madison 1787: 78). NGOs present similar dangers, Leo realized. ‘They play a similar role to nation states, and, of course, they are not nation states . . . they do not have the same mechanisms for control or transparency’ (2003).

Having decided that the debate on NGOs was a significant one with ‘great impact on U.S. policies on international law’ and on ‘whether the U.S. gives up sovereignty to international institutions’ (Leo 2003), the Federalists decided to enter the fray. They teamed up with the influential Washington, DC think tank, American Enterprise Institute (AEI), best known as President Bush’s shadow ‘Central Command in Iraq’. Leo stresses that in formulating their plans, they had ‘no conversations with the Bush administration’ and, in fact, sought to weigh in on the debate ‘wholly independently’ (Leo 2003).

Blending 18th century Madisonian inspiration with 21st century computer technology, the Federalist Society and AEI project launched ‘NGOWatch.org’. Announced on 11 June 2003, the internet-based project was intended to fill a void in information on NGOs (NGOWatch.org website 2003). NGO Watch conceded that tax forms provide transparency about NGO resources, and it provided links to these forms on its page. However, NGO Watch asked, ‘But where is the rest of the story? Do NGOs influence international organizations like the World Trade Organization? What is their agenda? Who runs these groups? Who funds them? And to whom are they accountable?’ (NGOWatch.org website 2003). NGO Watch intends to expose NGO connections to controversial issues and influence over international organizations that are, as NGO

Watch asserts, themselves not accountable and transparent. Supporters of NGO Watch, like Jarol Manheim, a George Washington University political science professor, worried about NGOs pursuing 'a new and pervasive form of conflict' against multinational corporations. Thus, NGO Watch was also designed to expose – to use Manheim's term – 'Biz-War', i.e. shareholder resolutions, consumer boycotts and other efforts to influence corporate behavior (2003).

To these ends, the NGOWatch.org website promised to 'without prejudice, compile factual data about non-governmental organizations' and 'include analysis of relevant issues, treaties, and international organizations where NGOs are active'. The early postings on the site, however, were directed almost entirely at blasting NGOs for supporting abortion or homosexuality, or for crippling free market enterprise. The tone was combative and much of the information incomplete and misleading. For example, NGOWatch.org stated:

Human Rights Watch, in a report promoting sexual confusion among students in public schools, recommends groups that promote same-sex marriage[sic], and have been associated with NAMBLA. (North American Man Boy Love Association)

The Human Rights Watch web page, however, said no such thing. Instead, it called on school districts to 'prohibit harassment and discrimination based on sexual orientation and gender identity'.³

Leo defended the content of the website, pointing out that the entries on homosexuality and abortion are merely links to news stories. This was just the beginning of NGO Watch, he contended, and over time a 'wide spectrum of views' will be added. 'I don't think we could be all that much more objective', he said (2003).

NGO Watch set off a wave of criticism in the NGO community. Critics of NGO Watch contended that it was just another example of the conservatives' war on NGOs (Tumulty 2003). The tense relationship between NGOs and the Bush administration had come to a head shortly before the launch of NGO Watch, when the head of the US Agency for International Development (USAID), Andrew Natsios, called NGOs 'an arm of the government' (Interaction 2003 Forum 2003). Interaction, a coordination network of 160 humanitarian relief and development NGOs, reported on Natsios' chastisement of humanitarians working in Afghanistan and Iraq for failing to give sufficient credit to the US government as the source of the aid (Interaction 2003 Forum 2003).

The American Enterprise Institute and the Federalist Society do have an unusually close connection to the George W. Bush White House – which has recruited no less than 42 senior administration foreign policy and justice officials from AEI and the Federalist Society (Lobe 2003). Given this background, NGO Watch has frequently been linked to an emerging Bush doctrine hostile to NGOs (Klein 2003). Critics of NGO Watch also pointed out that AEI, supported by such corporations as Motorola, American Express and Exxon-Mobil (Klein 2003), did not list itself on the NGOWatch.org website. While a link to the AEI website is present on the site, there is no comparable exposure of media articles on AEI nor are the organization's tax forms available.

The ability of NGOs to influence policy has also generated a backlash within conservative political circles. Journalist Naomi Klein (2003) describes a 'war on NGOs' being fought on two clear fronts: 'One buys the silence and complicity of mainstream humanitarian and religious groups by offering lucrative reconstruction contracts. The other marginalizes and criminalizes more independent-minded NGOs by claiming that their work is a threat to democracy'. By favoring organizations that agree with it, the US Agency for International Development is said to be in charge of handing out the carrots, while the

American Enterprise Institute wields the sticks through use of the traditional NGO tactic of ‘naming, shaming and blaming’.

NGOs have not solved the accountability question, ‘But who has?’ asks Paul Wapner, a Professor at American University who has studied NGOs throughout his career (2002a, 2003). NGO Watch itself is proof of the accountability mechanisms that exist in civil society. ‘The currency of civil society has always been the provision of information and reputation for accuracy.’ Wapner points out that the mere existence of NGO Watch is evidence that ‘the robustness and democratic sensitivities of civil society are alive and well’ (2003). That AEI has put considerable resources into NGO Watch demonstrates that it shares a belief in the power of NGOs to influence policy.

Conclusion

Human rights NGOs and other actors in civil society have changed considerably in the post-cold war era. Ideologically conservative or liberal, isolationist or interventionist, they leave a deep imprint on US foreign policy. Along with creating and interpreting issues in human rights terms, civil society actors are increasingly directly involved in domestic or international human rights litigation or in the drafting of legal instruments. Today, civil society is equally likely to act as a partner with the United States government as it is to take on an adversarial position with the government. Perhaps it is wise to conclude with a word of warning: civil society must remain strong enough to resist subordination by the state. At the same time, civil society must maintain open accountability and transparency in order to be considered legitimate in their roles as participants in the democratic processes of shaping of US foreign policy (Wapner 2002b).

Notes

1. New Freedom Initiative text is available from: <http://www.whitehouse.gov/news/freedominitiative/freedominitiative.html>.
2. National Council of Churches. Available from: http://www.nccusa.org/about/about_ncc.htm.
3. Profile on Human Rights Watch, available from: <http://www.ngowatch.org>.

References

- THE ABDICATION (1994) *The New Republic*, 28 February, 7.
- ACCREDITATION AND PARTICIPATION OF NON-GOVERNMENTAL ORGANIZATIONS IN THE AD HOC COMMITTEE TO CONSIDER PROPOSALS FOR A COMPREHENSIVE AND INTEGRAL INTERNATIONAL CONVENTION TO PROMOTE AND PROTECT THE RIGHTS AND DIGNITY OF PERSONS WITH DISABILITIES (2002) UN GA Res. A/RES/56/510 [available online at: <http://www.un.org/esa/socdev/enable/rights/adhocng82e.htm>].
- ANONYMOUS (2003) Interview with author.
- ASSOCIATED PRESS (2001) White House is accused of deferring to big tobacco. *St. Louis Post-Dispatch*, 20 November, A8.
- BERDAL, M. G. (1994) Fateful encounter: the United States and UN peacekeeping. *Survival*, 36(1), 30–50.
- BOYD, R. F. (2003) Statement. Agenda item 5. Review of progress in the elaboration of a comprehensive and integral international convention on the protection and promotion of the rights and dignity of persons with disabilities. Second Session of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights of Persons with Disabilities, 18 June, New York, 16–27 June [available online at: <http://www.un.org/esa/socdev/enable/rights/contrib-us.htm>].
- BRUNDTLAND, G. H. (2000) Response of the Director General to the Report of the Committee of Experts on Tobacco Industry Documents, at 1, WHO Doc. WHO/DG/SP, 6 October [available online at: <http://tobacco.who.int/repository/stp58/inquiryDGres1.pdf>].

- CAMPAIGN DEVELOPMENT GROUP (2002) *Navigating the Ad Hoc Committee: A 'Rough' Guide to NGO Participation in the Development of a Treaty on the Rights of People with Disabilities* (Washington, DC: Campaign Development Group).
- CAMPAIGN FOR TOBACCO-FREE KIDS (1999) Memo on tobacco trends in the 21st century: domestic and global outlook. *US Newswire*, 16 December.
- CHARLTON, J. I. (1998) *Nothing About Us Without Us: Disability, Oppression and Empowerment* (Berkeley, CA: University of California Press).
- CIZIK, Rev. R. (2003) Interview, June.
- CLINTON, W. J. (1998) Statement by the President on signing the International Religious Freedom Act of 1998. *Weekly Compilation of Presidential Documents*, 34, 2149.
- CNN NEWS (1997) Senate Select Committee on Intelligence holds day two of hearings on the nomination of Anthony Lake as Director of Central Intelligence, CNN, 11 March [available online at: <http://images.cnn.com/ALLPOLITICS/1997/03/12/fdch.lake>].
- COMMITTEE OF EXPERTS ON TOBACCO INDUSTRY DOCUMENTS (2000) Tobacco industry strategies to undermine tobacco control activities at the World Health Organization, July [available online at: http://tobacco.who.int/repository/stp58/who_inquiry.pdf].
- COMPREHENSIVE AND INTEGRAL INTERNATIONAL CONVENTION TO PROMOTE AND PROTECT THE RIGHTS AND DIGNITY OF PERSONS WITH DISABILITIES (2001) Third Committee, 56 Sess., Agenda Item 119(b), UN Doc. A/C.3/56/L.67/Rev.1, 28 November.
- DREYFUSS, R. (2003) More missing intelligence. *The Nation*, 7 May.
- FINNEMORE, M. and SIKKINK, K. (1998) International norm dynamics and political change. *International Organization*, 52(4), 887, 909–912.
- FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS Appropriations Act of 1990, Public Law No. 101–167, § 599D, 103 Stat. 1195 (1989) (commonly known as the Lautenberg Amendment) (codified as amended at 8 USC § 1157 (1994)).
- FORSYTHE, D. (2000) *Human Rights in International Relations* (Cambridge: Cambridge University Press).
- FRAMEWORK CONVENTION ALLIANCE (2003) FCA scorecard [available online at: http://fctc.org/sign_rat/signed.shtml], accessed 13 November 2003].
- FRAMEWORK CONVENTION ON TOBACCO CONTROL (2000) *Alliance Bulletin* (Geneva), 5, 20 October [available online at: http://www.fctc.org/Issue_5.pdf].
- GUAY, T. (2000) Local government and global politics: the implications of Massachusetts' 'Burma Law'. *Political Science Quarterly*, 115(3), 353–376.
- GUNN, J. T. (2000) A preliminary response to criticisms of the International Religious Freedom Act of 1998. *Brigham Young University Law Review*, (3), 841–865.
- HART, D. G. (1992) The mid-life crisis of American evangelicalism: identity problems. *The Christian Century*, 109(33), 1028–1031.
- HATCH, O. G. (2001) Religious liberty at home and abroad: reflections on protecting this fundamental freedom. *Brigham Young University Law Review*, (2), 413–428.
- HENDERSON, C. W. (1999) Health letter on CDC. World Health Assembly gives support to WHO technical programs, 26 July.
- HUMAN RIGHTS WATCH (2002) Uzbekistan, Turkmenistan, and the International Religious Freedom Act: letter to U.S. Secretary of State Colin L. Powell [available online at: <http://www.hrw.org/press/2002/08/religious-freedom-ltr.htm>].
- INTERACTION 2003 FORUM (2003) Natsios: NGOs must show results; promote ties to U.S. or we will 'find new partners', Interaction Forum, 2003, The Challenges of Global Commitments: Advancing Relief and Development Goals through Advocacy and Action, Washington, DC, 12–14 May [available online at: <http://www.interaction.org/forum2003/panels.html>].
- JACKSON-HAN, S. (2002) Burma sanctions garner qualified support. *Agence France-Presse*, 29 June.
- JENNINGS, P. with DANNER, M. and GELBER, D. (1994) While America watched: the Bosnia tragedy, Peter Jennings Reporting, ABC News, ABC-51, 17 March, 9.
- KAUFMAN, M. (2001) Negotiator in global tobacco talks quits, official said to Chafe at Softer U.S. Stands. *Washington Post*, 2 August, A1.
- KECK, M. E. and SIKKINK, K. (1998) *Activists Beyond Borders* (Ithaca, NY: Cornell University Press).
- KLEIN, N. (2003) Bush to NGOs: watch your mouths. *The Globe and Mail*, 20 June.
- KLOTZ, A. (1995) *Norms in International Relations: The Struggle Against Apartheid* (Ithaca, NY: Cornell University Press).
- KOREY, W. (2001) *NGOs and the Universal Declaration of Human Rights* (New York: St. Martin's Press).
- LEADING US PUBLIC HEALTH GROUPS TELL US DELEGATION TO TOBACCO TREATY NEGOTIATIONS: GO HOME (2003) Press release, 25 February [available online at: <http://tobaccofreekids.org/Script/DisplayPressRelease.php3?Display=607>].
- LEAHY, P. (2002) Statement of Sen. Patrick Leahy on Secretary Powell's certification that Serbia has met Leahy–McCConnell conditions for release of U.S. aid, 21 May [available online at: <http://www.leahy.senate.gov/press/200205/052102a.html>].
- LEO, L. (2003) Interview with author, June.
- LIGHT, R. et al. (2002) Disability negotiations extra (8 August, 7:00 p.m. EDT) [available online at: <http://www.worldenable.net/rights/adhocmeetsumm08a.htm>].

- LOBE, J. (2003) Bringing the war home: right wing think tank turns wrath on NGOs. *Foreign Policy in Focus*, 13 June [available online at: <http://www.foreignpolicy-infocus.org/commentary/2003/0306antingto.htm>].
- LORD, J. E. (2003a) International Disability Rights: Challenging Traditional Theory in the Emergence of a New Transitional Advocacy Network, Annual Meeting of the International Studies Association, Portland, OR, 26 February–1 March.
- LORD, J. E. (2003b) Interview with author (June).
- LUMSDAINE, D. (1993) *Moral Vision in International Politics* (Princeton, NJ: Princeton University Press).
- MADISON, J. (1787) *The Federalist Papers No. 10* (New York: The New American Library, 1976 edition).
- MANHEIM, J. (2003) Biz-War: origins, structure and strategy of foundation – NGO network warfare on corporations in the United States. Paper presented at the American Enterprise Institute, Washington DC, 11 June.
- MCGINNIS, J. O. and MOVESIAN, M. L. (2000) The World Trade Constitution. *Harvard International Law Journal*, 114, 511–586.
- MEETING OF THE AD HOC COMMITTEE (2002) NGO daily summaries: disability negotiations daily summary (29 July–9 August) 1(10), 9 August [available online at: <http://www.worldenable.net/rights/adhocmeetsumm10.htm>].
- NATIONAL COUNCIL OF CHURCHES (1998) NCC public policy office offers qualified support for Nickles–Lieberman bill on religious persecution, press release, National Council of Churches, 6 October [available online at: <http://www.ncccusa.org/news/news90.html>].
- NATIONAL COUNCIL ON DISABILITY (2002a). *Understanding the Role of an International Convention on the Human Rights of People with Disabilities: A White Paper* (Washington, DC: National Council on Disability) [available online at: http://www.ncd.gov/newsroom/publications/unwhitepaper_05-23-02.html].
- NATIONAL COUNCIL ON DISABILITY (2002b) *A Reference Tool: Understanding the Potential Content and Structure of an International Convention on the Human Rights of people with Disabilities* (Washington, DC: National Council on Disability) [available online at: http://www.ncd.gov/newsroom/publications/understanding_7-30-02.html].
- NGOS URGE STRONG ACTION ON WHO TOBACCO TREATY (1999) *US Newswire*, 29 October.
- NGOWATCH.ORG WEBSITE (2003) <http://www.ngowatch.org>.
- O'BRIEN, J. (2003) Interview with author, June.
- POSITION OF THE UNITED STATES OF AMERICA: FRAMEWORK CONVENTION ON TOBACCO CONTROL (FCTC) (2003) [available online at: <http://www.tobaccofreekids.org/pressoffice/release633/convention.pdf>].
- RABBY, A. (2002) US Advisor for Economic and Social Affairs. The Rights and Dignity of Persons with Disabilities. Statement at the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities, New York, UN General Assembly, 30 July [available online at: <http://www.state.gov/p/io/rls/rm/2002/12365.htm>].
- REPORT OF THE AD HOC COMMITTEE ON A COMPREHENSIVE AND INTEGRAL INTERNATIONAL CONVENTION ON PROTECTION AND PROMOTION OF THE RIGHTS AND DIGNITY OF PERSONS WITH DISABILITIES (2002) United Nations, A/57/357 [available online at: <http://www.un.org/esa/socdev/enable/rights/adhoca57357e.htm>].
- ROBBINS, C. A. (1994) A faraway war: inaction on Bosnia stirs critics to debate and despair. *The Wall Street Journal*, 18 March.
- ROBBINS, C. A. (1995) Senate votes to allow arms for Bosnia. *The Wall Street Journal*, 27 July, A2.
- RUGA, G. (2003) Interview with author, June.
- SCHMITT, E. (1998) Bill to punish nations limiting religious beliefs passes Senate. *New York Times*, 10 October, A3.
- SHATTUCK, J. (1998) Assistant Secretary of State for Democracy, Human Rights, and Labor. S. 1868: The International Religious Freedom Act of 1998: Hearings Before the Senate Committee on Foreign Relations, Statement. 105th Cong. 87, 12 May and 17 June, 94.
- STATEMENT OF CONSCIENCE OF THE NATIONAL ASSOCIATION OF EVANGELICALS CONCERNING WORLDWIDE RELIGIOUS PERSECUTION (1996) 23 January [available online at: <http://images.mychurchesimages.com/4469/pdf/statementofconscience.pdf>].
- STEINFELS, P. (1996) Evangelicals ask government to fight persecution of Christians. *New York Times*, 23 January, A13.
- TARROW, S. (1998) *Power in Movement: Social Movements and Contentious Politics* (Cambridge: Cambridge University Press).
- TAYLOR, A. L. and ROEMER, R. (1996) International strategy for tobacco control. WHO Doc. WHO/PSA/96.6 [available online at: <http://www5.who.int/tobacco/repository/stp41/Taylor.pdf>].
- TUMULTY, K. (2003) I want my AI TV: Liberals look to break the stranglehold on talk radio and TV. *Time Magazine*, 30 June.
- VANDENBERG, M. (2001) Interview with author.
- VOGELANG, S. (1980) *American Dream, Global Nightmare: The Dilemma of U.S. Human Rights Policy* (New York: Norton).
- WALKER, S. (2003) Interview with author, June.
- WALZER, M. (1996) The civil society argument, in dimensions of radical democracy. In C. Mouffe (ed.) *Dimensions of Radical Democracy* (New York: Verso), 89.
- WAPNER, P. (2002a) Introductory essay: paradise lost? NGOs and global accountability, the democratic accountability of non-governmental organizations. *Chicago Journal of International Law*, 3(1), 155–160.
- WAPNER, P. (2002b) Defending accountability in NGOs. *Chicago Journal of International Law* 3(1), 197–205.
- WAPNER, P. (2003) Interview with author, June.

- WELDON, S. L. (2003) Inclusion, solidarity and social movements: the global movement against gender violence. Paper presented at the Annual Meeting of the International Studies Association, Portland, OR.
- WILKENFELD, J. (2002) U.S. continues obstructionist behavior as negotiations resume on proposed tobacco treaty. *Campaign for Tobacco-Free Kids*, 17 October [available online at: <http://tobaccofreekids.org/Script/DisplayPressRelease.php3?Display=559>].
- WILKENFELD, J. (2003) Interview with author, June.
- WORLD HEALTH ORGANIZATION (2003) *Bulletin of the World Health Organization*, 81(4), 311 [available online at: <http://www.who.int/bulletin/volumes/81/4/WHONews0403.pdf>].
- ZALD, M. (1996) Culture, ideology and strategic framing. In D. McAdam, J. D. McCarthy and M. Zald (eds) *Comparative Perspectives on Social Movements* (New York: Cambridge University Press), 262.