

The facade of expertise at Human Rights Watch

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With the rapid increase in the number of groups promoting human rights agendas, and the accompanying media impact and international political influence, the fundamental limitations in the capabilities of these groups are often overlooked.

NGOs (non-governmental organizations) such as Amnesty International and Human Rights Watch (HRW) were founded to campaign on behalf of political prisoners and other victims of closed totalitarian regimes, and acquired respect based on their achievements. But in the 1990s, following the Cold War and the return of democracy in South America, these groups needed to rebrand themselves to retain their funding and power.

This rebranding took the form of supposed expertise on the law of armed conflict and asymmetric warfare, but the NGOs failed to actually develop this expertise or any clear “best practices” guidelines in their reporting. In the processes, organizations such as Amnesty and HRW lost sight of the crucial moral distinction between closed regimes that flagrantly violate the laws of war, and open, democratic societies that generally act according to moral principles, but commit occasional violations on the battlefield.

The collapse of this distinction is seen in the activities and campaigning of HRW, Amnesty and other powerful NGOs. Steve Goose and Bonnie Docherty of HRW’s Arms Division, for example, claim to write authoritatively about the use of white phosphorous in war (“White Phosphorous: the new napalm?”, Salon, June 8, 2012), though little is known about their qualifications on these issues. They claim that the US and Israel deliberately used white phosphorous as incendiary weapons on civilians in Afghanistan and Gaza and that such use is a violation of international law.

But Goose and Docherty’s assertions are highly misleading, and reflect the inherent lack of expertise regarding military operations and weapons at HRW. During the Gaza war (December 2008-January 2009), for instance, to obscure the movements of its troops – an application permitted under international law. Moreover, very few casualties during the Gaza War are attributed to the use of this weapon. Goose and Docherty also fail to reveal that their accusations regarding Israel were actually based on those of Marc Garlasco, HRW’s former “senior military expert” whose expertise was never verified and who was suspended and forced to resign from the organization after it was revealed that he was an obsessive collector of Nazi memorabilia.

More importantly, in their campaigning to have white phosphorous banned, Goose and Docherty fail to discuss that according to many military experts, the use of white phosphorous in some circumstances, and compared to other weapons, may actually enhance protection of civilians caught in the midst of intense combat. Without the ability to generate effective smokescreens, there is a greater risk of civilian casualties because troops may be forced into more direct armed engagements with enemy forces that use the civilian population as human shields, as in the cases of Hamas, Hezbollah and the Taliban. A responsible and professional human rights campaign on white phosphorous would include data on whether its use injures more civilians than other types of weapons, whether the benefits of use outweigh the harm, and whether alternatives are effective militarily. Unfortunately, HRW offers none of this and instead resorts to emotive rhetoric that is detached from the realities of asymmetric warfare.

These crucial inaccuracies and omissions are indicative of political campaigns implemented by HRW and other NGOs that allege “war crimes” without knowledge of the facts on the ground and the implications of these facts. To properly assess whether a violation of the law has occurred, meaning intent to deliberately target civilians, accusers must have knowledge regarding the intentions of the commanders at the time, as well as the available intelligence, intended target, whether there was fighting in the area, if the military knew civilians were present, and other factors.

In contrast, in most such cases, this information is not known before the condemnations are issued. As the example of white phosphorous shows, HRW and dozens of other NGOs often strip away the central context of terrorism and asymmetric warfare when they report on areas of conflict, and do not consider the choices faced by military officials.

Goose and Docherty urge a discussion on white phosphorous in November. More urgent to the principles of universal human rights, however, would be a discussion about the priorities and reliability of NGO fact-finding missions and reporting. Developing standards in these areas would be a significant first step in ensuring that political advocacy and ideology does not supersede accurate reporting and credible analysis. If NGOs continue to publish reports and condemnations that use the language of morality and international law, but without the substance, they are doing immense damage to these very principles.