

Transcript of Seminar Eight

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Discussion with Alex de Waal

Alex de Waal

I'm sure you come here expecting to hear my heretical thoughts, and I'll try not to disappoint. I'll try to provoke some discussion. While there may appear to be an international consensus as to how human rights groups should operate, I will argue that this is maybe not the best thing for Africa. It may actually, in some respects, be dangerous. The starting point for my remarks is the observation which is both rather humdrum and rather disturbing: there is a very serious gulf between human rights activism as practiced here, particularly in this city [New York City] and internationally, and in Africa.

I find it striking and rather disturbing that some statements or activities that seem totally unremarkable here in New York are seen in an entirely different light--patronizing, arrogant, and even sinister--by perfectly genuine human rights activists in Africa.

Meanwhile some quite normal, understandable, routine statements or activities by human rights activist in Africa may seem here to be nothing less than a rather nasty and brutish assault on the whole architecture of international human rights.

I want to analyze this a bit and then maybe suggest, in a more optimistic mood, what actually can be done about it. At root, there's a problem of power. Human rights organizations here in the West do not consider themselves powerful. They see themselves as small players up against huge and powerful governments, and they consider even governments in poor African countries to be more powerful than they are. Certainly these governments are more powerful in that they can deploy troops and tanks and put people in jail, and so far no human rights organizations have done that, although maybe some of them wouldn't mind. But from an African point of view, Western human rights organizations appear as very powerful indeed, and in some respects almost unchallengeable. They are able to influence western policies and are ready to do so to the extent of calling for military intervention. This is really a touchstone for many activists in Africa.

Let me just give a handful of examples of the gulf. One example is female circumcision. In international human rights circles it is now politically incorrect to speak about female circumcision, it is always called female genital mutilation (FGM). FGM may be a more biologically accurate term, but I would contend that it is sociologically misleading and in some circumstances use of the term with its connotations is actually rather damaging. I'd like to give an example from the Somali community in London.

Female circumcision is widely practiced among Somalis and it is deeply embedded in the culture there. It is not traditionally seen as "mutilation" at all, it is seen as an act of cleansing or purification. The Somali government actually outlawed it some thirty years ago and made some serious attempts to restrict it and ban it which were largely unsuccessful.

What was successful in the Somali context were activities by female health workers, traditional birth attendants in particular, to try to educate Somali women. Because the operation is actually carried out by women and is very much constructed within the female sphere, activities by traditional birth attendants and other female health workers to educate women that this was an undesirable practice, were the best option, and were beginning to have some success. It was treated primarily as a health issue, rather than a rights issue. But it was so deeply embedded in Somali conceptions of womanhood, of adulthood, of purity that it was not by any means eradicated.

Now transplant a Somali community to London in the context of the 1990's and you have a very traumatized community. They are traumatized not only by the events going on back home in Somalia, but also by the images and perceptions that exist of the Somalis in

London and they feel somewhat under siege. They feel very threatened. Many of them are rather spectacular social casualties, many of them are on welfare and so on. Into this environment, introduce an intrusive social service apparatus, that regards female circumcision as a crime, as child abuse: those girls who are circumcised are liable to be taken away from their families and taken into care. Now how do the traditional Somali health workers react to this circumstance?

Unsurprisingly they go into solidarity with their communities, feeling under siege, their identities extremely threatened. They abandon their work of gently educating women about the dangers of female circumcision and actually end up, in many cases, reverting to their traditional practice of actually being the people who carry out this operation in secret. They become complicit in the silence of that community's practice. They will not, for example, take girls who have been circumcised or women who have given birth recently, to hospital for health care check-ups for fear of what might happen to them afterwards. So here is one example of this gulf. I'm not saying that we should across the board abandon the western approach to the problem of female circumcision. But in specific cases -- probably rather a lot of them--I'm arguing for a much more culturally and sociologically sensitive approach to this problem.

Another case, a very different case, the adoption of so-called humanitarian principles by international relief agencies particularly in central Africa. We are well aware of the immense problems faced by agencies in, say, Sudan, Liberia, or the Great Lakes. We are aware of the limitations of international humanitarian goals in such situations, and it may seem logical and commendable for international relief agencies to bring some much stronger and more proactive human rights agendas to their work. And they've done so. They've done so by developing sets of what they like to call "humanitarian principles." Now this is a very complex area and there are many different aspects to it, but to simplify it greatly, in the perception of many Africans and many African governments, humanitarian principles are a tool for these international relief agencies to protect themselves. They are a selective tool, unlike the Geneva Conventions, which have, for all their flaws, been negotiated between sovereign states, and willingly adopted by African states. They have been signed up to by African governments and are seen as commonly owned and, therefore, legitimate. Even though they may be abused by governments and armies, their existence is seen as legitimate and respected.

The humanitarian principles which are adopted by many relief agencies, particularly in central Africa, are not seen in this light at all. They are seen as something constructed by the humanitarian community from their own interest, externally, and then imposed. So that when, as happened toward the end of 1996, a number of international relief agencies called for international military intervention in a sovereign country (Zaire) on the grounds that humanitarian principles had been abused, this was an invitation for disrespect and alienation between the humanitarian community and the local actors.

I believe very strongly that one of the reasons for the humanitarian tragedy that has unfolded in eastern Congo, formerly eastern Zaire in the last four years has been the near total breakdown of mutual confidence and trust between the humanitarian community and some of the main political and military activists in that region, particularly the government of Rwanda. This breakdown arose from the way in which, without consultation and without consensus, particular unilateral views of what constituted humanitarian principles were imposed upon the region. To the extent that, as I've said, humanitarian principles were invoked as a reason for bringing in a foreign military force that was quite clearly going to be a partisan military force in the region. It is unsurprisingly in those circumstances that the government of Rwanda and its allies in Zaire had no time at all for these relief agencies, UNHCR, Oxfam, etc., and completely ignored them and wanted them shut out of the picture. So the many civilians who died in eastern Congo were not only victims of the armed forces who hunted them down, but also of very profound and tragic error, born of arrogance among the international humanitarian organizations.

A third case. Human rights concerns have been integrated into the foreign policies of

western powers. Human rights organizations here and in Europe can have considerable, if unpredictable, influence on the human rights policies and practices of major western powers. Let me give just one example from Britain. It is a case of the British government, which had been providing assistance to the police force in Ethiopia, suspended that assistance in February 1998 in response to an incident in which the police force shot dead an almost certainly unarmed political opponent aligned with the Oromo Liberation Front. Now this probably was an abuse of human rights, but the full facts have not come out. The Ethiopians were unhappy about the suspension of assistance, and this is my gloss on their complaints. Three points: first of all, the action of suspending aid by the British government was arbitrary. The Ethiopians actually had no recourse, there was no due course at all, there was no court of appeal. Secondly, how can one use an opaque, arbitrary process with sentence enacted before the evidence is assessed to promote rule of law? If the aim of the British government's engagement with Ethiopia was to promote human rights, why was it acting in a way so opaque, so arbitrary, so summary? Why was there no due process, no transparency, no democracy in that particular encounter? Lastly, the most obvious point, how can you expect that the Ethiopian police, which has an entrenched culture of impunity and human rights abuses, to move forward to become more professional and more respectful of human rights without having assistance from countries like Great Britain?

There are many cases I could quote, but let me prognosticate, let me look forward to one potential case that may arise. Let us say sometime in the coming months that the government of Sudan falls, or that there is an agreement of sorts to bring a transition to peace and democracy in that country. Now we would all rejoice that one of the most vicious governments in the world has passed into history. But we would also look at its successor and find much to criticize. The SPLA in the south is a pretty thuggish organization, and the Northern opposition have a pretty horrible record themselves. Having these same guys battling for power who were ousted by the military ten years ago is not likely to be a solution to the problems that Sudan faces. So there would not be that much to get enthused about. But perhaps there would be a serious attempt by Sudanese parties, Sudanese civil society to make a transition to peace and democracy, which would require some understanding and sustained support from the rest of the world.

Now if in this situation, which is quite possible, a coalition of human rights organizations decides to make the issue of slavery the linchpin of international assistance to Sudan then we have a very serious problem indeed. Now a number of well-meaning but I believe rather spectacularly ill-informed human rights organizations have been engaged in various practices of buying back slaves, thereby ratcheting up the issue of slavery in southwest Sudan so that it is a very dominant issue in the whole international discourse about the country, accusing the government of having a *policy* of slavery which there isn't very much evidence to support. I will not go into the pros and cons of this case in detail now. I would just add as a footnote that the logic of abolishing slavery by buying up slaves is a bit like the logic of a vegetarian trying to buy cows in order to prevent others from eating meat. Slavery-like practices will not disappear overnight in Southwest Sudan in fact they predate the current government in Sudan. They began under the previous government, the so-called democratic, parliamentary government and they will not disappear. Now if there were to be Congressional legislative sanctions against Sudan on the issue of slavery, even not that far but even if the issue of slavery were to be the linchpin of US assistance following a change in government and following the introduction of a democratic government, missions to southwest Sudan would find this practice still goes on. The prospects for a democratic Sudan, a peaceful Sudan, a Sudan which overcomes the many horrendous problems which it faces, would be very seriously jeopardized by this one issue which is, I contend, marginal.

Let me make a bit of a detour at this point. It is interesting to make a comparative study of social movements to ask how is emancipatory social change effected in various countries. What is it that works? I became interested in this subject through studying the

means whereby famine became preventable in a number of famine-prone countries, notably India. This is an example from which I think we can learn a lot. My starting point for this, as those of you who have read my book, *Famine Crimes*, know, is a famous remark by Amartya Sen that its hard to find a famine that has occurred in a country with a free press and competitive multi-party elections. Now it is hard, but it is not impossible. These famines have actually occurred. The process is actually rather more complicated than one might presuppose.

It is not the case that simply having a free press and competitive elections automatically protects a country from famine. As we study this issue in a bit more detail we are forced to ask a number of questions. First of all in the case of India, why is it that famine became the focus of action and why not for example, curing the comparable social ill of chronic poverty or the common practice of killing female children, particularly in the northwest of India? And why is it that in some other countries that have had parliamentary regimes and measures of civil liberty such as Sudan in the mid-1980's or Bangladesh in the mid-1970's, why is it that these countries suffered from famine?

To answer these questions we have to look at the socio-political framework whereby social ill is conquered, whereby political change is enacted and a new moral consensus emerges in a society to move forward and to make it unacceptable to have famine, or maybe in the future to have it unacceptable for families in northwest India to selectively kill their little girls. We're looking at something that is more than a political contract. More than just an agreement on political power sharing, it is also a moral consensus on what is acceptable. One could call it a manifestation of secular moral progress. There are other examples that one could induce from elsewhere in the world: the civil rights movement, for example, in this country, the women's movement, the labor movement, the environment movement, and perhaps in the future the idea that corporations need to be bound by ethical codes in the same way that governments are.

Now in each of these cases there is a political struggle, there is a real fight with serious arguments and political forces assembled in the course of defending the status quo. Moral arguments as well as material ones are proffered on both sides. If we look at the issue of famine, we find that British imperial officers a hundred years were arguing on moral grounds that there should not be famine relief, on Malthusian grounds, that the Indian poor would be better off if there was no famine relief, that this would be a check on population growth. Similarly we find that every progressive reform on labor relations has been opposed often on moral grounds by employers. British employers in the nineteenth century made moral arguments why there should be child laborers in factories. They argued that child labor was an alternative to idleness and vagrancy, that work was ennobling, etc. So these political struggles are historically situated and they are not simple. It is not clear necessarily that human rights are all on one side. There can be a clash of rights. Usually there is. In retrospect usually we can see moral clarity, but that was not necessarily the case at the time. What process decides that certain moral claims are made and fought for while others are not fought, others are neglected? I think we need to analyze, we need a comparative social history of these emancipatory struggles as the framework for analyzing how human rights need to be fought for and achieved in the African context today. This is not a challenge to the universality of human rights, but it is a challenge to the universality of human rights institutions. Human rights can be universal, but maybe the methods adopted by human rights institutions are not universal. They are very historically and politically specific to historical circumstances.

Let me briefly look at the conditions for a successful emancipatory movement. There are four of them. One of them is that we have to question what are the factors whereby an issue becomes an issue of concern? How does it become morally salient? This has to do with all sorts of factors: with the moral, the religious, social and political climate of a particular country and also the accessibility of remedies. It may be in the case of India that the problem of poverty is simply so huge, the remedies so apparently remote, that it is impossible to actually raise it as a moral issue in the way that one can raise the much

more visible and accessible issue of famine.

An issue also has to become politicized. It has to become a political issue rather than, for example, a charitable one. Charity, as we know, treats the human symptoms of a tragedy and politics is able to treat the causes. In the case of India, famine became preventable when it became a political scandal. Unfortunately, the history of famine in Africa is that it has been politicized in a rather negative way. The anti-famine measures instituted by governments, like measures for control of migration, for control of the environment, etc., have negatively impacted on people's freedoms, on people's material well-being and have thereby jeopardized the legitimacy of many anti-famine measures.

Thirdly, and this is the one most often focused upon by human rights organizations, there are important political conditions under which it is possible to have an emancipatory movement. It is necessary to have some form of free press, some freedom of association, a government that does not respond instantly with massive, violent repression. It is also possible, I believe, to have emancipatory movements in countries that are not liberal democracies, in countries that are divided along sectarian lines, but it is more difficult. Lastly, and perhaps most importantly, we need to look at the nature of the social and political movement that forwards the issue, that actually promotes the issue, that develops the moral consensus. Typically what we have in a case like the movement to conquer famine in India, or the Civil Rights movement, or whatever, is a coalition between essentially two forces. One we might call a "primary movement": a mass movement of people mobilized in pursuit of their own interests, their own personal material interests. It may be articulated in the human rights idiom, but more likely they are just concerned with their own land, their own food security, their own rights as women, their own labor conditions or whatever. Alongside them is a more professional activist group, a small group of what one might call "secondary activists": specialists who have skills as lawyers, journalists, organizational skills, who can provide some leadership and articulation to the movement and who can help sustain a mass movement over an extended period of time. Now generally speaking these two kinds of activism are mutually interdependent. You can not have an effective primary movement without some professional activists and vice versa. Secondary activism is usually effective where there is already a successful record of primary mobilization achieving a social and moral consensus on a particular issue. And concerning this last issue, we really need to focus on conditions in Africa. Because it is the failure to construct this coalition is the root cause of the lack of popular legitimacy of the international human rights discourse in Africa.

The way in which international human rights organizations have developed in this city and elsewhere, is that they have become, for understandable reasons, purely this type of professional secondary institution without a mass movement behind it. For an international human rights organization in the United States that is perhaps inevitable. It is extraordinarily difficult for a human rights organization in say this city to organize a mass movement in, say, Sudan. I really don't know how they would begin to do it.

But what has happened is that the model of this de-racinated secondary activism has become the dominant model and has been re-exported to Africa by various means. So that the African institutions that have emerged dealing with human rights are themselves not part of this coalition, but they are themselves de-racinated. They are professional institutions dedicated to a particular style of human rights activism modeled on Amnesty International, Human Rights Watch etc. As a result of this, there is relatively little direct connection between the immediate concerns--whether they be concerns of liberty, concerns of material well-being--of the ordinary mass constituencies in Africa and this human rights discourse, both the international and elite national discourse.

Africa has had too few broad based movements for social emancipation. There are some exceptions. Sudan is an interesting exception where there have been these movements at certain historical conjunctures, and I am currently engaged in trying to revive that tradition. Very often the most emancipatory movements in Africa have been armed movements. They've been armed liberation struggles, and these can be emancipatory in some respects,

but often they're not. Often they're actually just violent and brutal. Secondly, military leaders have a pretty deplorable record of maintaining their democratic orientation once they're in power. Until there is a concerted attempt at this type of mass civic politics in Africa, the outlook for systematic human rights activism is rather bleak. I think actually the current model of human rights activism is not only not encouraging that civic activism, but is maybe standing in its way.

There are problems of institutional transfer. There are problems of transferring the Human Rights Watch, Amnesty, or Lawyers' Committee type of institutions to Africa. This type of institution is very amenable in the African context to being hijacked for careerist or partisan political ends. There is nothing wrong with someone with a political agenda or wanting to make a career from raising these human rights issues; that certainly doesn't make the human rights any less legitimate. However it does create practical political problems of credibility in these countries when you see opposition politicians trying to be both player and referee in the political struggle by taking on the human rights mantle. Secondly, the international connectedness of human rights activism, particularly the donorism, the extent to which the organizations are dependent on donor largesse, can create very serious problems. The whole structure of risks and rewards for human rights defenders gets altered by this.

Let me give two quick examples. One is the Nigerian democratic movement in the early 1990's. There was a genuine mass civic movement against the Babangida regime, but the specialists human rights organizations were rather poorly articulated with that. It is said, not purely in jest, that at the moment when Babangida canceled the elections, at that moment when the human rights organizations should have been getting people onto the streets to protest., at that moment when the government was vulnerable and people were ready to do that; they were just concerned with writing their reports for the Ford Foundation.

Secondly, a more disturbing case, is the case of Rwanda. If we go back to pre-genocidal Rwanda, there was in many ways a model human rights community there. The Rwandese human rights organizations, NGO's, were some of the finest in the continent, not only in the way they operated internally, but also in their connectedness with international organizations. It was quite remarkable the extent to which those international organizations operated with one another and with them. Human Rights Watch was in many ways leading the way, it was quite remarkable and creative the extent to which Human Rights Watch collaborated with the Rwandese organizations and published in French and so on. Something that it didn't have a great tendency to do.

The UN of course sent its own assistance mission to Rwanda in late 1993 with a fantastic human rights mandate, a wonderful human rights mandate, to protect and promote human rights. So the confidence of these human rights organizations was such that they actually went so far as to name mass murderers, name war criminals, saying: "these are the people who are responsible for the massacres," because as we know there was a history of massacre before the 1994 genocide. They said, "these are the people who should be indicted." In their confidence that the international community would stand with them, the Rwandese human rights community took very considerable risks, and those did not, as we know, pay off. I think as the human rights community we need to look back at that and say, did we do the right thing or did we push this too far? Did we actually contribute to this disaster?

So I think there's a danger that the institutional practice of international human rights combined with a number of other factors, such as the way in which human rights discourse is converging with humanitarian discourse so that the archetype of the human rights victim is now the innocent victim, someone without moral agency, and so on, this is actually beginning to stand in the way of the mass civic mobilization that is required. There is an imperative of searching for an idiom and method of work that is much more suited to the realities of each particular country. It is peculiarly difficult to do this because of the universalizing idiom of the discourse of human rights which tends to very easily transfer

from the universality of human rights to the universality of the methods to promote human rights. That is an easily made transfer, but not, I think, a legitimate one.
Thank you.