Value Clash: Civil Society, Foreign Funding, and National Sovereignty

Gerald Steinberg and Becca Wertman

Collisions of values are of the essence of what they are and what we are.

Isaiah Berlin, The Crooked Timber of Humanity

FOR CENTURIES, THE PRINCIPLES OF NATIONAL SOVEREIGNTY AND NON-interference in internal affairs that arose in Western Europe were central to international relations. Recently, however, this framework has been weakened considerably through a number of mechanisms and practices, including international institutions and allied nongovernmental organizations (NGOs). Furthermore, while NGOs are formally independent actors as reflected in their self-descriptions, the boundaries have become blurred, and favored advocacy groups are often closely connected to governments, including as recipients of funding provided to influence the policies and politics of other states. In many Western countries, millions of dollars, pounds, and euros are allocated annually directly to advocacy NGOs active in other countries, or indirectly for distribution to NGOs via international organizations such as by various UN agencies.

Many of the recipients are global actors such as Oxfam, Human Rights Watch, Amnesty International, Greenpeace, World Vision, and Médecins Sans Frontières, which possess substantial resources. These groups openly seek to influence the policies of governments and international institutions such as the United Nations, the World Health Organization, and the International Criminal Court (ICC). In the late twentieth century, international nongovernmental organizations (INGOs) in particular gained standing to participate in the deliberations and activities of international organizations, and their influence has been significant.

In addition, millions of local and regional civil society organizations seek to influence policies, often working together in the form of transnational advocacy NGO networks, as studied by Margaret E. Keck and Kathryn Sikkink.1 The access granted to the NGO networks in liberal Western societies reflects the perception that these groups embody and promote
universal norms and principles such as human rights, international law, gender and racial equality, environmental protection, and transparency. Civil society groups proclaiming social justice agendas are seen as unsullied by the corruption and moral compromises that are inherent in political processes and institutions. They are also perceived as experts, both in terms of the substantive issues and with respect to the norms and ideas which, as Ramesh Thakur notes, are the drivers of policy in their niche issue areas.²

The transformation of civil society organizations into political advocacy groups is relatively recent. David G. Chandler traces the “birth of the modern human rights-based ‘solidarity’ movement” to the Nigerian civil war of 1967–1970, and widespread images of starving Biafran children.³ Influential humanitarian groups like Oxfam moved from neutral provision of services to what they claim to be social justice advocacy campaigns.⁴ These campaigns are inherently political, embedded in conflict situations, and often based on comparative victimhood. Civil society groups, including foreign actors, began taking sides, often with insurgent groups and separatists perceived as the weaker parties.

In this political context, global NGOs and transnational advocacy networks are also criticized as lacking democratic accountability and acting to counter the principles of national independence and state sovereignty.⁵ Clashes are particularly salient when the substantial resources available to such groups originate outside of the society and borders that the organizations or network seek to influence. Most of the global NGOs are based in the West while their activities are often focused in other parts of the world (Asia, the Middle East, South America, etc.). Many establish country-specific branches and local alliances, creating concerns that they are arms of foreign powers.

The funders that provide the source of power and influence are important elements in this process. Funders are enablers, and when NGOs are supported by private and distant foundations to promote particular agendas, or when the primary donors are political officials in Western foreign ministries and development agencies and with no accountability in the target countries, the boundaries are blurred.

In the realm of private funding for NGOs, this controversy is reflected in India regarding the Ford Foundation and Christian aid groups, for example. In Hungary and the Czech Republic, as well as other parts of Central and Eastern Europe and Russia, the criticism and controversy relates to the activities of George Soros and his Open Society Foundations. In these cases, officials and institutions in the target countries often view the NGOs and their funder-enablers as sources of foreign manipulation that undermine national independence and the democratic process.

Responses to perceived foreign involvement via NGOs include restrictive legislation to limit the access to resources in order to reduce their influence. In some cases, such as India, foreign-funded NGOs must apply for a
license to receive grants, and in Israel NGO activists who support boycotts are subject to being denied entry. In Ireland, foreign donations “for political purposes,” including “to promote or oppose, directly or indirectly . . . a particular outcome,” are banned. In 2017, funds provided by the Open Society Foundation to Irish NGOs promoting abortions rights were returned.

While some of the countries acting to limit foreign NGO influence are closed dictatorships, such as Russia, China, Belarus, and Egypt, many others are democracies that have recently regained national independence after foreign domination. Nationalism and identification with the state is a powerful ideological force in India, Hungary, the Czech Republic, and Israel, and the influence of externally supported advocacy NGOs is considered a threat to sovereign equality. The budgets for groups such as Human Rights Watch and Amnesty International usually go in one direction—from the developed West to the South and East. The Indian, Israeli, and Hungarian governments do not fund human rights or groups in the United States, the United Kingdom, Spain, or Sweden, for example. This systematic asymmetry is a sore point in the debate on state funding for international and cross-border political advocacy NGOs.

Sovereignty and National Identity as Values

The principle of national sovereignty is deeply engrained in the international system, based on the evolution of nation-states in Western Europe. Thomas Hobbes articulated the principle as a necessary response to the dangers resulting from the inherent anarchy, by endowing the sovereign “with the heavy responsibility of providing security for its people.” To that end, the state must “exclusively possess and wield two swords: the ‘sword of justice’ against domestic threats and the ‘sword of war’ against foreign threats.” This abstract principle was translated in the Treaty of Westphalia (1648) and, for centuries, was seen as central to the international system.

The growth of democracy added legitimacy to the concept of sovereignty, vested in parliamentary government, and, as emphasized by Thomas Jefferson, was “instituted among men, deriving their just powers from the consent of the governed.” On this basis, efforts to influence policy that originate from outside the state, including from foreign governments, and that do not derive legitimacy from the consent of the governed are seen as inconsistent with the principle of democratic sovereignty.

Furthermore, in this system, sovereign nations inherently have an equal status—no state has greater or lesser legitimacy or capability to govern than any other state and, therefore, interference in the internal affairs of another state is unacceptable. However, the absolute and inviolable nature of the sovereign equality principle has gradually eroded in the past seventy years in the form of normative exceptions, beginning with the 1948 Universal Declaration
of Human Rights and the Genocide Convention. Other examples of partially relinquished sovereignty include the 1968 Nuclear Non-Proliferation Treaty and the 1997 Ottawa landmine treaty, which was orchestrated by NGOs and supported by a number of states. As government officials, academics, and analysts have noted, in the course of these developments, the primacy and indivisibility of sovereignty is increasingly questioned.

In parallel to the political developments, worldwide economic, transportation, and communication networks have eroded the significance of borders and given governments the choice of accepting reduced sovereign control, or expending greater resources to maintain it. At the same time, humanitarian and ecological disasters (natural and man-made) as well as large-scale biological threats readily spill across political borders.

Some theorists argue that the weakened concept of sovereignty has been largely accepted, particularly in Europe. According to M. P. Snyman-Ferreira, “States have come to realise that there exists a need for co-operation in order to achieve the advancement of community goals and that all members of the international community must take into account the valid interests of other members when exercising their sovereignty.”

In the realm of values like human rights and international law, academics such as Robert Jackson note that, among some “sovereign states are an enemy . . . and that the construction of a world community which rises above the sovereign state system is necessary to emancipate humankind.”

The adoption of new norms, such as embodied in the general concept of human security and the particular Responsibility to Protect (R2P) principle, further highlights this value clash. The R2P norm views sovereignty as contingent on human rights—in the face of genocide, war crimes, crimes against humanity, and/or ethnic cleansing, the international community has a responsibility to act, thereby encroaching on the offending state’s sovereignty. In his book on the role of the United Nations in security issues, in which NGO advocacy networks contribute significantly, Thakur examines “the great tension, which remains very incompletely resolved in the international security system, between the claims of national sovereignty and the demands of human security.”

In Western Europe, and particularly through European Union (EU) institutions, the emphasis on “normative power” is inherently linked to weakened sovereignty. Transnationalism and norm-based global governance is strongly supported by political officials and diplomats, members of parliaments, academics, journalists, and other members of the foreign policy elite.

Indeed, the EU was formed in large part as a reaction to the history of violent nationalism, particularly in the first half of the twentieth century, which led leaders to replace the emphasis on sovereignty based on nation-states with an overarching collective identity, mission, and governmental
structure. Analysts acknowledge this, stating (long before the 2016 Brexit vote) that when the UK joined the EU, “Not only did the Parliament cease to be sovereign, Britain itself ceased to be an old-fashioned sovereign state.”\textsuperscript{16}

For Eastern Europe, however, national identity remains salient, and exercising sovereignty remains a high priority. Actors and processes that are viewed as threats to sovereignty and identity, including powerful externally funded and global civil society groups, exacerbate these concerns. In some cases, the foreign enablers are Western, including US-based foundations and Western European governments, while in other cases, NGOs working under Russian direction trigger hostile responses.\textsuperscript{17}

In the United States, the concerns do not focus on externally supported NGOs but rather on foreign influence over prominent research centers which, as the \textit{New York Times} has highlighted, receive significant funding to influence energy policy via the governments of Qatar, the United Arab Emirates, Saudi Arabia, and Norway.\textsuperscript{18} In addition, evidence of meddling in the 2016 elections has resulted in an investigation of groups linked to the Russian government for possible violation of the US Foreign Agents Registration Act (FARA).

\textbf{NGOs and Transnational Advocacy Networks}

Advocacy NGOs, both global as well as local groups, generally view concerns about encroachment on sovereignty as anachronistic. One of the most influential NGOs, Médecins Sans Frontières, adopted this principle in its name. Analysts such as Keck and Sikkink, as well as many policymakers and political officials particularly in Western Europe, welcome this process. NGOs, both individually and in the form of transnational advocacy networks (TANs), have played major roles in empowering international organizations through their ability to use soft power. NGO influence in international frameworks is especially visible at the UN Human Rights Council (UNHRC), where over 4,500 NGOs have UN Economic and Social Council (ECOSOC) status,\textsuperscript{19} meaning that they are allowed to lobby delegates and officials, speak in UNHRC sessions, submit reports, and in other ways participate in these activities. They can do almost everything that state representatives can, other than to vote.

Advocacy networks exert political influence through political lobbying, media activism, and supporting candidates with donations, volunteers, and other actions. Their perceived expertise provides access, supported by the image of neutrality untainted by partisan politics or economic interests. According to Keck and Sikkink’s boomerang model, by partnering with INGOs to create external pressure, local actors are able to influence their own governments, “naming and shaming” them until the cost forces policy changes.\textsuperscript{20}
However, the political neutrality, normative behavior, and separation between “nongovernmental” NGOs and state actors is not as absolute as often presented, and this has important implications for the sovereignty debate. Indeed, NGOs acting outside their home countries need and benefit from the support of individual states, either individually or collectively. As Jackson pointedly argues, NGOs “have an important humanitarian role, of course, but it is a secondary and auxiliary role to that of sovereign states.”

In the UN, the process of granting coveted ECOSOC status is controlled by a committee of state representatives, each acting on the basis of national interests. In committee sessions and other frameworks, these privileged NGOs can be seen promoting the interests and policies of their state sponsors. Instead of leading states to adopt policies based on universal norms, the NGO boomerang model becomes another form of political conflict in which the organizations work closely with the enabling governments.

It is at the interface between individual states, international organizations, and NGOs where the impact on sovereignty leads to strong reactions. Governments provide large-scale support to favored NGOs to promote normative policies and objectives, including funding and access to the international institutions such as the ICC. “Donors have the power to influence whether NGOs have the resources to do their work and how they do it.”

The NGO funding frameworks include foreign ministries and aid agencies of the individual countries, church groups such as Christian Aid (UK) and Brot fur die Welt (Germany), and specialized bodies such as the European Instrument for Democracy and Human Rights. NGOs act essentially as subcontractors for the governments, seeking to advance their policies as well as providing input for the development of those policies, bel[ying] the term ‘non-governmental’ in their title. Such groups are known as quasi-autonomous nongovernmental organizations (QUANGOs), and are subject to significant controversy.

With these budgets, local organizations and their external allies are able to promote major advocacy campaigns in the target countries, often triggering a political backlash, including allegations that this practice constitutes a violation of the principles of sovereignty and noninterference. For example, as Rita Jalali notes regarding India, “even democratic states in an era of universalization set limits on activists’ external ties.”

In Israel intense criticism of the activities of NGOs, funded primarily by European governments, that claim human rights agendas and oppose policies of the elected government on the Palestinian conflict is a divisive issue, with major security and foreign policy implications. These groups seek to shape Israeli political views, including going outside to the UN, university campuses, churches, and foreign parliaments to denounce Israeli policy, with allegations of “apartheid” and “war crimes.” Almost all NGOs that receive European grants are on the left (oppositional) of the political spectrum, in contrast to consistent right-wing majorities in elections.
2009 UN report on the Gaza conflict, which consisted primarily of NGO allegations and was later discredited by the author—Judge Richard Goldstone—as inaccurate, marked a tipping point.26

These activities are denounced on the right and by centrists as external attempts to manipulate democracy through NGOs and an encroachment on sovereignty. Restrictive legislation has been introduced referring to the precedent of the 1938 FARA. Israelis critical of these policies also point to the absence of transparency in the European decisionmaking process that results in the allocation of state (and EU) funds to advocacy NGOs as well as the subjectivity of the justifications that are provided.

In contrast, the NGO community and its supporters, including diplomats and officials from the donor countries, argue that restrictions are the result of reactionary nationalism, “McCarthyism,” “fascism,” and a shrinking space for civil society.27

Interestingly, although the Israeli debate has triggered numerous responses from European officials in defense of their close links to the advocacy groups, reference to sovereignty concerns is entirely absent. In a detailed book on the central NGO role in shaping EU policies regarding Israel, Benedetta Voltolini omits any mention of sovereignty as an Israeli concern, as do the European officials and NGO grantees that provide much of the narrative for this analysis.28

As these cases demonstrate the violation of the principle of sovereign equality among states, whether via hard or soft power, including NGO funding, is seen as a hostile act. While external officials justify this interference in terms of universal norms such as human rights or economic opportunity, these norms are seen to be applied selectively, or used to influence core policies such as security and complex peace negotiations that go beyond these specific issue areas. This contradiction increases the conflict between the Western donor nations and the targets of those policies.

Recommendations
The tension between the competing values embodied in national sovereignty on the one hand, and the role of civil society in promoting universal norms on the other, can be expected to continue and increase. When externally empowered political advocacy groups are active in societies in which such interference is seen as threatening, a clash will inevitably ensue. Similarly, when restrictive measures are taken to limit such NGO activities, the NGO officials and their supporters will push back with condemnations and perhaps also sanctions.

Rather than seeking a victory of one principle over the other, the energy related to this issue should be directed toward seeking accommodations that recognize both. In the case of foreign state funding for political
NGOs operating in democracies, one of the means for accomplishing this objective would be to initiate discussions or negotiations between the elected officials of the countries involved. For example, Israeli parliamentarians (Knesset members) from the different parties could sit with the counterparts in Europe to develop an agreed set of guidelines on NGO funding. Public roundtables and meetings might also be held involving all the stakeholders on particular NGO agendas such as environment, human rights, and economic development. In this way, the sense of and objection to external powers imposing their objectives through support for particular segments of civil society might be ameliorated.

In any agreed guidelines, transparency in decisionmaking, including input from different stakeholders, regarding the selection of NGOs for external financing would be important. In this process, the funding government could demonstrate that its objective is not to reverse the result of the democratic process in the host country, but rather to promote universal principles that apply equally to all parts of the political and social spectrum. In Hungary it is important that the Soros civil society funding framework not be seen as giving the left a singular advantage, and in India that foreign-funded humanitarian aid NGOs do not promote religious indoctrination or other issues that polarize society. In Israel, European state funders can agree to support peace groups that are not exclusively associated with a singular political narrative, but rather focus on partners that involve different sectors of society.

Finally, political NGOs, transnational advocacy networks, and their externally based funder-enablers should be encouraged to adopt best practices guidelines, including full transparency and dialogues with all stakeholders. In this way, they are less likely to be dismissed as foreign agents threatening sovereignty and national identity.

Notes

Gerald Steinberg is professor of political studies and founder of the Program on Conflict Management at Bar Ilan University in Israel; president of NGO Monitor, a Jerusalem-based research institute; and a member of the Israel Council of Foreign Affairs. Recent publications include “EU Foreign Policy and the Role of NGOs: The Arab-Israeli Conflict as a Case Study,” European Foreign Affairs Review (2016); he is coauthor of Best Practices for Human Rights and Humanitarian NGO Fact-Finding (2012).


13. Thakur and Weiss, “R2P: From Idea to Norm—and Action?”


