Feeding the Watchdogs: Philanthropic Support for Human Rights NGOs

Jay S. Ovsiovitch
University at Buffalo School of Law (Student)

Follow this and additional works at: https://digitalcommons.law.buffalo.edu/bhrlr
Part of the International Humanitarian Law Commons, and the International Law Commons

Recommended Citation
Available at: https://digitalcommons.law.buffalo.edu/bhrlr/vol4/iss1/15

This Note is brought to you for free and open access by the Law Journals at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in Buffalo Human Rights Law Review by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.
FEEDING THE WATCHDOGS:
PHILANTHROPIC SUPPORT FOR HUMAN RIGHTS
NGOs

Jay S. Ovsiovitch* 

The history of major philanthropic organizations, such as the Ford Foundation and the Carnegie Corporation, shows a willingness on the part of philanthropies to influence United States foreign policy, and to shape the development of foreign countries and governments.¹ Public policy is indirectly influenced by financially supporting organizations and projects that pursue goals similar to the values expressed by the philanthropic organizations. Human rights is one goal common to many philanthropic groups, particularly the Carnegie Corporation, the Ford Foundation, and the MacArthur Foundation.² By providing necessary funds, philanthropic organizations are able to influence the agenda of human rights non-governmental organizations. This, in turn, influences which human rights issues are salient, and on which countries and regions the

* J.D., University at Buffalo School of Law, 1998, Ph.D. University of Nebraska, 1993. This paper was originally undertaken as part of a seminar at the University at Buffalo which examined critical approaches to human rights. I would like to thank Professor Makau Mutua, the seminar participants, and Kathryn Bryk Friedman for their comments and feedback on this paper.


As human rights became a salient issue on the foreign policy agenda of the United States, and other Western governments, in the mid-1970s, there was a growing recognition by philanthropic organizations that they could play a role in improving human rights. However, the view as to which human rights should be improved is limited. The focus traditionally has been on civil and political rights. For example, the John Merck Fund believes that "[t]he best hope for protecting human rights rests on efforts to expose systematic human rights abuses, and ultimately on the establishment of an independent judiciary within a constitutional framework to assure basic civil and political rights for the individual." However, the international law of human rights also recognizes economic, social and cultural rights. While support may be provided to projects that relate to economic and social rights, these issues are often seen as


5 See Magat, supra note 4.

6 The John Merck Fund, Guidelines & Grants List 20 (1994); see also Ford Foundation, Current Interests of the Ford Foundation 29 (1994) (emphasizing efforts focusing on the protection of basic civil and political rights); but see id. (noting an interest in supporting policy research on social and economic rights).

Philanthropic organizations have long played a role in the development of human rights. For example, the Rockefeller Foundation helped European scholars flee Nazi persecution. The main focus of donor agencies has been the funding of programs and organizations whose activities focus on protecting political rights and civil liberties. After the fall of communism attention shifted to rebuilding civil society. The work of the Soros Foundation Network demonstrates some of the efforts that have been undertaken to achieve this goal. Many of the major philanthropic organizations are funding democratization programs and the encouragement of a free market system in Central and Eastern Europe, as well as other parts of the world.

---

8 The MacArthur Foundation's Health Program is one example of how foundation activity emphasizes activities that relate to second generation rights, though it treats these issues outside of a rights context. See JOHN D. AND CATHERINE T. MACARTHUR FOUNDATION, 1994 REPORT ON ACTIVITIES 98 (1994) [hereinafter MACARTHUR FOUNDATION REPORT, 1994]. The Health Program emphasizes mental health and human development, and the biology of parasitic diseases. These questions clearly relate to the right to health, enumerated in the ICESCR. See ICESCR, supra note 7, at art. 12. However, funding focuses on medical and biological issues, not the provision of human rights. See MACARTHUR FOUNDATION REPORT, 1994, supra, at 100-105.

9 Magat, supra note 4, at 10.

10 See id. at 10-11 (discussing a definition of human rights and a proper role for donor groups).

11 See David Mathews, The Civil Opportunities of Foundations, 32 FOUNDATION NEWS 30 (1991). The underlying idea is that civil society requires the presence of social structures to allow citizen participation. Id. at 31. Greater citizen participation, and democratization, will emerge as these structures develop. See also Quigley, supra note 1 (discussing the role of foundations in trying to bring about democratization in Central Europe).

12 See Soros Foundation, Frequently Asked Questions <http://www.soros.org/faq.html#osiny1> (June 4, 1998) (explaining that the Soros foundations network consists of autonomous organizations operating throughout Central and Eastern Europe, Eurasia, and other states); cf. Quigley, supra note 1, at 109 (stating that many programs, most notably those of the Soros network foundations, have a larger profile and play a more significant role than many official bilateral assistance programs).

13 See e.g., CURRENT INTERESTS OF THE FORD FOUNDATION, supra note 6, at 28 (placing stress on encouraging economic reform); PEW CHARITABLE TRUSTS, ANNUAL REPORT 1992 31 (1993) (identifying goals of the public policy program as "promoting economic and political freedom," "educating for democracy," and "global security"); MACARTHUR FOUNDATION REPORT, 1994, supra note 8, at 116 (describing its sustainable democracy
In carrying out their role, human rights organizations face many resource constraints. Funding is not only needed for conducting fact-finding missions and producing reports, but also for paying staff salaries, rent, and purchasing office supplies. Claude Welch notes that it is easier for non-governmental organizations (NGOs) to obtain funding for specific projects than it is for institutional support. The over-arching need for financial support raises the question of what financial sources should human rights NGOs rely on to sustain their operations. Possible sources include governments, private foundations, and an organization's own constituent base. Funding from government sources raises questions about an organization's independence and objectivity. On the other hand, NGO reliance on funding from philanthropic organizations also raises questions of accountability and susceptibility to outside influence.

This note is a preliminary examination of the funding practices of three philanthropic organizations, the Carnegie Corporation, the Ford Foundation, and the MacArthur Foundation. The purpose of this study is to draw inferences regarding the goals of the charitable organizations and how they influence the agenda of human rights NGOs. The three organizations selected for study were chosen because they are the largest private U.S. based donor agencies, and because they have substantial international programs. They were also selected because they each make substantial contributions to human rights NGOs. I will begin by briefly reviewing the history of the three philanthropies and how they attempt to influence foreign policy and international development. This will be followed by an examination of several NGOs, including Human Rights Watch, Lawyers Committee for Human Rights, and the International Human Rights Law program.

---

14 Claude E. Welch, Jr., Protecting Human Rights in Africa: Strategies and Roles of Non-Governmental Organizations 224, 294 (1995). Welch notes that NGOs regularly apply for research funding, using part of the grant to cover overheard. Id. at 224.

15 See Howard B. Tolley, Jr., The International Commission of Jurists: Global Advocates for Human Rights 17 (1994). Acceptance of government fund, Tolley notes, leads some critics to question whether the organization has been co-opted by the funding source and that the organization loses credibility. Id.

16 David Forsythe notes that Amnesty International refused money from the Ford Foundation in order to "project an image of neutrality." David P. Forsythe, Human Rights and World Politics 156-57 (2d ed., rev. 1989). Tolley, supra note 15, at 17, points out that Amnesty International, unlike other NGOs, has also refused governmental support.
Group, which have received funding from the donor agencies.

I. PHILANTHROPIC ORGANIZATIONS

Philanthropic organizations directly and indirectly influence public policy, though this influence is often hidden from public view. Grant making to activist organizations is done with the expectation that the ideas generated by the recipients will not only be seriously considered by policy-makers, but that a substantial portion of these ideas will be implemented. According to Edward Berman, the major foundations were established to stabilize the "rapidly evolving corporate and political order... the institutionalization of certain reforms... and the creation...of a worldwide network of elites whose approach to governance and change would be efficient, professional, moderate, incremental, and nonthreatening to the class interests of those who... had established the foundations."19

Waldemar Nielsen describes foundations as part of the "Third Sector," a segment of society that produces no tangible products, yet serves as the "seed-bed for social forms and modes of human relations."20 While the influence of this sector is felt, its work goes almost unnoticed.21 Even though the large philanthropic organizations are part of such an important sector of society, they "have been denounced as dangerous concentrations of wealth and political power."22 Negative images of the major foundations seem justified in light of the

18 Id. at 4.
19 BERMAN, supra note 1, at 15.
20 WALDEMAR A. NIELSEN, THE ENDANGERED SECTOR 3-5 (1979). Waldemar divides American society into three sectors, government, the economy, and a third sector consisting of private non-profit institutions and associations who serve the social good. Id. at 3. These include, amongst many other entities, churches, voluntary organizations, philanthropic organizations, and universities. Id.
21 Cf. id. at 4 (commenting on the curiosity that this sector could "pass almost unnoticed").
view that they have historically tried to create an international order that would
strengthen their interests.\(^{23}\)

Supporting Nielsen's view that Third Sector accomplishes its work
almost unseen is the idea that the major philanthropies are "silent partners" in
U.S. foreign policy.\(^{24}\) The building of schools and hospitals in foreign countries,
as well as the eradication of disease, helped expand U.S. hegemony in the early
part of this century.\(^{25}\) In his evaluation of the Rockefeller Foundation’s medical
programs, E. Richard Brown concluded that these programs "were more
concerned with building an elite professional stratum to carry out cultural and
 technological transformation than with meeting the health needs of each
country.\(^{26}\)

The major foundations emerged during the late nineteenth century as
industrialists attempted to find uses for their newly acquired wealth.\(^{27}\) At the
time, few restrictions hindered gift giving.\(^{28}\) Income tax benefits in the form of
deductions to charitable organizations would not develop until 1917.\(^{29}\) Thus,
other reasons motivated their desires for disposing of their wealth in this

\(^{23}\) BERMAN, supra note 1, at 16 (noting that educational goals of foundations cannot be
separated from their attempts "to evolve a stable domestic polity and a world order
amenable to their interests and the strengthening of international capitalism").

\(^{24}\) BERMAN, supra note 1, at 18.

\(^{25}\) Id. at 18-32. For example, the Rockefeller Foundation's creation of the Peking Union
Medical College helped "to create a system of medicine ideologically and culturally
conducive to the development of China and other countries as participants in economic
relations with industrialized Western nations." Id. at 25-26 (citing E. Richard Brown,
Rockefeller Medicine in China: Professionalism and Imperialism, in PHILANTHROPY AND
CULTURAL IMPERIALISM: THE FOUNDATIONS AT HOME AND ABROAD 123 (Robert F. Arnove
ed., 1980)).

\(^{26}\) E. Richard Brown, Rockefeller Medicine in China: Professionalism and Imperialism,
in PHILANTHROPY AND CULTURAL IMPERIALISM: THE FOUNDATIONS AT HOME AND ABROAD
at 123, 142 (Robert F. Arnove ed., 1980).

\(^{27}\) Barbara Howe, The Emergence of Scientific Philanthropy, 1900-1920: Origins,
Issues, and Outcomes, in PHILANTHROPY AND CULTURAL IMPERIALISM: THE FOUNDATIONS

\(^{28}\) Id. at 27.

\(^{29}\) Id.
Criticism of these organizations to the contrary, altruistic motives influenced the creation of the foundations.

A. The Ford Foundation

Established in 1936, the Ford Foundation operated as a local philanthropy in Michigan until 1950. Its original purpose was to administer gifts to the Ford family's favorite charities -- the Henry Ford Hospital in Detroit and the Edison Institute -- and "to avoid ... selling control of the company in order to pay estate taxes after the death of the donors." In the late 1940s the Ford Family was trying to rejuvenate a company that was having fiscal difficulty. At the same time a study committee was established to re-evaluate the Foundation's future programs.

The re-evaluation of the Ford Foundation was based on "the premise that the most important problems of contemporary life lay in man's relation to man, not his relation to nature." Thus, the report suggested that the Foundation should give priority to five issue areas: world peace, democracy, the economy, education, and the scientific study of man. These concerns still guide the Ford Foundation. According to its mission statement, the organization's goals are to "strengthen democratic values, reduce poverty and injustice, promote international cooperation, and advance human achievement."

In 1997 the Ford Foundation reorganized its programs by establishing three issue areas: asset building and community development; peace and social

---

30 See id. at 27 (mentioning that early developments in inheritance and income tax would not have been sole consideration for philanthropic decisions of millionaires at the turn of the 19th Century).
31 See Howe, supra note 13, at 27-33 (discussing accounts of John D. Rockefeller's and Andrew Carnegie's reasoning for establishing their foundations); Pipkin, supra note 1, at 387 (noting that the large foundations were first established not only to benefit their founders, but also an attempt by the founders to use their wealth to benefit society).
32 FORD FOUNDATION, ANNUAL REPORT xiii (1996).
33 NIELSEN, THE BIG FOUNDATIONS, supra note 6, at 79.
34 See id.
35 Id.
36 Id. at 80.
37 Id. at 80-81.
38 FORD FOUNDATION ANNUAL REPORT 1996, supra note 18, at xiii.
justice; and education, media, arts, and culture. Prior to this change the Foundation was organized along eight issue areas: urban poverty; rural poverty and resources; rights and social justice; governance and public policy; education and culture; international affairs; reproductive health and population; and media projects. Projects were also considered along geographic boundaries. The new structure emerged from research Susan Berresford undertook just prior to assuming the Foundation's presidency, and is based on a belief that the world's problems transcend geographic boundaries.

The asset building and community development program focuses on poverty related issues. It includes units focusing on human development and reproductive health, economic development, and community and resource development. The program emphasizes social, cultural, and economic development that is both equitable and sustainable and that will make a positive difference in the lives of the poor and disadvantaged. The education, media and the arts program has the goals of "improving and expanding educational opportunity; developing and nurturing diverse scholarly and artistic talents; strengthening the media, the arts, and cultural institutions; and advancing knowledge about the complex relations between personal identity and community, culture, and politics." The peace and social justice program combines three former Ford Foundation programs: rights and social justice;

40 See FORD FOUNDATION, ANNUAL REPORT 2 (1995) [hereinafter FORD ANNUAL REPORT 1995].
41 See id. at 105-114 (discussing regional overview of programs for 1995); see also Mercer, supra note 39.
42 See Current Interests, supra note 39; Mercer, supra note 39.
43 See Mercer, supra note 39.
44 See FORD ANNUAL REPORT 1996, supra note 32, at 10.
45 See Current Interests, supra note 39, at Asset Building and Community Development.
47 Id. at 72; see also, Mercer, supra note 39 (discussing education, media, arts and culture program).
governance and public policy, and international affairs. This program has four goals:

support regional and international cooperation toward a more peaceful and equitable international order based on tolerance among diverse peoples; promote access to justice and protection of the full range of human rights for all members of society; foster effective, open, accountable, and responsive governmental institutions to secure the rule of law and the narrowing of inequality; and strengthen civil society through broad participation of individuals and civic organizations in charting the future.

Furthermore, the program is divided into two units, human rights and international cooperation, and governance and civil society.

The Ford Foundation has a long history promoting human rights. Its early efforts focused on promoting freedom of thought and expression, as well as support for political refugees in Europe. During the 1970s Ford began supporting the work of non-governmental organizations, such as the International Committee of the Red Cross and the Minority Rights Group. Support for social science programs were also identified as having a human rights component under the belief that they might "foster a climate conducive to respect for human rights."

Most human rights programs sponsored by the Ford Foundation, under its current organizational structure, are part of the Peace and Social Justice Program. The human rights and international cooperation unit is designed to "promote[ ] the full range of internationally recognized human rights while

48 FORD ANNUAL REPORT 1996, supra note 32, at 40.
49 Id. at 41.
50 Id. at 43; Current Interests, supra note 39, at Peace and Social Justice.
51 See Magat, supra note 4, at 12.
52 Id.
53 Id.; but see Tolley, supra note 15, at 131-33 (noting that the Ford Foundation withdrew support of the International Commission of Jurists because the ICJ was becoming dependent on Ford's financial contributions).
54 Magat, supra note 4, at 12.
supporting the efforts of countries and peoples to secure justice and peace.\textsuperscript{55} The governance and civil society unit promotes democratic institutions and the rule of law.\textsuperscript{56} Grants are made to independent organizations that document human rights violations and promote the rule of law,\textsuperscript{57} though grants are not generally made for routine operating expenses or for programs which can qualify for government support.\textsuperscript{58} Approximately eleven percent of the Ford Foundation's grants support human rights activities.\textsuperscript{59}

B. The Carnegie Corporation of New York

In 1911 Andrew Carnegie founded the Carnegie Corporation of New York in an effort "to make lasting contributions toward human betterment.\textsuperscript{60} According to its Charter, the purpose of the Carnegie Corporation is to receive[e] and maintain[ ] a fund or funds and applying the income thereof to promote the advancement and diffusion of knowledge and understanding among the people of the United States, by aiding technical schools, institutions of higher learning, libraries, scientific research, hero funds, useful publication, and by such other agencies and means as shall from time to time be found appropriate therefore.\textsuperscript{61}

\textsuperscript{55} \textit{FORD ANNUAL REPORT 1996}, supra note 32, at 44; see also \textit{Current Interests, supra note 39}, at Human Rights and International Cooperation (noting that the "unit promotes human and civil rights and works to improve civic-military relations and strengthen peacekeeping).

\textsuperscript{56} See \textit{FORD ANNUAL REPORT 1996}, supra note 32, at 43; \textit{Current Interests, supra note 39}, at Governance and Civil Society.

\textsuperscript{57} See \textit{HUMAN RIGHTS INTERNET & THE INTERNATIONAL CENTRE FOR HUMAN RIGHTS AND DEMOCRATIC DEVELOPMENT, FUNDING HUMAN RIGHTS: AN INTERNATIONAL DIRECTORY OF FUNDING ORGANIZATIONS & HUMAN RIGHTS AWARDS 44 (2d ed. 1995)} (hereinafter \textit{FUNDING HUMAN RIGHTS}).

\textsuperscript{58} \textit{Id. at 45}.

\textsuperscript{59} \textit{Id. at 44}.

\textsuperscript{60} \textit{About Carnegie Corporation, in ANNUAL REPORT 1996 8} (Carnegie Corporation of New York 1996); see also \textit{NIELSEN, THE BIG FOUNDATIONS, supra note 20}, at 31-46; Howe, supra note 27, at 30-33.

Since its founding, the Corporation's mandate has not changed. The work of Carnegie Corporation is currently divided into four program areas: education and healthy development of children; preventing deadly conflict; strengthening human resources; and special projects. The program on education and healthy development of children focuses on efforts "to advance the nation's understanding of child and adolescent development and [to] foster positive outcomes for children and youth in the face of drastic changes in the American family and society." The preventing deadly conflict program sponsors research and activities that examine ethnic, nationalistic, religious, and territorial conflict; democratization; and security strategies for the post-cold war world. The program for strengthening human resources in developing countries "seeks to enhance capacity within selected countries for sustaining social and economic development in the context of transitions to democratic governance." This is done by sponsoring programs promoting "indigenous" scientific development, promoting the needs and rights of women, and pursuit of democratization. Finally, the Carnegie Corporation's special projects are designed to promote "efforts to strengthen American democracy, ... contribute to the health and welfare of the philanthropic and nonprofit sectors, and ... to study universities' potential to contribute to society in ways beyond traditional teaching and research."

One grant source notes that the Carnegie Corporation "has no identifiable human rights program," though its programs encompass activities that would fit within the parameters of human rights initiatives. Most projects

63 See id. Over the past ten years some of these program labels changed. However, the basic program structure remained the same. See Corporation Annual Report 1991 58 (1991) (discussion cooperative security program); Corporation Annual Report 1986 54 (1986) (discussing objectives of the avoiding nuclear war program). In 1994 the Corporation changed the name of its cooperative security program to preventing deadly conflict. Corporation Annual Report 1996, supra note 62, at 24.
65 Id. at 75.
66 Id. at 103.
67 See id.
68 Id. at 134.
69 FUNDING HUMAN RIGHTS, supra note 57, at 23.
sponsored by the Corporation originate within the United States, though some foreign sponsored programs also receive funding. The Corporation does not make grants for general operating expenses, nor for program related expenses. Generally, the projects it supports "have the potential for nationwide impact, such as the development and evaluation of effective programs and the dissemination of information to policy makers."

C. The John D. and Catherine T. MacArthur Foundation

Like the Carnegie Corporation, the Ford Foundation, and many of the other major philanthropies, the MacArthur Foundation was created by a successful businessman, John D. MacArthur. Created in 1978, the MacArthur Foundation is a fairly new organization compared to those created at the beginning of the twentieth century. The period in which this Foundation was created is reflected in its mandate, which is to foster lasting improvement in the human condition. The Foundation seeks the development of healthy individuals and effective communities; peace within and among nations; responsible choices about human reproduction; and a global

70 Id.
71 Id.
72 Id.
74 Another new organization, which is not included in the scope of this note, is the Soros Foundation. Created by George Soros in 1993, the Soros Foundation is a network of foundations and organizations operating in 31 countries. They share a common goal of establishing a society "characterized by a reliance on the rule of law, the existence of a democratically elected government, a diverse and vigorous civil society, and respect for minorities and minority opinions." Soros Foundation, Introduction Nov. 28, 1997 <http://www.soros.org/intro.html> (defining an "open society").
ecosystem capable of supporting healthy human societies. The Foundation pursues this mission by supporting research, policy development, dissemination, education and training, and practice. This mandate differs from that of the Ford Foundation and the Carnegie Corporation in that the Foundation's mission commits the organization to specific problems, rather than focusing the Foundation's resources towards the more abstract concept of "the plight of mankind." The programs of the MacArthur Foundation have been organized under eight different program areas: community initiative program, education program, the general program, the health program, the MacArthur Fellows Program, the Program on Peace and International Cooperation, the Population program, and the World Environment and Resources Program. In the Spring 1997 the Board of Directors decided that the majority of grantmaking will be carried out through two integrated programs; the Program on Human and Community Development, and the Program on Global Security and Sustainability. This change, which grew out of a recent re-evaluation of the Foundation's work, is based on the view that the philanthropy's work is being accomplished in a "synergistic and integrated" fashion. Simply put, the Foundation recognizes the interdependent nature of global problems and believes that future funding must meet challenges in this fashion.

The program on human community development will focus on access to economic opportunity, the capacity of communities to advance human and community development, and child and youth development. These efforts are

---

76 Compare id. with, Carnegie Corporation of New York, Charter, supra note 43, at § 1 (indicating that the Corporation's purpose is "to promote the advancement and diffusion of knowledge and understanding among the people of the United States") and, Ford Foundation Charter. The Soros Foundation provides another interesting comparison. Like the MacArthur Foundation, it too identifies very specific problems within its mandate. See Soros Foundation, Introduction, supra note 55.
77 See MACARTHUR FOUNDATION ANNUAL REPORT 1996, supra note 73, at 2.
78 Simmon, supra note 75, at 5.
79 Id. at 4.
80 Id. at 6.
national in scope, and there is an attempt to direct local efforts in Chicago and Palm Beach County, Florida. The program on Global Security and Sustainability emphasizes three program areas and three integrative themes. Human rights, which has been a particular area of interest to the Foundation, will continue to be emphasized.

II. Human Rights NGOs

Although there has already been a great deal written about human rights NGOs, little consideration has been given to the role of philanthropic

---

81 Id.
82 See id. The three program areas are arms control, population, and ecosystem conservation and policy. Id. The integrative themes are: new concepts of security and sustainability, new partnerships and institutions, and the interests and responsibilities of the United States. Id. at 7. Human rights is "an area of special emphasis" under the integrative theme New Partnerships and Institutions. Id. The General Program, which has funded a large number of human rights organizations, and the MacArthur Fellows Program will remain largely unchanged. Id. at 5.
83 See MACARTHUR FOUNDATION ANNUAL REPORT 1994 71 (noting that the General Program has provided approximately $2 million per year to human rights NGOs).
84 MACARTHUR FOUNDATION ANNUAL REPORT 1996 7; See also FUNDING HUMAN RIGHTS, supra note 57, at 65-66 (describing MacArthur Foundation funding of human rights programs).
organizations in funding non-governmental organizations, or the influence charitable giving can have over an NGOs mandate. The literature has primarily focused on the role played by these organizations, or ways to improve their effectiveness. This is surprising given that funding plays such a salient role in the operations of every human rights organization.

Rather than review the role and functions of NGOs, which has been done elsewhere, this section will examine the amount of funding provided to some of the more visible U.S. and European based "watchdog" groups by the Ford Foundation, the Carnegie Corporation, and the MacArthur Foundation. This will help demonstrate the role played by philanthropic organizations in the development of human rights, as well as allow inferences to be drawn over the role played by the philanthropies in the development of the NGOs' agendas. The NGOs to be examined are Human Rights Watch, the International Commission of Jurists, the International Human Rights Law Group, the International League for Human Rights, Lawyers Committee for Human Rights, and Minnesota Advocates for Human Rights. This section will proceed by

---


But see Makau wa Mutua, The Ideology of Human Rights, 36 VA. J. INT'L L. 589, 616-17 (considering the role of financial support of the NGOs as evidence of their "political character"); see also cf. HENRY J. STEINER, DIVERSE PARTNERS--NON-GOVERNMENTAL ORGANIZATIONS IN THE HUMAN RIGHTS MOVEMENT 78 (1991) (discussing problems faced by third world based organizations in raising funds).

See e.g., Shestack, supra note 85.

See e.g., Kamminga & Rodney, supra note 85.

See generally e.g., Shestack, supra note 85; HENRY J. STEINER supra note 86.
examining the role envisioned by these NGOs and the funding received from the philanthropic organizations.

A. Human Rights Watch

Organized as Helsinki Watch in 1978, Human Rights Watch (HRW) "conducts regular, systematic investigations of human rights abuses" around the world. As a "watchdog" group, HRW monitors the activities of governments and publishes its findings in order to shame governments into correcting rights violations. HRW divides its work between five regional programs, collaborative projects on arms transfers, children's rights, and women's rights, and other special initiatives. In meeting its objectives, HRW published 60 individual reports in 1996.

Between 1990 and 1996 HRW received over eight and one-half million dollars from the three foundations. During this period the Ford Foundation

90 HUMAN RIGHTS WATCH, HUMAN RIGHTS WATCH WORLD REPORT Human Rights Watch (1996); see also Human Rights Watch, about, Dec. 8, 1997 <http://www.hrw.org/about/about.html>. Human Rights Watch describes itself as being dedicated to protecting the human rights of people around the world. We stand with victims and activists to prevent discrimination, to uphold political freedom, to protect people from inhumane conduct in wartime, and to bring offenders to justice. We investigate and expose human rights violations and hold abusers accountable. We challenge governments and those who hold power to end abusive practices and respect international human rights law. We enlist the public and the international community to support the cause of human rights for all.

Id.

91 See generally, Shestack, supra note 85, at 103-11 (describing the "catalyst" and "restraining" functions of NGOs).


93 See HUMAN RIGHTS WATCH, HUMAN RIGHTS WATCH WORLD REPORT vii (1997). The regional projects are Human Rights Watch/Africa, Human Rights Watch/Americas, Human Rights Watch/Asia, Human Rights Watch/Helsinki, and Human Rights Watch/Middle East. Id.

94 See id. at 377-779. The list of publications for 1996 did not include the annual world report on events in 1995.

95 All figures were derived from an examination of the annual reports of the Ford Foundation, the Carnegie Corporation, and the MacArthur Foundation. Because of the unavailability of several reports, the 1987 Carnegie Corporation Annual Report and
contributed over three million dollars to HRW, averaging $513,286 per year. Large grants averaging almost one million dollars or more were made to HRW every other year between 1988 and 1994. While there is a belief that the Ford Foundation does not fund "routine operating costs," this regular pattern of funding gives the appearance that the Ford Foundation does provide funds for daily operations.

The Carnegie Corporation and the MacArthur Foundation did not support Human Rights Watch at the same level as the Ford Foundation. Even so, they were both substantial contributors to the organization. Between 1990 and 1997 the Carnegie Corporation granted HRW over $400,000. Two figures should be taken as estimates. Since no figures were included to account for the missing data, the underlying assumption is that an NGO did not receive funding from the philanthropy for the period in which the annual report was missing.

The Ford Foundation annual reports did not indicate the purpose of the funding, other than continued support for HRW's activities.

FUNDING HUMAN RIGHTS, supra note 57, at 45.
hundred thousand dollars were granted for 1991-92 to expand Helsinki Watch's operations in the Soviet Union.\(^98\) These operations were funded with another two year grant of $100,000 in 1994.\(^99\) In 1995 HRW received $20,000 for a project on arms transfers and human rights.\(^100\) Finally, in 1996, HRW received renewed funding for its activities in the former Soviet Union.\(^101\)

The MacArthur Foundation provided three grants to Human Rights Watch.\(^102\) These grants were significant, totaling over two million dollars. In 1992 Helsinki Watch received a grant of $750,000 for human rights monitoring of the fifty-two countries that have signed the Helsinki Accords.\(^103\) The funds are to be used to "develop a network of indigenous human rights monitors who can prevent abuses from spreading or from deteriorating into armed conflicts."\(^104\) A three-year grant of one and one-half million dollars was awarded in 1993 to support HRW's operations.\(^105\) In 1996 a $225,000 grant was awarded to support HRW's Women's Rights Project's efforts to protect reproductive freedom.\(^106\)

Certain patterns emerge in the funds received by Human Rights Watch. First, general operations are being funded by the major philanthropies. Both the Ford and MacArthur Foundations have provided significant grants to ensure that basic operations are being conducted. Second, there is a Western bias in which regional activities receive funding. Grants were made to support Helsinki Watch's activities, but not the other regional Watch groups. This is the case even when Human Rights Watch has regional offices located in Asia and Africa. However, caution should be used when interpreting this conclusion since it is not

\(^{103}\) Id.
\(^{105}\) See John D. and Catherine T. MacArthur Foundation, Report on Activities 76 (1996). This grant is to be distributed over a three year period. Id.
known whether funds were requested for the other regional operations.

B. Lawyers Committee for Human Rights

Like Human Rights Watch, the Lawyers Committee for Human Rights (LCHR) is a New York based organization established in 1978.\textsuperscript{107} LCHR's programs focus on institution building and "strengthening independent human rights advocacy at the local level."\textsuperscript{108} It also monitors U.S. foreign policy, and the activities of the U.N. and international financial institutions.\textsuperscript{109} Some of its programs include the Lawyer-to-Lawyer Network, and Witness, a program in which video cameras are given to indigenous NGOs to document human rights violations.\textsuperscript{110}

Of the three philanthropic organizations being examined, the Ford Foundation provided the largest grants to the LCHR. Over $4 million were provided between 1990 and 1997 (see figure 2). As with HRW, there is a regular pattern of funding that appears to support basic operations.\textsuperscript{111} Figure 2 also points out a pattern not as easily visible in figure 1. Generally, in any one year only one funder is providing the lion's share of contributions to an NGO. NGOs apparently rotate which philanthropy they will seek large contributions from.

The Carnegie Corporation contributed over $400,000 to the LCHR during the seven years under study. In 1991 a two year grant was provided for the preparation of a manuscript comparing legal rights in the United States and the Soviet Union.\textsuperscript{112} The following year a two year grant worth one hundred thousand dollars was awarded to monitor and analyze legal reforms in Russia.\textsuperscript{113}

\begin{itemize}
  \item \textsuperscript{107} See Lawyers Committee for Human Rights, Dec. 9, 1997 <http://www.lchr.org/>.
  \item \textsuperscript{108} Id.
  \item \textsuperscript{109} Id.
  \item \textsuperscript{110} Id.
  \item \textsuperscript{111} Cf. FORD FOUNDATION, ANNUAL REPORT 60 (1991). Supplemental funds, totaling more than one million dollars, were provided to encourage compliance with human rights standards and the legal protection of refugees. Id. This falls within LCHR's mandated activities. See also FORD FOUNDATION, ANNUAL REPORT 69 (1994) (indicating that a grant was provided to support LCHR's work); FORD FOUNDATION, ANNUAL REPORT 70-71 (1995) (same).
  \item \textsuperscript{112} See CARNEGIE CORPORATION ANNUAL REPORT (1991), supra note 98, at 74.
  \item \textsuperscript{113} See, CARNEGIE CORPORATION OF NEW YORK, ANNUAL REPORT 97 (1992).
\end{itemize}
Funding was renewed, once again for two years, in 1994 and 1996. The Carnegie Corporation's focus on Europe was also seen by its award of a discretionary grant of $20,000, in 1995, to monitor the Yugoslav war crimes.

The MacArthur Foundation only awarded two grants to LCHR during this period (see figure 2). Totaling $600,000, the two grants appear to support the organization's basic operations.

---

116 See MacArthur Foundation, Report on Activities 71 (1992); MacArthur Foundation, Report on Activities 81 (1993). The grant of $450,000, awarded in 1993, was for a three year period to "support ... human rights research, advocacy, and publications." Id.
C. Other Human Rights Organizations

With some slight differences, funding to other human rights NGOs follows a pattern similar to that seen in the funding practices to HRW and LCHR. However, the differences are noteworthy because they identify a hierarchy in the nature of human rights organizations. Ford Foundation funding to the International Commission of Jurists117 and the International Human Rights Law Group118 shows a continued pattern of large grants that apparently support the organizations' general operating budget (see figure 3)119. Interestingly, neither the ICJ nor the IHRLG received funding from either the Carnegie Corporation or the MacArthur Foundation.

Regular patterns of funding can also be found when examining grants to other NGOs. For example, Minnesota Advocates for Human Rights received regular payments from the Ford Foundation throughout the late eighties and early nineties.120 Article 19 received a grant every third year from 1988 through 1996. What is also surprising is not that the philanthropies are funding so many groups, but that some groups are conspicuously absent from the list of grant recipients for all three foundations. Amnesty International, for example, which purports to be the largest human rights NGO, was not found to be a recipient of funding from any of the foundations.121

117 The International Commission of Jurists was established with CIA support in 1952 as a response to Soviet activities. However, since its creation, "the ICJ has contributed to an improved world order." Tolley, supra note 15, at 282. For an overview of the history of the ICJ, and an analysis of its work as an NGO, see id.
118 The IHRLG was created in 1978 to "mobilize locally based human rights; advocate to promote human rights in all countries; pioneer the development of human rights law, and seek justice for victims of human rights abuses." I YEARBOOK OF INTERNATIONAL ORGANIZATIONS 968 (32d ed., 1995/1996).
119 Funding levels attributed to the International Commission of Jurists include grants to the ICJ in Switzerland as well as to grants to the ICJ in Kenya. For example, in 1988 the ICJ was awarded $55,616. See FORD FOUNDATION ANNUAL REPORT 88-90 (1988). Twenty-thousand dollars was awarded to the ICJ in Kenya. The remainder was identified as being granted to Geneva. Id. The grants to the Geneva offices were for "access to social justice/egal services" in the Middle East and North Africa, and for Asia. Id. at 89-90.
120 In 1996 Minnesota Advocates for Human Rights also received $100,000, over a two year period, from the MacArthur Foundation to support general operations. MACARTHUR FOUNDATION, REPORT ON ACTIVITIES 45 (1996).
121 See supra note 16.
III. CONCLUSION

Several patterns emerge in the funding practices of the three major philanthropies to the human rights watchdog groups. Generally speaking, the major human rights organizations receive substantial funds from the philanthropies. Large grants are often made for a two year period to cover general operating expenses. Information was unavailable to determine the significance of these grants in comparison to other funds raised through membership contributions and the sale of publications. However, the level of funding, and the regular timing in which it is provided, gives the appearance that these grants insure the solvency of the NGOs. The NGOs also appear to stagger grants between different funding agencies. A large grant would not be awarded from two different funders during the same year. This was most notable with grants received from the Ford and MacArthur Foundations. Each philanthropy awards grants to specific projects. However, the Carnegie Corporation appears to dedicate its giving to the most specific agenda — human rights in the former Soviet Union — while the other two philanthropies take a broader view in providing human rights financing.

This note is a preliminary examination of the funding practices of the
major U.S. based philanthropies to the human rights watchdog groups. While some general patterns in funding emerged from an examination of the philanthropies annual reports, more questions emerge from this research than are answered. Future research needs to examine where the contributions from the major philanthropies fit in to the overall fundraising of human rights NGOs. Additional research also needs to examine how funding to the major watchdog groups compares to funding provided to smaller NGOs, such as Physicians for Human Rights. Similar comparisons need to be made between funding to the U.S. and European based NGOs and indigenous NGOs in developing countries. Finally, in order to gain a broader perspective of the role of philanthropic organizations and human rights, the philanthropies decision making process needs to be examined in order to determine which projects receive funds, and which projects are rejected. While it is clear from the annual reports of the major philanthropies that the human rights watchdog groups rely on funding from the philanthropic organizations, further research is necessary in order to understand the role of philanthropies in the human rights movement.