



Testimony of Jennifer L. Windsor
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before the

**United States House of Representatives Committee on Foreign
Affairs**

hearing on

Human Rights and Democracy Assistance:
Increasing the Effectiveness of U.S. Foreign Aid

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Introduction

Chairman Berman, distinguished members of the Committee and staff, thank you for convening this important hearing. I want to start by congratulating you on the excellent discussion paper on Human Rights and Democracy drafted by your staff. The paper identifies a number of the key obstacles and challenges in terms of policies and programs to support democracy and human rights and we support many of the proposed changes.

Almost 70 years ago, the founders of Freedom House – a diverse and distinguished group – came together because they believed that support for freedom – at home and abroad – should be a priority for Americans, and for the American government. We still believe that today. The protection, promotion, and fulfillment of fundamental human rights and the establishment and strengthening of democratic systems at home and abroad should always be a U.S. priority, no matter what Administration is in office.

Supporting democracy and human rights is a fundamental American value as well as a means to advance other U.S. interests. Support for democracy and human rights should therefore be both a separate goal of U.S. foreign policy and an integral part of U.S. development policy. Decades of experience have proven that successful, broad-based development is most likely to be advanced when recipient governments and national institutions are democratic and accountable to their populace and respectful of fundamental human rights. We applaud the fact that the draft Presidential Study Directive appropriately prioritizes the role of democratic governance in U.S. development policy.

Countering the Freedom Recession: The Role of U.S. Foreign Assistance

For the last several years, Freedom House has analyzed how democracy and human rights is incorporated into the annual foreign assistance request by the administrations of George W. Bush and now President Barack Obama. We do so because, while the United States can support democracy and human rights in a number of ways, U.S. foreign assistance is an important tool. The annual foreign assistance request, moreover, provides insight into how

priorities are being set within an Administration and so sends an important political message to the world. That fully 42% of the proposed global budget for spending in the areas of Governing Justly and Democratically is slated to go to Afghanistan in FY 11 says a lot about our nation's view of the world. (We ask that the executive summary of our report be included in the record, the full version of the report can be found at www.freedomhouse.org .)

U.S. foreign assistance can be used to provide valuable incentives to help encourage progress in human rights and democracy – we support the Millennium Challenge Corporation's use of democratic governance based indicators to select recipients. (We would prefer that adherence to democratic norms be a stricter, higher threshold in the MCA process.) U.S. foreign assistance also funds programs aimed at strengthening democratic processes, civil society, independent media, good governance, and respect for the rule of law and human rights.

As a general proposition, Freedom House believes that greater U.S. support in this area is merited given the increasing challenges to democracy and fundamental human rights. The world is experiencing the longest continuous pattern of decline in political rights and civil liberties in the nearly 40-year history of *Freedom in the World*. Restrictions on the free flow of information in China, including the cyber-attacks against Google, brutal crackdowns against protesters in Egypt, Iran and Russia, the silencing of opposition in Venezuela, the murder of human rights activists in Russia are perhaps the most newsworthy examples, but we have also seen a growth of more subtle – and less visible – forms of intimidation and repression against independent voices in many regions.

We believe that the U.S. government must respond forcefully and strategically to the erosion of fundamental freedoms of association and expression. Unfortunately, the current budget request shows a decline in funds requested for civil society. We are unable to assess what resources are being allocated to support human rights defenders or independent media since the request is described only in broad categories. We know that both areas – support for

human rights defenders and independent media – have historically been underfunded.

As we heard from the dozens of international human rights defenders that gathered at the Washington Summit on Human Rights we convened earlier this year in partnership with Human Rights First, those on the frontlines on defending fundamental human rights feel particularly vulnerable right now. As you can see from the Summit’s Plan of Action, which I am submitting for the record, they need and want U.S. assistance, and they want support from and connection to international civil society and global human rights networks.

The human rights leaders assembled in Washington earlier this year called on the U.S. and other democracies to counter the schemes enacted by a growing number of governments to ‘legalize’ suppression of independent activists and groups and to outlaw support from the international community. Summit participants noted with concern the growing restrictions on freedom of expression; Freedom House has also documented an eight year decline in freedom of the press. The world’s leading authoritarian states have embarked on systematic efforts to diminish access to information via traditional media and the Internet. At the multilateral level, we are seeing growing challenges to international norms protecting freedom of expression, and in many countries, libel and blasphemy laws are being used to silence internal critics.

We are pleased that both Congress and the Obama Administration have embraced the importance of internet freedom, and we encourage them to devote more resources and diplomatic efforts to support the role played by both traditional and new media.

Assessing Current U.S. Government Capacity

Currently, U.S. foreign assistance programs to support democracy and human rights are being managed by a number of U.S. government entities, with the majority of resources in USAID and a significant amount in various Bureaus in the Department of State.

The Committee's discussion paper notes the problem of fragmentation and lack of coordination, but the solution may not be as simple as it might seem. Given the significant limitations of each of the U.S. agencies that current operate in this realm, consolidating human rights and democracy assistance under a single entity – either inside or outside of the government – would likely diminish the vitality and innovativeness needed in this arena. More coordination is needed, but not necessarily consolidation.

I want to speak specifically to the issue of improving USAID's capacity to implement democracy and human rights programs. As a past Director of what was then the Center for Democracy and Governance, I believe that USAID needs a strong central unit to complement and guide the work done by USAID field missions. The current Office needs adequate human and financial resources to bolster their intellectual leadership in terms of distilling lessons learned and best practices, and to provide funding for global and regional initiatives that often get short-shrift in an overwhelmingly bilateral assistance framework.

They also need to be backed by political leadership within the Agency. Over the past decade, all of the Administrators and the majority of Assistant Administrators have not any professional background in the promotion of democracy and human rights, nor have these issues been seen as priorities for them. USAID's capacity was further eroded by the decision several years ago to downgrade the status of the Center to an Office, and to integrate it into the Bureau for Humanitarian Assistance, which today is the bureau for democracy, conflict, and humanitarian assistance (DCHA). That decision was opposed at the time by the democracy community, and our fears that this would diminish the attention paid to democracy issues have been proven justified. The leadership of that Bureau has been – and always will be -- distracted by the humanitarian crisis of the day. I wholeheartedly agree with your discussion paper's recommendation that democracy and human rights programming be removed and elevated to a Bureau that is on par with the other development sectors.

But structural changes alone will not make USAID more effective, as my colleague Tom Carothers has written so eloquently. USAID's cumbersome bureaucratic processes and procedures have also hampered the ability to implement flexible, effective democracy programs. The procurement process is particularly burdensome. Grant agreements incorporate a growing thicket of myriad regulations. While each regulation may be justified, the cumulative effect is to create a heavy administrative burden on the organizations that receive U.S. assistance. Local non-governmental organizations abroad are often ill-equipped to comply with these complex regulations, and as a result, NGOs that receive U.S. assistance may not be those who can be the most effective in promoting reforms.

Defining the Appropriate Role of U.S. Government Officials

As democracy budgets have grown, U.S. government officials – at both USAID and State -- have become increasingly intrusive and heavy handed in their management of democracy assistance programs. Requests for Applications from USAID nowadays are often 75 pages or longer and prescribe all program elements in great detail. They tend to specify, for instance, the types of people who should be trained and the precise topics that the training should cover. This is the opposite of promoting “country ownership” – a topic to which I will return in a moment. The result is to stifle innovation and limit the ability of applicants and beneficiaries abroad to utilize their own institutional expertise to design the most effective programs, whether they are aimed at bolstering beleaguered human rights defenders or working with women's groups to curb gender-based violence.

As the discussion paper notes, the desire of the U.S. government to closely direct and control democracy promotion activities can be counterproductive. Such control diminishes and undercuts a great American asset – our vibrant civil society. The collaboration between independent American institutions and their counterparts abroad have produced some of the most significant successes over the past two decades, including AFL-CIO support for

independent labor unions in Eastern Europe and Latin America, assistance from the National Democratic Institute and International Republican Institute to political parties in emerging democracies, expertise shared by the American Bar Association with judges in the former Soviet Union and practical help given by Freedom House to frontline human rights defenders in some of the most repressive environments in the world.

Some within the U.S. government advocate more direct U.S. government funding to local groups abroad, bypassing U.S. civil society groups entirely. While more funds – especially institutional support – should be provided to local civil society, the value added of U.S. civil society should not be underestimated. Local NGOs can be strengthened by partnering with international groups, particularly by drawing on the expertise of more established counterparts and integrating them into international networks to share best practices. Linkages with U.S. civil society groups can provide local groups with an additional level of protection, as they use their more extensive advocacy and communication capabilities to raise awareness of threats or issues faced by their local partners.

Finally, the linkages and partnerships between local and international civil society groups continue even after the U.S. government has turned its attention (and funding) elsewhere.

Will the Current Approach to Achieving Results Make U.S. Democracy Programs Less Effective?

While the desire for measuring impact to ensure the U.S. is “getting the most bang for its buck” is understandable, the democracy and human rights area provides unique challenges. Attributing progress or changes in foreign political situations to specific U.S. government funded programs is politically risky, and may itself undermine the legitimacy of groups and individuals that are the intended beneficiaries.

The current U.S. government effort to assess the impact of democracy assistance programs tends to create perverse incentives, particularly to reward

volume of activity over real-world impact. For example, the Standard Foreign Assistance Indicators for Governing Justly and Democratically consist almost entirely of numerical indicators. Most of these indicators only get at the volume of activity, such as the number of individuals trained or number of organizations assisted. One indicator, for instance, is the “number of USG-assisted consensus-building processes resulting in an agreement.” According to this indicator, ironically, a single agreement that lasts for many years is therefore considered less successful than several agreements that break down and are re-constructed over and over.

The overarching flaw behind the current approach is that the U.S. government is trying to construct an aggregate measure for a wide range of programs that operate in very different contexts. If you ask the State Department or USAID about a \$1 million democracy assistance program in Nigeria, for example, they may be able to tell you how many people have been included in that program, but not how those people have utilized that assistance.

You may ask what are the results of projects to support local governance or independent media or human rights, and the system can give you an answer for each. But it cannot provide you a meaningful answer for how all three parts have worked together to produce overall political reform, because the measure for citizen participation in local governance differs from the measure for media independence in news coverage or for redress of human rights abuses.

Context matters a great deal in what results can be achieved. Nigeria, for example, is relatively open to human rights work, and local human rights groups therefore can be expected to achieve significant results, for instance to expose major abuses of power or to introduce stronger protections for civil rights. Ethiopia, by contrast, is highly restrictive, and its Charities and Societies Law has decimated independent human rights groups by effectively outlawing most funding from abroad. The mere survival of a couple of independent human rights groups in Ethiopia thus would represent an important achievement. In a time of downward trends in democratic performance in many places in the world, our goals need to be realistic.

The Dangers of “Country Ownership”

Finally, I want to comment on the issue of strengthening “country ownership.” While we strongly support more local involvement in the design and implementation of development programs, we are concerned that “country ownership” is sometimes misinterpreted to mean that governments should be able to veto assistance to democracy and human rights groups. The Obama Administration has made a series of bad decisions in this regard. They have recently zeroed out funding for democracy and governance in Bolivia at the request of the government there. And the administration has limited USAID funding in Russia, Uzbekistan, and Egypt to registered organizations, even though they know that the onerous registration processes are being used to control or eliminate the activities of legitimate civil society groups in these countries.

Moreover, the State Department is moving ahead with plans to set up a \$300 million endowment for Egypt. This is “country ownership” in its worst form: U.S. taxpayer dollars will be essentially be given over to the government of Egypt, without any Congressional oversight. Meanwhile the Egyptian government recently renewed its state of emergency for two years, which will last beyond the next presidential election, and blocked hundred of domestic observers mobilized by legally registered organizations from entering polling stations to observe the Shura Council elections on June 1.

Conclusion

I want to end by applauding the efforts of this Committee to move forward the process of U.S. foreign assistance reform. I am a proud member of the Modernizing Foreign Assistance Network and believe that now is the time to update and improve the policy and organizational framework for U.S. foreign assistance. The discussion papers the Committee has circulated to date identify the key issues, ask the right questions, and challenge us all to develop

specific recommendations. I want to say that I am disappointed that some in the current Administration seem to be intent on stalling any Congressional action to revise the legislative framework. I hope that Congress, as it has so many times in the past, will step in to provide the leadership to move this important effort forward.