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**David Zlotos**

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## INGOs and the Concept of Good Governance: the case of Amnesty International

(Master's Thesis)

Author: David Zlotos

Supervisor: prof. PhDr. Vladimíra Dvořáková, CSc.

Declaration:

Herewith I declare that I have written the Master's Thesis on my own and I have cited all sources.

Prague, 18 July 2014

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*Student's Signature*

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## INTRODUCTION

*"History doesn't repeat itself, but it does rhyme."*

*- Mark Twain*

What Mark Twain so poetically describes as a 'rhyme' may also be accorded the term self-similarity as so elegantly shown by Benoit Mandelbrot and his mathematical representation of this principle, the Mandelbrot set.

In the field of social theory, the scientific description of fundamental principles of human co-existence has resulted in different views of the driving factors behind human motivation, social interaction, and thusly the reasons for the unfolding of history.

Irritably, it seemingly lies in the very nature of this field of study that it is descriptive, as it provides explanations *ex post* rather than even claiming to be in a position to predict them. One attempt to escape this conundrum is to abstract the rigor of the methodology of the natural sciences and construct a procedural theoretical framework that allows for the variables of free will as well as for the notion of fundamental inherent rules of human social interaction.

Jürgen Habermas of the Frankfurt School, one of the pre-eminent proponents of critical theory, provides such a theoretical framework in his 1962 book *'The Structural Transformation of the Public Sphere'* (Habermas, 1989). Habermas ascribes to a procedural approach, i.e. identifying the fluidity and adaptability of the sum of social dynamics itself as a fundamental principle. Methodologically, he thusly circumvents the apparent disadvantage of social theory vis-à-vis the natural sciences. By discerning a private and a public sphere, Habermas allows for a harmonic co-existence of the variable 'free will' and the necessity for generalizable rules that apply to social interaction between individuals. Where 'will' is formed individually in the private sphere, social behavior is represented in the public sphere.

Thomas Davies' account of a transnational civil society will provide a narrower framework of inquiry. His conception of transnational civil society not necessarily having to be global in their scope provides a theory for the later analysis of AI which is more closely related to the subject matter.

In this paper, Jürgen Habermas' account on *'The Structural Transformation of the Public Sphere'* will be set into relation with the emergence of INGOs as actors in the public sphere. The emergence of NGOs, and later INGOs, can be closely linked to the transformation of the public sphere as described by Habermas. An account from the early beginnings of non-governmental associations to the institutionalized status of INGOs following the establishment of the UN aims to describe the roots and roles of such organizations as actors within the public sphere more precisely. The concept of 'good governance' will be related to the commitments of the INGO Accountability Charter of which Amnesty International (AI) is a signatory.

The case of AI will then be used as an example to apply the insights gained from the theoretical perspectives explored before. The question of whether AI is successful in its application of good governance relies on the definition of 'successful'. In this paper, the definition is given by Habermas' definition of the actorness in the transformed public sphere and the fulfilment of the commitments to the INGO Accountability Charter.

Identifying AI as an actor in the public sphere provides the ground on which the development and controversies surrounding this INGO will be analyzed. Understanding the role AI aspires to play is an important factor. In this context, the controversies AI has faced in the public eye become a starting point into the inquiry of what role good governance plays in AI's communicative efforts. These, in turn, are a key to the organization's attempts to counterbalance negative perceptions and to maintain its position as a successful communicative actor.

The end will be formed by conclusions given on the analysis of AI's employment of good governance in transformed, transnational civil society. Points for future research will be indicated if applicable.

## 1. Jürgen Habermas and the Transformation of the Public Sphere

Jürgen Habermas' account of the emergence of the bourgeois public sphere in the early 18<sup>th</sup> to the 19<sup>th</sup> century exhibits two components of immediate relevance to the topic at hand. First, his description of the public sphere as a new phenomenon at the time where private individuals meet in order to engage in critical discourse amongst themselves, thusly creating a public sphere which stands in opposition to earlier forms of publicity. Secondly, Habermas identifies the capitalist economic system as a catalyst for the bourgeois liberal constitutional order to establish such a public sphere in the first place.

### 1.1. The Demarcation of the Public and the Private Spheres

In Habermas' terms, the emergence of the bourgeois public sphere is contrasted with the pre-existing form of *representative publicity*. In representative publicity, a distinction between private and public spheres was non-existent resulting in a situation where the sphere of the public was limited to representative displays of social status by those in power to an audience of subjects. This form of representative publicity can be observed exemplarily in the workings of the royal court and in feudal society. The progressive formation of large consolidated territories necessitated the installation of centralized bureaucracies and the monopolization of violence by the state. The focal point of these centralist tendencies was the monarch as the symbol and representation of the state. In this situation of representative publicity, the status of the king was mirrored by the splendor of the palace and the nobility as well as by the elaborateness of the royal protocol. It was a situation aiming at publicly representing the state rather than representing those subject to the state. Accordingly, this situation was non-communicative and exclusively representational in a political sense. Those in power (e.g. the nobility/lords) projected their status to their subjects within the sphere of representative publicity and accordingly sought to adjust this representation to be in line with that of the highest power: the king. A differentiation between a public sphere and a private sphere in the sense of Habermas did not exist as the only valid public sphere was that of representation of status. "[The] manorial lord, on whatever level, [...] displayed himself, presented himself as an embodiment of some sort of »higher« power." (Habermas, 1989, p. 7). This representation of status through the concrete physical existence of the person of the lord through an "aura" is sharply separated by Habermas from the kind of representation by lawyers and members of national assemblies (Habermas, 1989, p. 7).

One of the key features of a bourgeois public sphere was missing: rational-critical discourse among private people. This began to change with the emergence of the capitalist economic system. The exchange of commodities and the accumulation of private property marked the decline of the feudal system. Capitalist economic activity led to a situation where the pre-existing notion of the family as a private realm became intertwined with the position of private individuals as property owners. Economic activity and property ownership stood for a new form of influence: albeit being outside of the established system of power, property owners indubitably were having an impact on the functioning of the state and society as a whole. This in itself attributed to them a novel position of power that was not accommodated by the previously existing feudal system and thus challenged existing authorities. One of the driving factors for these private individuals to assemble and engage in rational-critical debate was the new need for information flows that were needed in the wake of economic activity. Literacy and availability of information paired with property ownership were prerequisite for rational-critical debate in the bourgeois public sphere (Habermas, 1989).

These assemblies of the bourgeoisie were marked by two main features: institutional criteria of those assemblies, and the use of rational-critical debate. The institutional criteria are identified by Habermas due to the on-going nature of bourgeois discourse, and include a) the disregard of status b) a common domain of concern and c) inclusivity (Habermas, 1989, p. 36). While the disregard of status is qualified by Habermas as meaning the aspiration to disregard status entirely rather than the presence of equality of status, he nonetheless deems this idea to be “consequential” (cf. *ibid.*). This notion seems appropriate, especially when underlining the insufficiency of the established representational idea of status within a discursive context as encountered in the bourgeois public sphere. This rational-critical discursive context is represented in the criterion of a common domain of concern. As individuals in the bourgeois public sphere engage in critical debate everything – including the existing authorities – becomes subject of critical assessment. Ultimately, through those assessments, the *reason* for the existence of such authority itself becomes the object of inquiry. This process of freely communicating rational-critical perceptions of a topic is thusly present in the continuous critical evaluation in the common domain of concern. The third criterion Habermas sets forth is the invariable inclusivity of the public sphere. Inclusivity, like disregard of status, is qualified in that it is posited that notwithstanding the degree of exclusivity of the public sphere the criteria that define exclusiveness likewise establish the threshold for being included. Following its own rules of the market the bourgeois public sphere remains in all its configurations for participation accessible to all who qualify as private people (i.e. owners of (sufficient) property).



He further points out that civil society as the private sphere “[was] emancipated from the directives of public authority to such an extent that at that time the political public sphere could attain its full development in the bourgeois constitutional state.” (Habermas, 1989, p. 79). One defining aspect of this liberal constitutional order was the conception of law. Quoting Carl Schmitt, Habermas defines: “»Law is not the will of one or of many people, but something rational-universal; not *voluntas* but *ratio*«” He then writes that in the bourgeois conception of law, law itself was not to be used as a means of domination, but rather a means for dissolving domination. The intrinsic logic of the bourgeois public sphere in this respect is summed up when Habermas makes the connection between rational-critical public opinion as the source of law: “Since the critical public debate of private people convincingly claimed to be in the nature of a noncoercive inquiry into what was at the same time correct and right, a legislation that had recourse to public opinion thus could not be explicitly considered as domination.” (Habermas, 1989, p. 82).

Habermas describes the emergence of the bourgeois public sphere by positing the shift from a sphere of representational publicity of status vis-à-vis an audience of subjects to a sphere of rational-critical process of communication among private people aided by a capitalist economic system which, in turn, enabled the emergence of property-owning private people in the first place.

## 2. Refeudalization and the Transformation of the Bourgeois Public Sphere

The emergence of the bourgeois public sphere has been marked by a dissociation of what had been formerly a dichotomy of the representative publicity of the state and the private realm of the conjugal family for societal reproductive purposes (Habermas, 1989). The bourgeois public sphere had established itself between society and the state as a sphere where societal interests were negotiated and formulated through the process of rational-critical debate (Habermas, 1989). Moreover, it provided a counterweight to the authority of the state providing a space where private people could interact and critically scrutinize i.a. the reasons of authority. The bourgeois public sphere had been institutionalized by new liberal constitutional orders aimed at preserving critical debate. It also contained in it the beginnings of a process Habermas calls ‘refeudalization’ (Habermas, 1989).

### 2.1. The Welfare State

With industrialization gaining momentum in the early 19<sup>th</sup> century, the driving force behind the bourgeois liberal constitutional order’s establishment of the public sphere – capitalism – exhibited a dramatic dynamic. As the capitalist economy expanded, the relationships between state, society, and public sphere underwent a considerable re-adjustment. The source of influence of the bourgeois

public sphere had been its positioning between society and the state, the separation of the private and public spheres. The unprecedented structural shifts in labor and production gave rise to conflicts in the private sphere which the bourgeois public sphere was unable to address causing the state to appropriate this role. This notion of state interventionism led to an approximation of state and society. A bourgeois, liberal state had no intention of interfering with economic and social questions. In order to mitigate the negative effects of a (Hegelian) civil society as the arena for economic and personal liberty, however, the state took on new functions previously situated in the private sphere and in that of civil society. The result, according to Habermas, was a process of refeudalization in which the state began to take over social and economic roles while society accordingly involved itself in the state (Habermas, 1989, pp. 107-112). This reciprocity in the state-society relationship is important insofar as Habermas does not posit the recurrence of the absorption of society back into the state but rather the emergence of a transformed public sphere. Not only did the state involve itself in civil society but especially the economic interests (of the rich and the poor) also involved themselves in the sphere of the state.

The Welfare State, where the state intervened in the market and social aspects such as labor and retirement, embodied and institutionalized this relationship (Habermas, 1989). In it operated a new social sphere in which state and social functions had combined.

## 2.2. Mass Media

The structural changes in labor and employment as well as the growing number of social welfare that the state had taken over were accompanied by the rise of leisure time. Consumerism and the consumption of culture through media by a growing mass of reachable people became a defining factor (Habermas, 1989, p. 159). The original role of an informative press catering to the bourgeois rational-critical debate had been permeated by the capitalist market in the form of advertising and the establishment of a culture market structure.

### 2.2.1. The Economization of the Press

The liberal constitutional order had provided the foundation on which the press could be conducive to rational-critical debate. It had also provided, however, the protection and security needed for the privately-owned press to realize its economic potential through advertising (Habermas, 1989, p. 169). The increase in power of society within the societal public sphere precipitated the development of identifying and manipulating public opinion through the use of public relations (Habermas, 1989). Property owners (here: owners of the private press) had begun to realize the potential of shaping public opinion for economic gain as the market for culture was forming fueled by a growing mass of

willing consumers. Not only did the media supply publicity for the economy through advertising, it now had an active interest in affecting public opinion in order to ensure a steady supply of culture goods for a growing mass of consumers (Habermas, 1989). The advent of advertising marked for Habermas the beginning of the manipulation of the public sphere by private (economic) interests (Habermas, 1989).

### 2.2.2. The Political Potential

The instruments of private interests for influencing public opinion, especially public relations (Habermas, 1989, p. 203), had soon been recognized by the political public sphere and employed to their ends (Habermas, 1989). Adopting the means of advertising from the economic sphere of private interests, the political sphere integrated one step further into the social public sphere. Habermas identifies the rise of political parties' use of public relations and political advertising as the cause for creating an artificial public sphere in which critical debate is only staged (Habermas, 1989). Political parties, in this context, no longer actually engage in critical debate with the public but replaced it with delivering a *faux* critical debate as a consumer product through the media and manipulating public opinion into consent. This fake social public sphere detached the public from true rational-critical debate (Habermas, 1989).

### 2.3. Public Opinion

In the last chapter of *Structural Transformation of the Public Sphere*, Habermas analyzes the concept of public opinion by pointing out a new form of publicity that had emerged which differed greatly from its original meaning. He describes critical publicity as the mechanism to expose domination in the public sphere thereby enabling rational-critical debate. The newly arisen form of "[...] *publicity that is staged for show or manipulation* [...]" (Habermas, 1989, p. 247) resulted in a situation where critical debate was not shaped by an informed public opinion but rather shaped public opinion into believing it is informed.

In the modern democratic states Habermas recognizes the difficulty of reconciling the need for an informed public opinion to legitimize the government and fulfil the claim to democracy with the phenomena of consumerism and mass culture. He underlines the importance of taking the competition between both forms of publicity as a measure for the democratization of the modern social-welfare state. Two areas of communication within this model of politically relevant public

opinion in a modern democratic state are identified: informal, personal, nonpublic opinions and formal, institutionally authorized opinions (Habermas, 1989, p. 245).

Informal opinions are divided into three different levels on which they operate including the results of the process of acculturation, experiences of one's own biography, and things that are taken as self-evident based on their ceaseless perpetuation by manipulative publicity and consumed by the masses during their leisure time. Formal, institutionally authorized opinions are expressed by institutions and officially or semi-officially authorized by the form of their proclamation. Habermas points out that these opinions circulate very narrowly between the political press and those publicist institutions. He further asserts that even the presentation of these (semi-) official opinions to the broad masses does not foster rational-critical debate since "[...] institutionally authorized opinions [...] are always privileged and achieve no mutual correspondence with the nonorganized mass of the »public«." (Habermas, 1989, p. 247).

Manipulative publicity plays the role of mediator between informal and formal spheres, an arena for the creation of a democratically significant following amongst the mediatized mass. Habermas makes this particularly clear by carefully formulating: "[...] a linkage [...] is established through [...] publicity, displayed for show or manipulation, with the help of which the groups participating in the exercise and balancing of power strive to create a plebiscitary follower-mentality on the part of a mediated public." (Habermas, 1989, p. 247). He counts this amongst formal, institutionally authorized opinions albeit differentiating them as *publicly manifested* opinions as opposed to *quasi-public* opinions.

Habermas sees an opportunity for fostering communication between the political opinions of private people and quasi-public opinions in the setting of *intraorganizational* (sic.) *spheres* allowing for the emergence of public opinion stemming from a mediatory process aided by *critical publicity*.

Habermas invokes critical publicity as a third form of publicity to balance the informal and formal spheres of communication (Habermas, 1989, p. 248). Public opinion in Habermas' sense emerges when two conditions are met (realistically of course to varying degrees): communication involving all levels of members in an intraorganizational public sphere, and the communication of that sphere with the sphere of the media and that of other organizations'. An intraorganizational sphere represents the extent to which a public sphere within an organization, political party, or special-interest association exists allowing for the formation of an intraorganizational public opinion by all levels of members. The emphasis on the greatest possible disregard of status within such a public sphere is one condition for the formation of public opinion.

For public opinion that has had some opportunity for rational-critical debate to emerge it is necessary for the various intraorganizational publics to communicate amongst each other, and with the sphere of quasi-public opinion. Only then can critical publicity act as a mediator between the formal and informal communicative arenas and the formation of public opinion.

In *'The Structural Transformation of the Public Sphere'*, Jürgen Habermas outlines the emergence of the bourgeois public sphere as the end of a medieval feudal societal order in which the public sphere was virtually nonexistent and only representational publicity was present. He identifies capitalist economic activity as the main source for the appearance of private people (property owners) coming together as a public in rational-critical debate. This true detachment of civil society from the political sphere during the height of the bourgeois public sphere led to the establishment of liberal constitutional orders in which the principles of rational-critical debate were guaranteed as basic civil rights. The notion of non-dominating law based on the opinion of a critically debating public was created.

Habermas then goes on to lay out the changes in the relationship between civil society, the state, and private persons. As more and more economic aspects in an industrializing society developed a dual nature of being within both political and civil spheres, Habermas asserts the formation of a new public. The emergence of the welfare state transformed the bourgeois public sphere as an ever larger mass of society gained access to media and communication. Public opinion was no longer achieved through informed, critical debate, but rather manipulated through the use of mass media – a fact made possible by a growing number of private people consuming cultural goods during their leisure time, rather than engaging in critical debate. Using the term 'refeudalization', Habermas describes the re-integration of the public and political spheres as a process where communication is limited by the influence of few property owners. Habermas ends with a picture of modern society being manipulated by advertising and public relations into believing they are engaged in ongoing debates. He finds opportunities for again reaching a rational-critical debate in the public sphere to check the domination by the state and non-governmental organizations by fostering an intraorganizational public sphere in which critical publicity aids the emergence and exchange of the organizations' members' opinions.

### 3. Civil Society and International Non-Governmental Organizations (INGOs)

This section of the paper will examine how civil society has developed and how it precipitated the emergence of INGOs. First, the concept of civil society will be presented. Then, the emergence of INGOs and their role in modern (globalized) civil society will be examined. This will be followed by a short summary of the main theoretical points that will be used in presenting Amnesty International as an INGO in the second part of this paper.

#### 3.1. The Concept of Civil Society

The concept of civil society will be the focus of this sub-section of the paper. The following will provide an overview of the definition(s) of the term as it is used today starting by placing it within its historical context.

##### 3.1.1. Historical Background of Civil Society

Hegel's liberal understanding of civil society as distinct from the political sphere is grounded in his 1821 book *Grundlinien der Philosophie des Rechts* (Elements of the Philosophy of Right). In his view, civil society is what lies between family and the public sphere. It is the private and economic realm, which is separate from the political sphere. Hegel saw civil society as the realm where economic exchange and market dynamics reigned unhindered by the state. These "[...] structures of social exchange, participation, and domination [...]" (Hardt, Winter 1995). Hegel posited the inherent market dynamics in civil society and relates their actions to the existence of three separate estates within this civil society: the 'substantial estate' (agriculture), the 'formal estate' (trade and industry), and the 'universal estate' which comprises civil society. Hegel argues that the market forces that reign in the capitalist market also govern civil society, allowing all three estates to thrive in the most efficient way possible. He further acknowledges the potential for inequalities and conflicts within this civil society governed by market forces and with them qualifies the equality of entrance in presupposing that in principle any man can belong to any of the three estates, but that the actual entry into one of those is subject to the pre-existing inequalities and conflicts generated by the market forces within civil society.

Whereas Hegel makes the main distinction between state and civil society, de Tocqueville makes a further differentiation within civil society. He asserts civil society to be – like Hegel – the realm of economic activity and private association, but in addition he coins the term *political society* to describe another dimension of civil society (Kumar, 1993, p. 381). De Tocqueville sees political

society as drawing on *the art of association*. He sees the entirety of voluntary associations as expressions of what allows for the political sphere to exist; these associations do not merely reflect civil society as a whole but are rather reflect the intrinsically human habit of association without which no state could exist (Kumar, 1993, p. 381).

Antonio Gramsci later would expand on the idea of civil society. He parted with the previous paradigm that economic institutions and mechanism ultimately governed civil society. Gramsci, instead, focused on the non-economic dimension of civil society. In exploring i.a. the cultural and religious components of civil society, Gramsci separates the political sphere as the realm of immediate coercion and civil society as the guarantor of hegemony. This conception underlines that Gramsci sees civil society as more than the socio-economic basis of the state, but rather as a problem solving arena.

### 3.1.2. (Global) Conceptions of Civil Society

In the 19<sup>th</sup> century, technological, economic, and social developments enabled the fledgling of what Thomas Davies calls *transnational civil society* (Davies, 2008, p. 3). He goes on to define transnational civil society as “[...] non-governmental nonprofit collective action that *transcends national boundaries* but does not necessarily have global reach.” (Davies, 2008, p. 3). As the actors of this transnational civil society, Davies identifies INGOs as “[...] international organizations that are neither profit-making nor instruments of government [...]” (Davies, 2008, p. 3). A further distinction made in this context is that between INGOs that provide services for their members, and those that are issue-oriented.

Technological advances in communication and transportation technology in the 19<sup>th</sup> century, such as telegraphy and the steamship, aided a first step in creating a transnational civil society. The now possible exchange of information and people (especially through the emigration waves from Europe to the US) contributed to the first international issue-oriented associations to be formed. A notable early example is British and Foreign Anti-Slavery Society. Founded in 1839, the organization is known today as Anti-Slavery International (Anti-Slavery International, 2014). This organization is interesting in that it started out as an NGO within the British Empire in 1823. Having reached its goal of the legal abolition of slavery within the Empire, its successor organization was founded in 1839 with the specific goal of ending slavery in all parts of the world. Already in 1840, the society organized the world’s first anti-slavery convention with international guests in London (Anti-Slavery International, 2014). It is precisely this transformation of a national civic movement to one with international reach that is one of the early examples for the formation of an issue-oriented transnational civil society in the 19<sup>th</sup> century, significantly supported by technological advances and exchange of information and

people.

A first wave of economic globalization by the late 19<sup>th</sup> century further contributed to the establishment of a transnational civil society. An increased circulation of goods, services, and people, paired with new ways of maintaining reliable contact over great distances resulted in a growth of international organizations from economically-oriented to trade unions and workers' movements. Perhaps more importantly, however, weighs the market law of 'knowing one's customer'. Among tradesmen and entrepreneurs operating in more than one country, it is important to understand the people and the mentality in order to successfully conduct business and outperform competitors. The rise of transnational issues in politics was a concomitant phenomenon which expanded the borders of transnational civil society beyond economic interests and towards issue-oriented organizations - spaces where (international) private people come together to form a public on one or more issues. As Habermas points out, however, a sustained functioning public sphere depends on a delicate interplay of social factors. Likewise, the first growth of transnational civil society in the 19<sup>th</sup> century was offset by the calamity of the First World War. The rise in nationalism and protectionism in the period leading up to the War is characterized by a diminishing in INGO foundations and meetings after 1913, as well as a rise in INGO dissolutions (Davies, 2008, p. 8).

Transnational civil society was truncated by nationalism rising. Ironically it can be argued that transnational civil society indeed provided to some degree the ground on which nationalistic movements could flourish in the first place resulting in the diminishing of transnational civil society on the whole. Davies concurs with the view that it was the initial success of transnational civil society in apparently generating peace that lead to the underestimation of nationalism as an outcome of the transnational political sphere, i.e. the mechanics of the international state-system (Davies, 2008, p. 9). It was after the First World War that transnational civil society recovered and resulted in some notable advancements such as the foundation of the League of Nations in 1920, and successes in questions like women's suffrage. Indeed, the remnants of pre-war transnational civil society had to be rebuilt to reflect the wish of preventing another such catastrophe. One way to attempt this has been the further expression of the need for a larger role for international law to govern interstate relationships. The rule of law in international relations was to be supported by the foundation of the League of Nations which in this sense was to provide a more transparent process and larger legitimacy to international legislation. And yet, transnational civil society was to be diminished again. With the onset of the Great Depression, economic struggles affected both INGOs and their members. The economic decline fueled the development towards more nationalism and protectionism both inhibiting transnational civil society further. Especially the rise in fascist governments presented an



environment that was utterly unconducive to the operation of issue-oriented INGOs. A lack of support among liberal societies due to economic strains and hostile political environments elsewhere combined ultimately with the beginning of the Second World War.

After the Second World War, transnational civil society has resurged considerably. Again, the main reasons can be found in three broad realms: technological advancements, economic freedom, and relative political stability until the 1980s and 1990s. Transnational civil society thrived on the boundless new possibilities to communicate with their members and with the public in general, through the press, radio, TV, and public relations campaigns. Like steamships, travel by jet plane has once again shrunk the world. Economic freedom provided a part of the dynamic contributing through the circulation of (culture) goods in foreign markets. International economic integration has also led to the emergence of transnational corporations as actors in transnational civil society thereby providing for the foundations of INGOs relating to economic issues. The foundation of the UN provided a stronger legal framework for INGOs, at times officially granting them observer status. Davies identifies decolonization as another important political factor precipitating the revival of the transnational civil society: “[Decolonization] facilitated the growth of domestic civil society in formerly suppressed parts of the world and which brought to the fore ‘Third World Issues’ such as economic development.” (Davies, 2008, p. 12). With the threat of mutual nuclear annihilation, the Cold War presented yet another area that fueled responses from transnational civil society.

Since the end of the Cold War transnational civil society has seen another notable growth spurt. The demise of old borders of communication and the advent of global instantaneous communication through the internet both went hand in hand with an unprecedented level of globalization in the economic realm. The global economic sphere has established itself firmly, it seems, and with it transnational corporations as their actors. In this context, (issue-oriented) INGOs draw their strength from the protection by the liberal principles of the rule of law as expressed by pertaining international law and UN recognition. Particularly the internet, however, puts additional emphasis on the role of the press and mass media in forming and influencing public opinion within today’s transnational civil society. Although Habermas’ evaluation of the situation in his 1962 publication might seem a bit dire at times, it must be conceded that the recently surfaced activities of national intelligence services do underline the importance of manipulative means by all actors involved in civil society. The internet provides space for both, however. It provides means of influencing public opinion while providing and enabling space for private individuals to come together as a public. The current unveiling of the true condition of the private sphere undermines the latter notion, eerily resembling Habermas’ concept of a faux

public sphere where critical debate is merely simulated through manipulative means. It would be interesting to assess, in a few years' time, whether this ongoing debate in the transnational civil sphere will result in comparable increases in INGO activity relating to a digital version of liberal civil rights in particular and in general the state of privacy in the digital sphere as a whole.

### 3.2. INGOs

International Non-Governmental Organizations (INGOs) have previously been identified as actors in a transnational civil society. This section of the paper will explore the concept of INGOs and how INGOs operate as actors in transnational civil society.

#### 3.2.1. Nature and Functioning of INGOs

In the 2002 publication *'What is a Non-Governmental Organization?'* Peter Willetts sums up the relatively broad definition of an NGO by the UN as: "[NGOs] only have to be independent from government control, not seeking to challenge governments either as a political party or by a narrow focus on human rights, non-profit-making and non-criminal." (Willetts, 2002). This of course raises the question of classifying INGOs given this widely applicable definition. The type of activity of an INGO is one distinguishing feature. Here, Willetts identifies two major categories of activities by INGOs: operational and campaigning activities (Willetts, 2002).

Operational activities include those INGOs that aim at giving local assistance in concrete settings having a smaller-scale, but quickly discernible, effect. Campaigning INGOs, on the other hand, mainly are active in the field of influencing political decisions in a way conducive to their interests. Both types of INGOs also share the same basic structure of financing relying on membership contributions and donations either from fundraisers or from awareness generated from campaigning. Operational INGOs often rely on fund-raising activities to mobilize donations in a relatively short period of time for a specific project. Campaigning INGOs with their more long-term agenda of influencing legislation and legislators are also still relying on fund-raising measures albeit to a smaller extent and rather symbolically (Willetts, 2002).

One key element is the independence of INGOs from government influence/interference. This is a particularly difficult relationship as especially operational INGOs often per definition need to work closely together with governments and their institutions. In situations of humanitarian relief, the work of operational INGOs can often only be carried out and guaranteed to take place safely by cooperating with local and domestic governments. This situation is different for campaigning INGOs, insofar as the acceptance of government funds would seriously impair their credibility with regards

to their efforts to gradually change the opinion of legislators in their favor. Members and supporters would feel betrayed and mistrust the impartiality of the organization. Another possible source for government influence on INGOs Willetts presents the possibility of INGOs to produce or support campaigns favorable to government interests (Willetts, 2002). Independence from governance is accordingly not an issue that is as seemingly clear-cut as one might presuppose from the clarity of the concept in itself. Relationships of interdependence exist in reality, and the degree of these relationships has been an issue of critical discussion with regards to the (claimed) impartiality of INGOs. This connection between public credibility and independence from government influence is, as laid out above, especially true for issue-oriented INGOs.

Willetts also provides an answer to the question of how to best classify an INGO in this rather vague framework. Obtaining data on a range of variables is “[the] most effective way to distinguish between NGOs [...]” (Willetts, 2002). These variables include: the number of full-time employees, members, and funding of the annual budget, as well as recognition of an INGO or its goals.

While the first criteria pertain to distinguishing the nature of an INGO in the basic sense of operational/campaigning, the second criteria touch upon the role of INGOs as acting according to a relative consensus in the transnational civil sphere. Willetts describes INGOs to be the nuclei of social movements, indeed he goes so far as to call them ‘essential’ for the existence of social movements (Willetts, 2002).

Much like Habermas’ conception of bourgeois salons and coffee houses as the nuclei of the emergence of the bourgeois public sphere, Willetts identifies (private) INGOs as nuclei for the process of opinion formation and, implicitly, for a form of rational-critical debate. Willetts is quick to clarify this position by stressing the fallacy of believing all INGOs to be progressive. He recalls that “[this] ignores the existence of reactionary social movements, such as neo-fascists and racists, who cannot be distinguished from other movements by any objective criteria.” (Willetts, 2002). Seemingly addressing Davies’ analysis of transnational public society to have contributed to its own decline in the run-up to two World Wars, Willetts thereby implicitly cautions that – just as in the domestic public sphere – organized interests are not always progressive in a social sense and one needs to carefully consider this as radical INGOs are not distinguishable by other objective features. Taking into account Habermas’ view on the need for intraorganizational communication for the revival of rational-critical debate, it can be asserted, then, that the critical evaluation and debate within INGOs and amongst them is a positive mechanism for avoiding a neglecting of radicalism and nationalism in the sense of Davies and Willetts.

A factor underlining the role of INGOs in negotiating and communicating the opinion of a transnational civil society is the detachment of geographic location and identity of INGOs. The common misconception of INGOs being influential mainly in the West – especially during the Cold War – is contradicted by the insight that INGOs are representative of opinions and notions of a truly transnational civil sphere notwithstanding the locations of their headquarters. After all, for purposes of approaching government officials it is undoubtedly useful to have headquarters close to government access. An INGO located in New York City, for example, can still be based in India. Supposing that INGOs are a primarily Western phenomenon based on the high number of INGOs' headquarters in Western countries is flawed. It leaves aside the very nature of INGOs as actors for *transnational* civil society. The very nature of INGOs being active in a number of countries means that over time, if the INGO succeeds, it will itself become international in both structure and membership. Incidentally, one example for such an evolution is Amnesty International, headquartered in London, which started out as a British NGO and eventually evolved into “[...] 56 National Sections, groups in some 40 countries, an International Secretariat from over 50 countries and an African Secretary-General.” (Willetts, 2002).

### 3.3. Amnesty International – An INGO

The main theoretical points made in the first part of this paper will be shortly addressed in this section. This will anchor the main lines of inquiry regarding the presentation of Amnesty International in the following part.

#### a) Categorization

Echoing Willetts's criteria for classifying INGOs, one focus will lie on identifying Amnesty International as either an operational or as a campaigning INGO. This includes identifying the main source of funding, government relationships, and standing in the public eye.

#### b) Public Sphere

In light of the evolution of transnational civil society as presented by Davies and Kumar, Amnesty International's function as an actor in the civil sphere will be assessed on the basis of the type of issues and scope of activities.

### c) Rational-Critical Debate

Lastly, the activities of Amnesty International as a communicative agent in the conception of Habermas' assessment of the mass media and the public sphere will be scrutinized. This will be attempted by presenting an overview of the public relations efforts of Amnesty International, and its efforts to initiate intraorganizational debate.

#### 4. Amnesty International

In this part of the paper, Amnesty International (AI) will be presented as an INGO. An historical overview of the organization and its activities will be followed by an outlay of its current efforts. The final section of this part will address criticism of AI that has also arisen during the course of the organization's (recent) existence.

##### 4.1. History and Development

Peter Benenson, a British labor lawyer, founded Amnesty International in July 1961 in London (Amnesty International, 2014). Upon founding AI, Benenson publishes an article entitled *The Forgotten Prisoners* (Amnesty International, 2013). He begins the article by stating: "Open your newspaper any day of the week and you will find a report from somewhere in the world of someone being imprisoned, tortured or executed because his opinions or religion are unacceptable to his government. The newspaper reader feels a sickening sense of impotence. Yet if these feelings of disgust all over the world could be united into common action, something effective could be done." (Amnesty International, 2013). This clear message of the mission of Amnesty International already underlines the international character of the organization: its aim is not to alleviate 'merely' locally accessible oppression; it is rather to bridge the gap between available information in the press of oppression and the desire of the consumer of such information to participate locally in a mechanism to support remedies remotely (e.g. through donations). Already in 1962, groups were started in the Northern Anglo-Saxon countries plus Australia, Scandinavia and Greece (Amnesty International, 2014). In 1964, Peter Benenson was elected President of AI and the first "[...] iconic Amnesty International candle design [...]" (Amnesty International, 2014) was presented. In the same year, the UN grants AI consultative status and the organization is therefore fully recognized as a legitimate actor in civil society. By this third year, AI had adopted the cases of 1,367 prisoners with a release-rate of 24% (329 prisoners). The number of AI groups rose from 70 in year 1 to 360 by year 3. During the remainder of the 1960s AI further established itself as an international actor, issuing its first official UN reports (1965), a change in leadership as Eric Baker takes over most functions within AI formerly exercised by Benenson (1966), and evolving its position on the ban of the death penalty for political prisoners (by 1968). The end of the decade is marked by the achievement of 2000 released prisoners and the granting of consultative status to the UNESCO in 1969.

In the 1970s, AI expanded its activities further into the conditions of imprisonment starting its "[...] first worldwide campaign for the abolition of torture." (Amnesty International, 2014). AI's campaign contributed to the eventual adoption of the UN Declaration on Torture in 1975, culminating in AI

being awarded the Nobel Peace Prize in 1977. Another focus in the following years became the fight against political killings and disappearances.

By the early 1980s, AI formally extended its definition of *prisoner of conscience* to include different forms of sexuality in its 1982 declaration on the “[...] inhumane treatment of people because of their sexuality.” (Amnesty International, 2014). It had launched its first campaign against the death penalty in all its forms in 1980 while continuing special efforts surrounding political killings and disappearances. In 1984, AI launched its second campaign against torture, and organized a *Conspiracy of Hope* concert tour in the USA in 1986. Two years later the same strategy is used in the inception of the Human Rights Now! tour in London featuring popular artists. By the end of the decade, AI reinforced its efforts against the death penalty by starting a second campaign.

After the end of the Cold War, the first Eastern European AI section to be established was in Hungary in 1990, followed by as much as 40 others all throughout the region in 1991. The following year, membership numbers for the first time rose above the one million mark and AI voices its support for addressing “[...] centuries of human rights abuses against indigenous people.” (Amnesty International, 2014). In the following years, AI stresses the importance of women’s rights as well as human rights, the protection of refugees, and from 1996 it supported a movement for the establishment of a permanent International Criminal Court which became a reality in 1998. By 2005, AI is “[...] the world’s largest independent human rights organization with over 2 million members [...]” Peter Benenson dies at age 83 as AI focuses its anti-torture campaign on the motto ‘counter terror with justice’ in light of the ongoing war on terror. In 2010, Amnesty International has more than three million members worldwide (Amnesty International, 2014).

## 4.2. Current Activities

The main activities of AI center on torture, political prisoners and oppression, sexual freedom, the abuse of indigenous rights, the promotion of women’s rights and grave abuses of human rights more generally. The following section will give an overview of the current organizational set-up of AI and

### 4.2.1. AI’s Structural Organization

On its website, AI describes itself as “[...] an organization based on worldwide voluntary membership and it consists of national branches (sections and structures), international networks, affiliated groups and international members.” (Amnesty International, 2014). The structure of AI is given by the organization in its statute:

#### 4.2.1.1. International Council

“Ultimate authority for the conduct of the affairs of Amnesty International is vested in the International Council.” It is formed by delegates from the sections and structures of AI. While members of other bodies, e.g. members of affiliate groups, may be called into the International Council, only representatives from sections, structures, and international members have voting rights. The International Council is responsible for the exercise of AI’s statutory authority including (Amnesty International, 2013):

- To focus on strategy
- To set AI’s strategic goals including its financial strategy
- To establish systems and bodies of governance and delegation for the movement, to elect members to those bodies, and to hold those bodies and their members accountable

With these tasks the International Council is in charge of the long-term development of issues and themes including the adaptation to new realities over time. It also determines AI’s financial strategy. The International Council further has the responsibility to control and review actual effectiveness of campaigns and efforts while holding other bodies of the organization accountable. This is possible due to the further subdivision of structural bodies such as sections, structures and others which will be examined in further detail below.

#### 4.2.1.2. The International Board

The International Board of AI according to the statute has the following main functions (Amnesty International, 2013):

- Ensuring that financial policy is sound and equally applied throughout the organization
- Ensuring compliance with the statute
- Implementing and adjusting strategy of the International Council
- Hold sections, structures and other bodies accountable by submitting reports to the International Council

The International Board assumes the role of the executive of the International Council overseeing the actual implementation of activities throughout the organization’s branches or other constituent groups.



#### 4.2.1.3. The Chairs Forum (CF)

The Chairs Forum is conceived to be a link between the actual debates and issues circulating amongst sections and other bodies and the higher levels of the organization, namely the International Board, and through it, the International Council. The functions of the Chairs Forum within Amnesty International are defined as follows (Amnesty International, 2013):

- To inform the AI movement and the International Board on matters related to governance and controversial issues
- To contribute to the building of capacities of the bodies of AI
- To build relations among sections and structures and provide an open space for debate on common issues
- To perform other tasks delegated to it by the International Council

The Chair Forum's main function is to coordinate and improve communication within the organization. This is achieved mainly in two ways – the channeling of information to the next higher level in the organization and the promotion of a sphere among smaller constituent bodies where reflected, relevant information can be formed.

#### 4.2.1.4. The International Secretariat

The day-to-day operations of AI are carried out by the International Secretariat, currently located in London. A simple majority of section and/or structure votes among the delegates to the International Council is needed to change that location (Amnesty International, 2013). The current Secretary General of the International Secretariat is Salil Shetty who took up his position in July 2010 (Amnesty International, 2014).

#### 4.2.1.5. Sections

Sections are defined as bodies of AI that can be established in any country, state, territory, or region and pay an annual fee that is determined by the International Council. They must further have demonstrated the ability to organize and sustain AI activity, and official recognition of sections is granted after approval of applications to the International Board and sections' subsequent registry with the International Secretariat. Sections are bound by the core values and methods of the organization and must act accordingly. Section's representatives in the International Council are among those with voting rights.

#### 4.2.1.6. Structures

Different from sections, structures are established by the International Board itself. They are also national or regional bodies aimed at “[...] [promoting and implementing] the movement’s vision and mission. [...] The purpose of a structure is to coordinate [...] sustained [...] activities and consolidate its national or regional organization.” (Amnesty International, 2013, p. §14). Structures have relatively fewer professional staff requirements to be established as structures than those needed for sections to be recognized by the Board (Amnesty International, 2013, pp. §13, 14). Like sections, structures’ representatives in the International Council have voting rights.

#### 4.2.1.7. International Membership

International membership is granted to persons who reside within “[...] countries, states, territories, or regions [...]” without AI sections or structures and “[...] may, on payment to the International Secretariat of an annual subscription fee determined by the International Board, become international members of [AI].” (Amnesty International, 2013, p. §17). A registration with the Secretariat is also required. It is noteworthy that the representatives of the international membership form the third group with voting rights in the International Council. One important condition for international membership is that the applicant does not belong to one of the affiliated groups – which do not have voting rights in the International Council. Attainment of international membership for individuals residing within territories where a section or structure of AI exists depends on the approval of an appropriate application by the applicable section/structure and the International Board. Upon approval by both, international membership may be granted.

#### 4.2.1.8. Affiliated Groups

These groups are defined as groups of at least five members that may, upon payment of an annual fee set by the International Council, become affiliated groups of AI or one of its sections. The International Board is to decide in case of disagreement over the attribution of the status of affiliated group. Affiliated groups are registered with their regional sections/structures the registries of which are to be made available to the International Board upon request. Like other bodies of AI, affiliated groups must adhere by the values and methods set forth by the organization. Affiliated groups do not have voting rights in the International Council.

#### 4.2.1.9. International Networks

Specific issues or themes that may arise can be flexibly addressed by the implementation of international networks. These networks are established with AI members from a minimum of five different sections or structures belonging to at least two International Secretariat program regions. The theme or identity forming the basis of an international network must have points of reference that adhere to AI's core values and standards. Moreover, the points of reference need approval from the International Board where international networks are also officially recognized and registered.

#### 4.2.2. Current Campaigns and Activities of AI

Amnesty International currently reports to have members in 150 different countries in "[...] in every region of the world." (Amnesty International, 2014). With a presence in 80 countries, the organization maintains sections on all continents. The INGO Accountability Charter was founded in 2006 by a group of INGOs in order to harmonize and foster standards in accountability and transparency of INGOs, their communication with stakeholders, and performance (INGO Accountability Charter, 2014). In AI's 2010 report in accordance with the above Charter contains a description of AI's primary activities.

##### 4.2.2.1. Vision, Mission, and Principal Activities of AI

Amnesty International's vision is stated to be "[...] a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments." (Amnesty International, 2014). AI's mission in pursuit of this vision is then stated to be: "[...] [undertaking] research and action focused on preventing and ending grave abuses of these (*Human – DZ*) rights." (Amnesty International, 2014 – emphasis added by author DZ). The universal nature of AI's claim for ending and preventing grave violations of human rights in all areas finds its expression in the summary of the organization's addressees is presented as: "[...] governments, intergovernmental organizations, armed political groups, companies and other non-state actors." (Amnesty International, 2014). This list already implies that the context of Human Rights violations is secondary at best to AI. With this list, the organization demonstrates how far it had developed from its initial primary concern of the situation of prisoners of conscience. It also makes it a point to include actors not only from the state or political sphere but also specifically those from the economic (companies) and expressly non-state spheres. In principle, AI seeks to include any area where (organized) grave abuse of Human Rights takes place. AI presents two principal avenues for achieving its mission: First, the documentation and publication

of Human Rights abuses while organizing public pressure on governments wherever possible. Second, its commitment to urging all governments and other social actors to observe the rule of law and universal respect for Human Rights finding its expression in AI's educational activities surrounding the respect for Human Rights. A summary of activities to those ends is presented by AI on its website including publicist activities (i.a. publication and promotion of AI research findings), direct lobbying, raising public awareness of issues (i.a. public demonstrations, concerts, online activities), as well as co-operation and partnerships with student groups and other campaigning groups (Amnesty International, 2014).

#### 4.2.2.2. Scale of the Organization

In the most recent available report, from 2013, prepared for the year 2012, and in accordance with the INGO Accountability Charter, the scale of AI is presented citing various key numbers (Amnesty International, 2014, p. 6). AI reported a total number of 3.2 million members and supporters, 30 percent of who originate in the Global South, and women representing an estimated 54% of membership. The number of staff is given as 2,180 and that of interns/volunteers as 6,826. The main financial figures indicate a global income of €238.6 million opposite expenditures of €242.7 million with residual cash reserves of €98.3 million. The following listing of the organization's activities includes 226 research missions covering 92 countries/territories.

#### 4.2.3. Current Campaigns and Issues

The number of different issues addressed by AI campaigns is large. The main campaigns highlighted by the organization center around ending torture, ensuring freedom of expression for protesters in Venezuela, the promotion of reproductive rights, and the displacement of refugees in the Central African Republic (Amnesty International, 2014).

There are, however, numerous other campaigns being executed by AI's offices around the globe. One example is the '*When You Don't Exist*' campaign by the AI office to the European Institutions (AI European Institutions Office, 2014). This campaign specifically addresses the problematic of immigration and refugees and at changes by the EU Institutions to take action to remedy the situation.

The general trends as presented above, however, can be described as covering issues that affect the political (Venezuela) and individual (reproductive rights) spheres of people, as well as the raising in awareness for the situation of displaced people. AI's campaign during the World Cup in Brazil also used this, i.a. economic, event as a platform for voicing critique of social and economic inequality and

resulting Human Rights violations, as well as state and police violence (Amnesty International, 2014). Already with these examples it appears that AI's current campaigns reflect Human Rights violations in all spheres: political, private, and economic. The campaign for respecting Human Rights in Brazil during the World Cup, in particular, shows AI's use of major public events (be they self-organized or not as is the case here) to amplify its own message and disseminate it to as large a number of addressees possible.

AI continues to conduct and pursue long-standing campaigns such as that against torture, while introducing or intensifying campaigns as new themes and issues, such as Asylum/refugee policies, homosexual rights, become pertinent. AI's foundational activities, concerning prisoners of conscience, the conditions of their imprisonment and torture, continue to this day. As the vision and mission of the organization were adapted over time, so did the scope of AI's campaigns. In some instances, campaigns were adapted in their nature as e.g. the anti-Apartheid campaigns can be seen to find their contemporary continuation in campaigns against (racial) discrimination. Other campaigns emerged due to a trend within AI to expand the scope of their activities alongside the organization's development and growth. AI had initially focused on one specific type of Human Rights violations (illegal imprisonment (conditions)) and one main group of people (prisoners of conscience). As it had more resources at its disposal, over time, AI could expand its activities to include i.a. torture, disappearances, women's and LTGB rights, the death penalty, and refugee rights. The non-exhaustive enumeration above exemplifies the way in which, today and backed by its resources, AI is striving to pursue violations wherever and against whomever they may have been committed. The primary perpetrator of Human Rights violations, concerning AI's campaigning activities, is no longer the prisoner (implicitly: the state), but any legal or natural person that commits or permits such violations.

In an organization of the scope of AI, especially reflecting the fact that it is nonprofit, transparency of funding and resource distributions is of fundamental interest to donors and stakeholders. With a stated budget of nearly €240 million for 2012 and established offices in 80 countries (as of 2014) Amnesty International is one of the largest Human Rights issue INGOs. AI has been criticized, however, both in relation with the influence it exerts based on these organizational resources, and internal transparency pertaining to resource distribution. This criticism of AI will be examined in further detail in the following section.

### 4.3. Criticism of Amnesty International

Criticism of AI has been directed towards both the organization's inner accountability and on an operational level by alleging its activities to be biased. Both forms of criticism will be presented in more detail below.

#### 4.3.1. Transparency and Accountability

AI has been criticized for its (lack of) transparency mechanisms and its management of ensuring accountability throughout the organization. Francis Boyle, a former member of the AI USA board during the 1980s and early 1990s, made serious claims about the gap between AI's desired public image and actual decision and communication processes (Bernstein, Summer 2002). Boyle gives his view provocatively as: "Amnesty International is primarily motivated not by human rights but by publicity. Second comes money. Third comes getting more members. Fourth, internal turf battles. And then finally, human rights, genuine human rights concerns." (Bernstein, Summer 2002). This harsh assessment is mirrored in Boyles' account of the circumstances of this election to the AI USA board. The candidates are nominated by the board and then put up for election by the membership. Boyle describes the nomination process as seriously flawed; he comments on the AI USA board at that time as "[...] a board that is basically selected by a process of co-optation [...] it's [...] a small clique of people [...] in power [...] or their friends and their buddies that they co-opt through a bogus nominating process to put on there." (Bernstein, Summer 2002). Boyle then accounts how, as an outside candidate supported by a grass-roots movement, he was rejected from appearing on the ballot of the board and had to "[...] not just threaten a lawsuit, but [...] file the lawsuit. And only then did my name appear on the ballot [...]" (Bernstein, Summer 2002).

The example of Francis Boyle illustrates the larger criticism voiced with regards to AI's accountability and transparency measures. Most recently, in 2011, the controversial settlement payment to former Secretary General Irene Khan of a reported £533,103, AI has had to address criticism of the transparency of its internal processes (May Young, 2011). Peter Pack, president of the International Board, stated that the "[...] substantial majority (*of the payments*) reflected contractual entitlements." (May Young, 2011 – emphasis added DZ to indicate modification by May Young). It had seemed that AI UK had failed to avail itself of obligations of British labor law that, in hindsight, left them little choice but to sign a confidential agreement with Khan. This, however, is obviously problematic with regards to transparency and accountability.

#### 4.3.2. Claims of Bias

Although related to the reported problematic of accountability and transparency within AI, claims of a biased decision making process in AI's bodies affect its public standing as an organization. Once again, it is Francis Boyle in 2002 who addresses the issue remarking that "In Fairness to Amnesty International, after twenty years of not dealing with Israel, they finally are prepared to use the word »war crimes«." (May Young, 2011). Boyles contests AI's impartiality, again citing the example of its purportedly influenced position towards Israel. This contention implicitly refers to a biased, intransigent organizational process.

The connection with the problematic of substantiating claims like Boyles' exists through the issue of a lack of transparency. In a more transparent decision making process the assessment of Boyles' criticism could take place. Concerning Amnesty International, the 2006 Global Accountability Report by the One World Trust comes to the conclusion that, concerning transparency, AI "[...] only makes a vague commitment to transparency through their Policy for Granting Research Access to Amnesty International's Internal Archives. This fulfils no good practice principles on transparency, failing to commit the organisation to respond to information requests, or identifying narrowly defined conditions for non-disclosure." (One World Trust, 2006). This criticism points out the lack of a sufficiently coherent approach to providing access to data in- and outsiders wishing to retrieve information on AI's decision making process. On the other hand, the report also acknowledges a good degree of member control (One World Trust, 2006).

Another source of criticism directed at AI is politics. States have criticized AI for campaigns many times, mostly to protest allegedly one-sided portrayal of problems within their own sphere of responsibility. Notably, this has been the case with both Western (i.a. USA, UK, Israel) and non-Western states (i.a. Russia, China, Vietnam).

The criticisms of AI's commitment to transparency and accountability, and the connected criticism of assumed selection bias in AI's campaigning influence the way AI's role as an actor in the public sphere is perceived. Credibility and trust in the public eye are crucial to the enduring success of an issue-oriented INGO like Amnesty International. Therefore, the next section will examine AI's efforts towards more transparency and accountability in more detail.

#### 4.4. AI and Accountability

This section of the paper will introduce the concept of good governance. The concept of good governance has no commonly accepted definition. In the case of Amnesty International, the main sources for defining good governance are accountability, transparency of decision making processes, activities, and funding. How these issues have been addressed by AI will be examined next. Finally, the criticism of AI in this respect will be put into context with AI's efforts at promoting principles of good governance.

##### 4.4.1. The INGO Accountability Charter

The INGO Accountability Charter signed in 2006, to which AI is a member, sets out a number of commitments that are to govern the conduct and efforts of the participating INGOs (INGO Accountability Charter , 2006). AI submits regular annual reports (INGO Accountability Charter, 2014) (INGO Accountability Charter, 2014) with the latest available version dating from 2013 reporting on the year 2012 (Amnesty International, 2014). The term 'good governance', in the following, will be used as an umbrella term for the standards set forth in the commitments of the INGO Accountability Charter.

##### 4.4.1.1. The Commitments of the Charter

The Commitments of the Charter are listed as (INGO Accountability Charter , 2006):

1. Respect for Human Rights
2. Independence
3. Transparency
4. Good Governance
5. Responsible Advocacy
6. Participation
7. Diversity/Inclusion
8. Environmental Responsibility
9. Ethical Fundraising
10. Professional Management



In light of this investigation of AI's policies on good governance and the criticism thereof, some commitments will not be explored in-depth as they do not pertain to the expressed criticism. These commitments include: (1) Respect for Human Rights, (6) Participation, (7) Diversity/Inclusion, and (8) Environmental Responsibility.

*Respect for Human Rights* covers the adhesion to and promotion of human rights. As AI is not being criticized for neglecting human rights, this commitment will not be included in the analysis (INGO Accountability Charter , 2006, p. 5).

*Participation* outlines the principles for stakeholder involvement and the standards of partnerships. Although some parts of the analysis may implicitly rely on participation aspects, it does not merit detailed presentation.

*Diversity/Inclusion* set out to ensure the diversity and inclusion of staff. Again, as AI has not been criticized for discrimination, this commitment will be excluded (INGO Accountability Charter , 2006, p. 7).

*Environmental Responsibility* specifies measures to minimize INGOs' environmental impact. AI's environmental impact can be assumed to be negligible (INGO Accountability Charter , 2006, p. 8).

The other commitments merit a closer look. *Independence* specifically calls for signatories' political and financial independence. The three main principles outline core areas of attention in order to ensure independence. First, it is required that governance, programs and policies do not follow a particular political line and that they be "[...] independent of specific governments, political parties and the business sector" (INGO Accountability Charter , 2006). In this case of AI, this is pertinent in light of the claims of biased activism and campaigning. Second, the Charter calls for systems and practices to report on, among others, "[...] conflict of interest by staff or other persons working for or on behalf of the organization." (INGO Accountability Charter , 2006). Francis Boyles' criticism of opaque decision making processes, in light of his prior support within AI, as well as the controversy surrounding executive payments warrant the application of this principle going further. Third, the disclosure of donor identity is required when a donation "[...] could be seen to compromise our political or financial independence." (INGO Accountability Charter , 2006). Again, this is of immediate interests with regards to claims of excessive government funding and influence. *Transparency* calls for an open information policy where information is accessible, unless "[...] exceptions e.g. due to data protection rights, are clearly and reasonably explained" (INGO Accountability Charter , 2006). Further it underlines the obligation to issue annual reports and to comply with legal and bureaucratic requirements in countries of origin and operation. This commitment relates to AI's response to critical allegations.

*Good Governance* as a principle presented in the Charter, encompasses, among administrative requirements, two principles of interest to the present inquiry. The first is related to the duties of the International Board (alternatively: International Executive Committee, IEC) in that it determines for the International Board to ensure “[...] that financial integrity is assured and that public trust is maintained.” (INGO Accountability Charter , 2006). The other is concerned with criticism voiced with regards to the present distribution of voting rights. The number of votes per section on the International Board is currently determined by the number of members of a body with voting rights (One World Trust, 2006). This is criticized as it gives a larger impact to the longer-established AI sections in the West (One World Trust, 2006). Amongst the principles of *Responsible Advocacy* the Charter requires its signatories to strive for a “[...] clear and published process at organisational level for adopting public policy positions (including for partners where appropriate).” (INGO Accountability Charter , 2006). Signatories are also bound to public criticism that “[...] amounts to fair public comment [...]” (INGO Accountability Charter , 2006). Most importantly with respect to *Ethical Fundraising*, the “Publication of details of all major institutional gifts and gifts-in-kind, clearly describing the valuation and auditing methods used” (INGO Accountability Charter , 2006) may prove a useful point of reference. Finally, the most closely related principle of *Professional Management* is for remuneration and staff payments to “[...] strike a balance between public expectations [...] and the need to attract and retain [required] staff [...]” (INGO Accountability Charter , 2006). This last point particularly stands in relation with the public perceptions surrounding AI’s executive payments.

These commitments, which will be subsumed under the term *good governance* in the following, stand as standards to which AI holds itself and its practices. The next step will be to analyze AI’s efforts to meet those standards and, if that is not the case, what is done to remedy this situation.

In the following part of this paper, the INGO Accountability Charter’s commitments to which AI has bound itself will be used to analyze AI’s activities in those fields. Those insights will be further evaluated in light of the criticism raised particularly against AI’s transparency management. The analysis will then be continued by determining what type of INGO AI is applying Willetts proposed categorization scheme. Following this, the analysis of AI’s role in the transnational public sphere, as proposed by Davies, will be taken into account during the ensuing consideration of AI in Habermas’ conception of a transformed public sphere.

## 5. Amnesty International as an Actor in the Public Sphere

In this final part of the paper, answers will be sought to the following questions:

- Does AI fulfil its INGO Accountability Charter commitments?
- How does this relate to criticism of AI?
- How can AI be categorized as an INGO?
- How is the use of good governance reflected in AI's behavior as an actor in the sense of Davies' transnational sphere and Habermas' conception of a transformed public sphere?

The conclusions drawn on the basis of the answers will give an insight into the role good governance plays for AI as and INGO and a civil society actor. The initial step towards this end is made by addressing the first two questions in the following section.

### 5.1. AI, Criticism, and the INGO Accountability Charter Commitments

This section will present an analysis of how (well) AI complies with the Charter commitments. It will do so by including the criticism that has been voiced in order to highlight areas of implemented AI measures (or the lack thereof).

#### 5.1.1. Independence

With regards to (financial) independence, AI exhibits a confusing behavior. AI's website includes states and their institutions as sources of its funding, as follows (Amnesty International, 2014):

- national and international non-governmental organisations
- national and foreign government bodies such as overseas development funds
- International governmental organisations such as the European Union.

Accordingly, in its 2013 report to the Charter, AI lists the British Department for International Development (DIFD) and the UK's Her Majesty's Revenue and Customs (HMRC) alongside the British Social Department. Similar donations are indicated as coming from corporations and non-grant government funds. These reported financial resources amount to circa €20 million (Amnesty International, 2014). This number is dwarfed however by the €180.6 million the organization reports to have received through membership fees and donations from the public (Amnesty International, 2014). It is reasonable to assume that a significant part of the membership fees stem from AI sections and structures. To that effect, on its website the AI section in Canada unequivocally states: "In order to maintain a neutral and impartial approach to our work, we do not accept any government funding for our research and campaigning work." (AI Canada, 2014). The EU section, on

the other hand, formulates differently: “We neither seek nor accept any funds for human rights research from governments [...]” (AI European Institutions Office, 2014). An interesting thing to note in this context is that while AI openly lists government (-related) institutions as donors for human rights *work*, the EU office clarifies not to accept government fund for human rights *research*, i.e. it does not preclude the possibility of accepting such funds for human rights *work*.

AI applies a distinction between human rights *work* and *research* in that it equates human rights work with human rights education (HRE). It is doubtful whether, and if yes how far, these activities are from representing a form of campaigning. Information on the nature of (financial) resource allocation within AI is not available. Criticism surrounding governments influencing AI that is based on allegations of financial influence is justified only if a connection between occurring government-related funding and specific AI behavior/activities, however. The lack of information supplied by AI on that matter can either be interpreted as a deliberate act of concealment, or as a matter of (insufficient) transparency.

#### 5.1.2. Transparency

Transparency policies in the case of AI are mainly connected to informational policy and transparency of decision making processes. In light of the controversies surrounding executive payments and the confidential nature of the agreement signed with Irene Khan to finalize her departure as Secretary General in 2011, AI’s UK section published in its Open Information Policy guidelines that “We will not disclose information [...]” (Amnesty International UK, 2012) if there are “[...] legal, commercial or contractual reasons [...]”, or if “[...] it deals with internal communications or administration which has no impact outside AIUK.”. These guidelines are remarkable in that they specifically exclude the publication of information pertaining to economic interests of the organization. Moreover, by virtue of the last paragraph, claims of bias are nigh on impossible to substantiate without having access to intra-organizational communications between AI and its subordinate bodies (such as AI UK). Especially taking into account the claims of (mainly UK and US) government influence on AI’s activities this principle of the Open Information Policy seem to not adequately reflect the need for accessing appropriate information to investigate such criticism.

Criticism of AI’s information sharing policy has not come up only recently. AI transparency policy, however, does not seem to have a long tradition to look back on, it appears, with AI’s statement in its Open Information Policy: “This is a relatively new area of work for us and we know that we still have much to learn.” (Amnesty International UK, 2012). While information on, e.g. AI UK, is readily available in the form of minutes, agendas and other informational material, the same cannot be said

about the big gray area of communication between AI and its sub-sections. Likewise, the flow of financial resources cannot be traced back, supported by AI's formulation not to disclose information "[...] if we judge it might compromise our ability to carry out our mission" (Amnesty International UK, 2012). It is not defined, however, what constitutes compromising AI's ability to carry out its mission. This leaves ample room for (convenient) interpretation on the part of AI – instead of laying down clear criteria. For example, would the loss of funding in case of publication constitute a situation where publication might compromise AI's activities? If so, then the conditionality of (government) funding for specific human rights work, if not research, can become an influencing factor – without AI withholding information contrary to its obligations. In addition, AI's International Secretariat provides some information to members only limiting access to internal information from outside the organization (Amnesty International UK, 2012).

The reporting requirements imposed by external commitments such as the INOG Accountability Charter do not encourage more specific reporting. In the Charter, it is stated that reporting INGOs must include in their financial statements: "Publication of details of all major institutional gifts and gifts-in-kind, clearly describing the valuation and auditing methods used." (INGO Accountability Charter, 2006). This requirement again opens up possibilities of interpretation since NGOs are left to decide on who their 'major donors' are. Are the five, 10, or 20 largest donors listed? Furthermore, claims of bias are seldom resolved by finding the culprit donating one large amount to the organization in question. A broader reporting routine may prove to be of virtue in this regard. In addition, financial statements are only available since 2007 – older financial reports have not been digitized, although they are available upon personal request.

Amnesty International's transparency efforts are ambiguous. Especially since AI's adoption of the INGO Accountability Charter in 2006, the matter has clearly been addressed. AI has given digital access to information of the main organization as well as its sections and structures. It has neglected, however, to digitize (financial) records prior to 2007 and stresses – six years after implementation of transparency commitments – the novel nature of the area to AI. In light of the possibilities of the internet, digitalization of records presents another area that seems possible to be made accessible as the process itself continues. For one of the worlds' largest INGOs, this presents a questionable situation. Especially the controversy surrounding Irene Khan's departure from AI in 2011 casts doubts over the success of implemented transparency measures. In the same vein, important areas, such as communication between AI, the public, and its subordinate bodies, as well as detailed, allocation-oriented financial statements, are still not yet satisfactorily integrated in AI's transparency efforts.

### 5.1.3. Good Governance

In the area of good governance as defined by the INGO Accountability Charter AI does not encounter many problems. Its vision, mission, and governance structures are all well-documented and clearly defined. The same applies to its decision making processes, the publishing of annual financial reports, risk management, and written rules defining the scope and process for the periodical election of members into offices. One area where AI arguably fails to excel is the area of the International Board's responsibility to assure financial integrity and maintain public trust. The limited scope of AI's efforts in transparency and the resulting criticism of bias and financial influences can at worst be classified as signs of compromised financial integrity, and at best as counterproductive to maintaining public trust.

The most recent available One World Trust Accountability Profile on Amnesty International, published in 2006, acknowledges AI's "[...] good member control by giving national sections and structures the ability to vote, add items to agenda of governing body meetings, elect the executive body, and even initiate a process to dismiss executive body members." (One World Trust, 2006). The following is related to a point of criticism, however, in stating that the weighting of the sections' voting powers, based on the number of membership of groups, "[...] diminishes the power of smaller members and increases the possibility of minority control by larger, more powerful national sections." (cf. *ibid.*). The aspect of a functioning process for member control, on the other hand, poses the questions why no membership-based action has been initiated to address shortcomings primarily voiced by Francis Boyles, the former AI USA board member. Indeed, it lets the campaign started to assure his own nomination and subsequent election as a board member appear in a different light. Although there may be truth to the intransigence of the AI USA board as alleged by Boyles the following support and his election can also be seen as an expression of functioning member control.

AI exhibits mainly a favorable record on good governance according to the Charter's commitments. All the procedural rules and processes are well-defined and documented. And while the weighting of votes poses a point for concern, there are also signs for functioning member control. Problems with the maintenance of public trust are representative of a larger problematic of insufficient transparency and accessibility.

#### 5.1.4. Responsible Advocacy

Taking into account broad criticism, an organization of Amnesty International is naturally bound to be criticized by the targets of its activities. This includes states, corporations, and others identified as enabling human rights violations. Unbiased criticism of the soundness of AI's methods in investigating human rights violations has not been found, indicating that assertions are generally found to be supported by evidence.

Criticism of government influence and of research (and campaign) selection bias has been voiced most notably by Francis Boyles and the Israel-based organization NGO-Monitor. Regrettably, the former criticizes AI's reluctance to address human rights violations committed by Israel with regards to the Palestinian occupational zones, while the latter criticizes AI's employment of "[...] an anti-Israel activist[...]" (NGO Monitor, 2012) in an Israel-Palestine research team and a general bias *against* Israel. In other words, the required clear and published process at an organizational level for adopting public policy positions must be enhanced by further layers of transparency and facilitated access through digitalization. Only in this way can an unbiased conclusion be drawn on the issue of influencing factors in AI's decision making processes. The Charter further clarifies the requirement of "[explicit] ethical policies [...]" (INGO Accountability Charter , 2006) to guide the selection of targets, claims, and strategies. These explicit policies need to be made verifiable through accessible information.

Like governance requirements, responsible advocacy requirements are mostly met by AI. However, the responsibility of AI's advocacy has been vehemently questioned by disparate sources. Once again, AI does not grant sufficient access to intra-organizational information in order to alleviate such criticism.

#### 5.1.5. Ethical Fundraising

The dimension of ethical fundraising presents another area where AI does not encounter insurmountable problems but criticism does persist. Accepting funds from governments or related institutions remains an issue. Although AI publishes detailed financial reports, the origin of restricted funding (i.e. funding bound to a certain activity) does not always become clear. In both its 2013 INGO Charter and financial reports AI makes distinctions between the origins of unrestricted funds (i.e. funding provided to further AI's mission and objectives in general), *restricted* funds on the other hand are identified as possibly stemming from governments and related institutions by reference in a footnote. The total amount is not broken down accordingly (Amnesty International, 2013); (Amnesty International, 2014). It seems that the point of contention continues to lie with the source and

allocation of (restricted) funding rather than with questionable fundraising activities as such. Unless, of course, one considers possible fundraising activities in order to secure government funding in themselves as worthy of criticism.

Although AI formally fulfils its reporting criteria, allowing an absence of the supply of more detailed information on assessing financial allocations and decision making to continue, invite criticism of being influenced and adverse effects on public trust to occur. In the sense of the commitments of the INGO Accountability Charter, government funding is acceptable and merely subject to strict reporting requirements. The share of unrestricted government funds, according to AI's 2013 Charter report, places AI far from any obvious financial government influence. The budget is reported as nearly €240 million with unrestricted government funds at roughly €20 million. Restricted income, however, is merely stated as a total of €6.9 million with a footnote indicating that possible sources of this sum include "[...] trusts and foundations, corporations, major donors." (Amnesty International, 2014). Major donors, in this sense, can also include governments as specified with the example given in the provision of unrestricted funding. All these points are relevant to criticism of AI, but they do not constitute negligence in AI's reporting duties as defined by the Charter. Whether a more detailed system would be beneficial remains a matter of discussion.

#### 5.1.6. Professional Management

The main focus with relation to professional management lies in the requirement of INGOs to "[...] strike a balance between public expectations of not-for-profit organisations and the need to attract and retain the staff required to fulfil our mission." (INGO Accountability Charter , 2006). The public echo surrounding the payments to former Secretary General Irene Khan in 2011 in particular had the effect of adding a new dimension to AI as an organization in the public eye. As, previously, AI had not been brought into connection with excessive salary payments to its staff, the controversy about Khan's payments was an event to reinforce pressure for more transparency and accountability. Furthermore, it not only let the inner processes of the organization appear in a different light, but the criticism of intransparency within the organization as well.

After all, the sums involved were not objectively large: Khan's standard annual salary was reported as £132,490 while her pay-out amounted to £533,103 (May Young, 2011). The indignation was not so much caused by objective financial disadvantages for AI as an actor. It was caused by a clearly different perception of what the Charter formulates as: "[...] a balance between public expectations [...] and the need to attract and retain [...] staff [...]" (INGO Accountability Charter , 2006). The payments were perceived as excessive although Rick Peter explains that to let Khan go instead "[...]



would have done enormous damage to the operations and reputation of AI.” (May Young, 2011). The key word in this statement seems to be ‘reputation’. The damage is not monetary but intangible: a loss of trust and a negative (‘corporate’) dimension added to the public’s perception.

## 5.2. Categorizing AI as an INGO

Peter Willetts proposes a fundamental distinction between operational and a campaigning INGOs. AI clearly fits the criteria of a campaigning INGO although it does provide legal assistance in individual cases.

It is AI’s mission to raise awareness for human rights violations of all kinds and to maintain advocacy of legislators in order to change the circumstances. Willetts further stresses that a key difference between operational and campaigning INGOs is the influence in government funding. Operational INGOs often rely on government funding or aid to carry out short-term relief missions. Campaigning INGOs’ reputation, however, is greatly damaged by any such influences. The relation of this to the case of AI seems obvious. Albeit their negative effect, the controversies around government influence serve as a further example of AI fulfilling Willetts’ criteria of a campaigning INGO.

Apart from the criticism of AI, its public influence is not insignificant. As Willetts points out, key numbers can assist in providing an impression of an NGO’s influence. According to AI’s 2013 INGO Accountability Charter report on the year 2012, a total of 1737 permanent full and part-time time staff were employed by the organization. The total budget amounted to some €238 million with €242 million in expenditures and, according to AI it maintained offices in 80 different countries. In comparison, Human Rights Watch (HRW) reported for the same year offices in 11 countries, a budget of €230 million and expenses of €59 million and about 400 permanent staff members (Human Rights Watch, 2012).

However, in interpreting those numbers a further distinction apart from AI’s classification as a campaigning INGO must be made. Both HRW and AI are issue-oriented (human rights violations research and documentation), and advocacy-driven. Nevertheless, the different approaches to membership involvement present a key differentiating factor. HRW relies on long, in-depth analyses for its advocacy where AI is a membership-driven organization. It relies on the involvement of as large a membership as possible in order to support its advocacy efforts. Taking the above into account, AI’s membership number of more than three million qualifies AI as the largest membership-driven, advocacy-based, campaigning INGO. While this necessarily entails some measure of public influence, this influence brings with it the expectation of the public that the

influence is used responsibly. Maintaining public trust and public relations can therefore be identified as core areas of concern for AI.

Another defining factor according to Willetts is the detachedness of geographical location and an INGO's identity. AI was founded and is currently headquartered in London, UK. Willetts describes the necessity for an INGO to be independent and able to set up effective headquarters without the dependency on any specific territory (i.e. state). The payments received by AI from the British government can be seen as a point of criticism. From the basis of Willetts' propositions the question should rather be whether those contributions constitute a 'normal' degree of government funding in the location of an INGO's headquarters. If this is the case, and a similar degree of government funding (e.g. through development funds and/or grants) is indeed the norm in other states, then AI can indeed be considered to be, at least on a structural level, geographically independent. As stated earlier, AI's Statute allows for the relocation of the organization's headquarters by simple majority vote in the International Council. As far as the staff is concerned the situation is different. AI reports to the INGO Accountability Charter that merely 15% of staff members and about 29% of AI members and supporters originated from the Global South (Amnesty International, 2014). This number improves dramatically, however concerning the higher organizational level employees with personnel originating from the Global South of 36% of board members, 43% of board chairs, and 45% of directors. It is noteworthy, though, that personnel originating from the Global North always represents the majority. Furthermore, the low percentage of ethnic diversity among board members (reported as 518) is consequential in this context. Only 10% of board members have an ethnic background other than Caucasian (Amnesty International, 2014).

Despite these numbers indicating areas for improvement, Amnesty International can clearly be identified as an international NGO. Even though there are issues with public trust, AI fulfils the criteria of an issue-oriented, advocacy-based, membership-driven INGO.

### 5.3. Amnesty International in Transnational Civil Society

Having identified and categorized AI as an INGO, its role as an actor in the transnational civil society proposed by Thomas Davies is the focus of this section of the paper. AI's nature as an actor, as well as its relationship with the political, economic, and private spheres of transnational civil society will be further analyzed in the following.

Davies' differentiation between INGOs that provide a service to their members and those that are issue-oriented serves as an entry point into examining AI's role as an actor. As an issue-oriented INGO that pursues advocacy-based action in order to fulfil its mission of organizing public awareness

and pressure, and researching and reporting human rights violations in all spheres of civil society. In this capacity, AI needs to retain a distance from the political, economic, and private spheres which enables them to retain their objectivity. The easiest avenues to ensure this objectivity are through good governance and – within this area – transparency and open decision making processes. The persisting criticism of bias due to government funds and interests can continue, and may even be temporarily reinforced, by AI's lack of implementing effective measures to establish and sustain further transparency of financial resources and intra-organizational decision making related to research selection. This situation weakens AI's objective standing. However, even though the areas of criticism certainly do exhibit room for improvements, the lack of actions taken by AI's membership seems more important. Even though AI has been reported to have good opportunities for the general membership to influence the organization's priorities it appears that this has not been the case. Any indignation among the membership caused by the points of criticism apparently was not strong enough to trigger a coordinated response by it. Internally, it appears that AI has sufficiently addressed good governance principles while externally, views to the contrary work to negatively affect AI's standing.

As far as AI's relationship with the political sphere is concerned, it is clearly defined by the organization itself. By stating to be based around pressuring and advocating for change to end human rights violations, AI's relationship with politics is not necessarily adversarial, yet certainly one of reciprocity. AI relies in part on government assistance to carry out research in territories difficult and/or unsafe to enter. This includes particularly current and previous conflict zones. This assistance may also (need to) take the form of grants and other funding. The close monitoring of the financial influence of those funds is imperative in this context, but the fact of a percentage of government funding is a naturally occurring relationship between the political sphere and AI. Inversely, the political sphere most probably does not have any immediate financial benefit by co-operating and supporting AI in this way. Being in a position as a government to showcase cooperative efforts with and support for AI as a publicly recognizable INGO presents a beneficial opportunity for the state to present itself in a favorable light and reaffirm its dedication to the adherence to human rights. In this sense, the relationship between AI and political actors is a reciprocal one albeit not in kind. Especially AI's ability to mobilize protest among its membership to exert pressure on governments depends on the integrity and independence of AI's behavior vis-à-vis the state.

The relationship with the economic sphere is based on the same requirements for objectivity as that with the political sphere. The same standards apply and a similar danger of becoming the victim of whitewashing efforts exists. When it comes to funding received by corporations, AI's relationships

need to be scrutinized. For economic interests in particular, being the target of AI campaigns can have a considerably detrimental impact on public image and revenue. Accepting funds from corporations and other economic actors must hence be done solely on the basis of legitimate donations. As with political relationships, AI's points of interaction with the economic sphere must not only be free of actual influencing, but it must avoid the *impression* of such dependencies in the first place in order to maintain public trust.

AI relates to the private sphere through both the political and the economic spheres, and by encouraging and enabling support and participation in (transnational) civil society. In a way, it provides the opportunity for critical reflection and debate of private people coming together as a public.

Amnesty International's role in transnational civil society is that of a space that provides information on and organization for action against human rights violations. It provides a space in civil society that balances the interests of the political, economic, and private spheres against the absolute of human rights. Despite skewedness in the geographical and ethnic representation within the organization, AI fits the definition as an actor in Willetts' transnational civil society as this civil society is not necessarily truly global in scope. In next and final part of this paper, this role in the terms of Jürgen Habermas' conception of the transformed public sphere will be analyzed.

#### 5.4. Amnesty International in Habermas' Transformed Public Sphere

Jürgen Habermas' account of the emergence of what Davies denotes as transnational civil society is gloomy. He asserts that through the appropriation of rational-critical debate, the public sphere is left in a marginalized situation opposite an amalgamation of the interests of state, economy, and private persons mediated by the mass media. The former detachment of the private and public spheres has been supplanted by a civil sphere in which critical public opinion can only scarcely arise.

Amnesty International is an actor in this civil sphere. It is their claim to function as a corrective mechanism to actions of the political, economic, and private spheres that violate human rights. But more than that, AI is characterized by its strategy of relying on the mobilization of public support in order to engage civil society according to its mission. This implicitly leads to the membership-driven nature of AI. In the sense of Habermas, whether or not AI can be seen as an actor in transnational civil society that is representative of and promoting public opinion depends in part on its fulfilment of institutional criteria of the public sphere: disregard of status, inclusivity and a common domain of concern. While these are criteria are for the public sphere, Habermas also points out the importance of the establishment and maintenance of intraorganizational spheres as a nexus of rational-critical debate and the emergence of public opinion. Therefore, the accessibility of AI to the mass of private people in civil society is significant given the importance of membership in the organizational structure.

In terms of disregard of status, the more accessible AI is to all private people in the transnational public sphere, the more potential for rational-critical debate can be realized to truly represent transnational public opinion through a diverse membership. AI's unbalanced staff and membership records, in terms of geographical North/South origin and ethnicity, may not be a hindrance to AI's transnational nature in Willetts' terms of civil society that does not have to be global in reach. However, in Habermas' understanding of the public sphere as a sphere encompassing all possible topics for rational-critical debate AI needs to have such a quality in order to provide a true space for international public opinion to form and express itself. On the one hand, the distribution of voting rights, in light of AI membership and staff's geographical and ethnical origin, appears contradictory to the criteria of disregard of status. On the other hand, AI's concept of international membership and its representation with voting rights in the International Council presents a promising policy in this regard as it opens up the possibility of membership and participation independent of existing organizational structures.

The inclusivity of AI in Habermas' sense must be seen as in need of improvement. Habermas requires that true spaces for rational-critical debate be always embedded in a larger, more inclusive context of the public of all private people. AI's distinction between information made accessible to members only and that made accessible to non-members must be seen as non-conducive to the inclusion of the wider public. The integrity of AI as being independent of government and economic interests is paramount. Therefore, in order to truly represent informed public opinion and action, AI's main interests should lie in attempting to provide any information possible to debase claims of economic or government influence. Good governance plays a key role in this context. This is also true in the context of providing a domain of common concern, and public opinion.

Over time, AI has added more and more human rights conventions to the scope of its activities. By engaging in this continual expansion, the organization and its members have concomitantly expanded their domain of common concern. Indeed, it may be said that one of AI's functions to expand its domain of common concern. After all, this domain is created by the problematization of areas previously not subject to critical debate. AI's efforts to investigate and publicize violations of human rights can in this context be seen as measures to continue expanding its domain of common concern.

AI's ability to operate rests on its credibility and trust based on public opinion. In Habermas' account of informal and formal opinions, AI takes on the role of a mediator between both forms of opinion by means of publicity. Formal opinion that circulates narrowly between institutions and the political press is present in AI's political advocacy work. Through this work, AI has access to the political sphere and the prevailing opinions. Informal opinions form part of AI through its membership and mechanisms for this membership to participate in an informed rational-critical debate within the organization. Again, a key to succeeding in this respect lies with good governance. Only when intraorganizational information flows are adequate so that both formal and informal opinions are available, can rational-critical debate lead to an informed intraorganizational opinion. By implementing transparency measures and ensuring access to information, AI can aid the emergence of such a debate.

If AI presents a point of confluence and mediation of informal and formal opinions, what type of publicity does AI employ? Habermas asserts the use of manipulative publicity to deceive the public through staged debate is the norm in the transformed public sphere's use of mass media. And indeed, the criticism of selection bias and government influences would point to the utilization of manipulative publicity. If this criticism is true, then AI has been using recent initial steps towards improving good governance merely as a front to pacify intra- and extra-organizational indignation. Its

main mission would be to uphold the illusion of impartial debate and activities in the public eye whilst accommodating a certain political agenda. However, Habermas does leave open another possibility which is plausible. His proposition of critical publicity instead of manipulative publicity may equally be represented by AI's use of good governance in the public sphere. Habermas' proposes the communication within an intraorganizational sphere and amongst intraorganizational spheres as necessary for the emergence of critical publicity and, ultimately, rational-critical public opinion. In the case of AI, the recent measures towards improved good governance and transparency of decision making and information can also be interpreted as signs towards strengthening the criteria set forth by Habermas. By joining initiatives such as INGO Accountability Charter, AI engages actively in exchange of information and opinion with other INGOs' intraorganizational public spheres. Improved mechanisms of transparency and documentation within the organization foster intraorganizational debate.

In assessing the role of AI, the core question of whether or not it contributes to rational-critical debate remains to be answered. AI does seem accessible to all private people and a point for negotiating informal and formal opinions. If this negotiating is achieved through a process of critical debate depends on AI's use of publicity. Good governance, as one of the concepts of this paper, plays an integral role in determining whether AI employs manipulative or critical publicity in Habermas' sense.

The steps taken by AI thus far leave room for speculation in both directions. Whether AI will continue to improve conditions for rational-critical debate will be determined by future measures taken in this regard. AI has the potential to fulfil the role of a space for rational-critical debate in Habermas' transformed public sphere. If AI does not take the steps necessary to realize this potential, its iconic candle logo may deteriorate into simply yet another brand in the mass media's sphere of debate-consumerism.

## 6. Conclusions

Amnesty International's (AI) use of good governance measures has been aided by its participation in inter-organizational frameworks such as the INGO Accountability Charter. This participation provides clear parameters on which good governance measures originating from the organization's own initiative can be based and encouraged. The main weaknesses of AI's good governance efforts, however, have been partially exposed through these external review processes, but also by criticism voiced against AI and its operations. This has revealed a need for better transparency of intra-organizational information flows and decision making processes as well as accessibility of information from outside of the organization.

The organizational structure of AI and its stated vision, mission, and activities match the criteria for a campaigning INGO that is membership-driven and issue-oriented in the sense of Peter Willetts. AI's approach of mobilizing public pressure as a form of influencing decision makers is further found to be reflective of Thomas Davies' concept of an advocacy-driven INGO. Adding the clearer definition of Willett's concept of a member-driven INGO to Davies' advocacy criterion, a definition for AI emerges as an issue-oriented INGO that is advocacy-based and membership-driven in its activities to reach its mission.

The employment of good governance policies surfaces in its importance when discussing the role of INGOs, and AI in particular, in the public sphere. The staff and membership profiles of AI as an INGO actor indicate a North/South and ethnical divide which favors the 'Western' part. Thus, geographical location cannot be excluded entirely from considering AI's role. This leads to the identification of AI as an actor in between the political, economic, and public spheres within transnational civil society as proposed by Thomas Davies. In this capacity, the organizations' (perceived) impartiality is of paramount importance. Good governance initiatives play a key role in maintaining trust in this impartiality in the public, political, and economic spheres. Given the role of membership within the organization and its activities, AI's relation to public opinion becomes a factor.

Jürgen Habermas' conception of the transformed public sphere was used to deepen the analysis of the communicative dimension attached to AI's role of an impartial 'watch dog' between spheres in the sense of Davies. With this modification, AI's employment of good governance has been found to currently leave AI at a junction. Further needs for improvements in information accessibility and transparency of decision making processes persist. It is the way AI will address these issues, out of



pressure through criticism or of its own accord, which will detail whether AI will fulfil its role as a source of rational-critical debate in the public sphere.

Habermas has his doubts about the chances for real rational-critical debate to form in the transformed public sphere. The advent of the internet and the drastically enhanced opportunities for effectively applying transparency and accountability may just provide the pressure needed to force INGOs to become what they best possibly can: to provide spaces for rational-critical debate and an informed public opinion to manifest itself. The demise of rational-critical debate, caused by consumerism and unprecedented state influence in times of nationalism and dictatorship, must stand as a reminder of the importance for critical public opinion to form.

Availing ourselves of this reminder while being diligent in our efforts to resurrect the debate may help avoiding making Mark Twain a liar by proving that history will not repeat itself. Although it might rhyme.

## Bibliography

AI Canada, 2014. *Financial Information*. [Online]

Available at: <http://www.amnesty.ca/about-us/financial-information>

[Accessed 3 June 2014].

AI European Institutions Office, 2014. *When You Don't Exist Campaign*. [Online]

Available at: [http://www.amnesty.eu/en/campaigns/when-you-don-t-exist-campaign/#.U8mdvfl\\_uSo](http://www.amnesty.eu/en/campaigns/when-you-don-t-exist-campaign/#.U8mdvfl_uSo)

[Accessed 16 June 2014].

AI European Institutions Office, 2014. *Who finances Amnesty's international work?*. [Online]

Available at: [http://www.amnesty.eu/en/about-amnesty-international/faq/#.U8wAMPI\\_uSp](http://www.amnesty.eu/en/about-amnesty-international/faq/#.U8wAMPI_uSp)

[Accessed 2 June 2014].

Amnesty International UK, 2012. *Open Information Policy*. [Online]

Available at:

[http://www.amnesty.org.uk/sites/default/files/open\\_information\\_policy\\_external\\_a4lores.pdf](http://www.amnesty.org.uk/sites/default/files/open_information_policy_external_a4lores.pdf)

[Accessed 23 June 2014].

Amnesty International, 2013. *Amnesty International Financial Statement 2012*. [Online]

Available at:

<http://files.amnesty.org/accounts/AIL%20Report%20and%20Accounts%2031%20Dec%202012%20signed.pdf>

[Accessed 8 July 2014].

Amnesty International, 2013. *Statute of Amnesty International*. [Online]

Available at: <http://www.amnesty.org/en/who-we-are/accountability/statute-of-amnesty-international>

[Accessed 10 June 2014].

Amnesty International, 2013. *The Forgotten Prisoners by Peter Benenson*. [Online]

Available at: <http://www.amnestyusa.org/about-us/amnesty-50-years/peter-benenson-remembered/the-forgotten-prisoners-by-peter-benenson>

[Accessed 10 June 2014].

Amnesty International, 2014. *Amnesty International 2013 Report to the INGO Accountability Charter using GRI NGO Level C reporting template*. [Online]

Available at: <http://www.ingoaccountabilitycharter.org/wpcms/wp-content/uploads/14-02-27-INGO-Accountability-Charter-report-for-2012-final.pdf>

[Accessed 30 June 2014].

Amnesty International, 2014. *Amnesty International in your country*. [Online]

Available at: <http://www.amnesty.org/en/who-we-are/amnesty-international-in-your-country>

[Accessed 13 June 2014].

Amnesty International, 2014. *Brazil: Defend Human Rights at the World Cup*. [Online]

Available at: <https://www.amnesty.org.uk/actions/brazil-protests-world-cup-rio-2014>

[Accessed 26 May 2014].

- Amnesty International, 2014. *Campaigns*. [Online]  
Available at: <https://campaigns.amnesty.org/campaigns>  
[Accessed 27 June 2014].
- Amnesty International, 2014. *Financial Resources*. [Online]  
Available at: <http://www.amnesty.org/en/human-rights-defenders/resources/financial-resources>  
[Accessed 1 June 2014].
- Amnesty International, 2014. *The History of Amnesty International*. [Online]  
Available at: <https://www.amnesty.org/en/who-we-are/history>  
[Accessed 12 June 2014].
- Amnesty International, 2014. *Who we are*. [Online]  
Available at: <http://amnesty.org/en/who-we-are>  
[Accessed 12 June 2014].
- Anti-Slavery International, 2014. *Anti-Slavery International*. [Online]  
Available at: <http://www.antislavery.org/english/>  
[Accessed 5 July 2014].
- Bernstein, D., Summer 2002. Interview: Amnesty on Jenin - Dennis Bernstein and Dr. Francis Boyle Discuss the Politics of Human Rights. *CovertAction Quarterly*, Issue 73, pp. 9-12,27.
- Brown, L. D. & Moore, M. H., 2001. Accountability, Strategy, and International Nongovernmental Organizations. *Nonprofit and Voluntary Sector Quarterly*, 1 September, Volume 30, pp. 569-587.
- Davies, T. R., 2008. *The Rise and Fall of Transnational Civil Society: The Evolution of International Non-Governmental Organizations since 1839*. [Online]  
Available at: <http://www.staff.city.ac.uk/tom.davies/CUWPTP003.pdf>  
[Accessed 2 June 2014].
- Habermas, J., 1989. *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. Cambridge: The MIT Press.
- Hardt, M., Winter 1995. The Withering of Civil Society. *Social Text*, 45(4), pp. 27-44.
- Human Rights Watch, 2012. *Financial Statements 2012*. [Online]  
Available at: [http://www.hrw.org/sites/default/files/related\\_material/financial-statements-2012.pdf](http://www.hrw.org/sites/default/files/related_material/financial-statements-2012.pdf)  
[Accessed 4 July 2014].
- INGO Accountability Charter , 2006. *INGO Accountability Charter - 10 commitments to accountability by international non-governmental organisations..* [Online]  
Available at: [http://www.ingoaccountabilitycharter.org/wpcms/wp-content/uploads/INGO\\_CHARTER\\_web.pdf](http://www.ingoaccountabilitycharter.org/wpcms/wp-content/uploads/INGO_CHARTER_web.pdf)  
[Accessed 2 June 2014].
- INGO Accountability Charter, 2014. *Good Governance*. [Online]  
Available at: <http://www.ingoaccountabilitycharter.org/home/the-charter-principles/good->

governance/

[Accessed 30 June 2014].

INGO Accountability Charter, 2014. *The Charter Principles*. [Online]

Available at: <http://www.ingoaccountabilitycharter.org/home/the-charter-principles/>

[Accessed 30 June 2014].

INGO Accountability Charter, 2014. *What is the Charter?*. [Online]

Available at: <http://www.ingoaccountabilitycharter.org/home/what-is-the-charter/>

[Accessed 30 June 2014].

Kumar, K., 1993. Civil Society: An Inquiry into the Usefulness of an Historical Term. *The British Journal of Sociology*, September, 44(3), pp. 375-395.

May Young, N., 2011. *News - Paying off Khan was 'least-worst option' according to Amnesty's IEC chair*. [Online]

Available at:

[http://www.civilsociety.co.uk/governance/news/content/8481/paying\\_off\\_khan\\_was\\_least-worst\\_option\\_according\\_to\\_amnestys\\_iec\\_chair](http://www.civilsociety.co.uk/governance/news/content/8481/paying_off_khan_was_least-worst_option_according_to_amnestys_iec_chair)

[Accessed 2 June 2014].

NGO Monitor, 2012. *Breaking its own Rules: Amnesty's Researcher Bias and Gov't Funding*. [Online]

Available at: [http://www.ngo-](http://www.ngo-monitor.org/article/breaking_its_own_rules_amnesty_s_gov_t_funding_and_researcher_bias)

[monitor.org/article/breaking\\_its\\_own\\_rules\\_amnesty\\_s\\_gov\\_t\\_funding\\_and\\_researcher\\_bias](http://www.ngo-monitor.org/article/breaking_its_own_rules_amnesty_s_gov_t_funding_and_researcher_bias)

[Accessed 25 June 2014].

One World Trust, 2006. *2006 Accountability Profile Amnesty International*. [Online]

Available at: [http://www.oneworldtrust.org/publications/doc\\_download/80-2006-gar-accountability-profile-amnesty-international](http://www.oneworldtrust.org/publications/doc_download/80-2006-gar-accountability-profile-amnesty-international)

[Accessed 27 June 2014].

One World Trust, 2006. *Amnesty International Global Accountability Report 2006*. [Online]

Available at: [www.oneworldtrust.org/2006%20GAR%20Accountability%20Profile%20-%20Amnesty%20International.pdf](http://www.oneworldtrust.org/2006%20GAR%20Accountability%20Profile%20-%20Amnesty%20International.pdf)

[Accessed 11 June 2014].

Willetts, P., 2002. *What is a Non-Governmental Organization?*. [Online]

Available at: <http://www.staff.city.ac.uk/p.willetts/CS-NTWKS/NGO-ART.HTM>

[Accessed 3 June 2014].