

HUMAN RIGHTS ORGANISATIONS AND THE POLITICAL IMAGINATION:

How the West and Africa Have Diverged

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Introduction

This paper tries to tell two parallel stories, of the evolution of human rights as an activity, in the west and in Africa. Let me open with an image, a time when, it seems, the two stories had a common point, from which they diverged.

The veteran American activist Bill Sutherland describes how Martin Luther King and his wife Coretta ‘were visibly impressed when, on that fateful night in 1957, the British flag was lowered, and the flag of Ghana was raised. Nkrumah, dressed in traditional kente cloth, his fists waving in the air, tears streaming down his face, shouted over and over again, “Free at last! Free at last! Free at last!”’ (Sutherland and Meyer, 2000, p. 34). King used these same words himself at his speech six years later at the Lincoln Memorial, attributing them to a Negro spiritual: Sutherland wonders if, perhaps ‘those thunderous words in Washington DC had not come from King’s memory of that historic evening in Ghana.’

Sutherland’s story reminds us how, half a century ago, the liberation struggle in Africa was both international and, broadly, non-violent. It was truly intercontinental in that it had a clear common vision with the civil rights movement in the United States, with the Indian nationalist movement, and shortly thereafter with the European campaign against nuclear weapons (sparked by the French nuclear tests in the Algerian Sahara). Not only was Nkrumah committed to his doctrine of non-violent ‘Positive Action’, but at that time South Africa’s ANC was also Gandhian in its practice although divided as to whether this was a matter of principle or of tactic. Trade unions, teachers and students, journalists, and lawyers were the initiators of Africa’s independence struggles. At that time, it would have made no sense to separate the movement for political emancipation from the organised claim for civil rights. The two were united not just in the identity of their aims, but also their foundation in a civil society constituency and their practice of non-violence for decades a touchstone for the ethical standing of a movement for peace, rights or socio-political emancipation.

Meanwhile, the civil rights movement under the leadership of Martin Luther King, was internationalist in a unique manner. King truly appreciated the commonality of the causes of African liberation and African-American emancipation, in a way that few of his successors did.

Nearly fifty years on, the identity of aims and method between left-leaning African political leaders and the international human rights movement seems no more than a foggy memory in the minds of a generation of ageing radicals. Admittedly, there was a second upsurge of emotional solidarity at the time of Nelson Mandela’s ascension to power in 1994, and to a lesser extent with the enthusiasm for the ‘new leaders’ in Eritrea, Ethiopia, Rwanda and Uganda at around the same time. But, overwhelmingly, human rights activists and organisations, both national and international, are at loggerheads with the African political left, especially when the latter is in power. This paper is concerned with how and why this divorce occurred. From a shared point, symbolically represented by Martin Luther King’s presence at Ghanaian independence in 1957, the African left took one course of action, while the international human rights movement developed in a wholly different direction. When they met again in the 1980s, and more particularly in the 1990s, it was chiefly as adversaries. Both, I contend, need to examine where they might have gone wrong.

And in the early 21st century, faced with the overwhelming threats posed by HIV/AIDS to all progressive and emancipatory projects, both are bewildered and risk becoming irrelevant.

What I aim to do in this paper is step outside the bounds of the human rights movement and loosen the shackles it has on our political and moral imagination. My basic argument is that within a single generation, the principle and practice of human rights has undergone a remarkable transformation. Overwhelmingly, we can regard this transformation as a 'good thing'. But when an idea emerges from such marginality to command such powerful assent in government, international organisations and society at large, at the very least it deserves our critical scrutiny. We cannot take the 'human rights international' on its own terms. We need to historicise it, and to examine the unanticipated consequences of the progress of 'human rights' as an idea, a movement, and an ideology.

Historicising recent human rights practice is an intrinsically difficult exercise, because the origins of human rights concepts lie in natural law theory, while the origin of political science lies in the rejection of that same natural law theory (Freeman, 2001). How is it possible to objectively analyse the normative discourse of human rights? Let me try.

The Emergence of the Human Rights Movement in the West

I would like to suggest that the idea of a 'human rights organisation' became established in our collective, western, political and moral imagination approximately twenty to twenty-five years ago. The idea of 'human rights' is of course much older, and 'human rights organisations' existed before that. But the late 1970s was, I content, the critical moment at which the 'human rights organisation' as we now recognise, was invented, and came to take a particular form. If we try to project our contemporary usage of the term 'human rights organisation' onto institutions and movements, or the term 'human rights activist' onto individuals, before that time, we slip into an anachronism.

What existed, at that stage, were movements, and alongside them, specialist professional legal organisations. The paradigmatic case of what could with hindsight be called a human rights movement was the civil rights movement led by Martin Luther King. This I would like to call a 'primary movement', in that it was overwhelmingly a mass movement of individuals, mobilised in order to pursue their interests and claims. In its success, the movement not only realised the rights of its members, but created a new moral consensus, enlarging the sphere of what could legitimately be called rights, and raising the ethical bar. There are predecessors of course, notably the Gandhian movement for independence in India, which was pivotal in fixing this idea of non-violent civil disobedience in the moral and political imagination. Also we might want to mention the 19th century Chartists, the anti-slavery society, the woman's suffrage movement, and the campaign to abolish child labour.

The success of these primary movements was partly attributable to numbers. People were mobilised en masse. But it was also due to leadership, usually consisting of professional writers, lawyers, and clergymen, alongside the sympathetic assistance of individuals in government or, in the case of the United States, the Supreme Court. This element of alliance is important both practically and theoretically. Coalition-building is integral to the success of human rights activism.

At this point it is important to clarify the term, 'political imagination'. This is the intersection between intellectual or theoretical activity in our case, in the field of human rights and politics, and political practice. It is the public intellectual and it is the imprint of theory that the graduate student takes into her or his subsequent career. In more theoretical terms, it is the nexus of the 'incompletely theorised consensus' the point at which different

actors can agree on a principle, an institution, or a course of action, without requiring total ideological convergence. 'Human rights' can refer to a body of theory, at least some of it contested and controversial. In the popular imagination, 'human rights' refers to a broadly similar set of values, principles and practices.

And, recently, there is this newcomer to the political imagination: the human rights organisation. To date, human rights organisations have no role in the theory of human rights. Rather than develop such a theory, let me describe it.

The birth of the contemporary human rights organisation can, I suggest, be dated with some precision to 1975. Over the previous few years, the idea of transnational human rights activism had been developing in Latin America, especially Chile, Brazil and Argentina. At that time and subsequently the most successful forms of activism in the non-industrialised world have been those in Latin America. It is interesting to ask why. Is this because of the region's long history of political liberalism? Is it because of the existence of non-linguistic nationalism, so well-described by Benedict Anderson (1983)? In any case, the South American experience had a direct impact on numerous solidarity groups, on the Ford Foundation, on the establishment of Americas Watch, and on the expansion in activities and profile of Amnesty International and its Nobel Peace Prize. By about 1975, this transnational model of activism was established.

In that year it gained another, European, dimension. The Helsinki Accords were signed, whose 'final basket', concerned with human rights, came to have a significance far beyond what was anticipated by those who drafted and signed the agreement. The Helsinki final basket was, according to Eastern European activists, 'more important than the UDHR,' because it entailed a programme of action (Korey 1988: 232). This is not a story I want to repeat here. But in the Eastern Bloc, the concept of 'civil society' was re-born at about this time, legitimised as a bulwark against the totalitarian control of non-state organisations (Keane 1998). The idea of civil society had an adversarial, Utopian role in dismantling the moral claims of Communist regimes. A key element here was also the principle of free expression: let us not forget that the Eastern European human rights movements was led in part by writers and artists, demanding cultural freedoms as much as purely political liberties. I would argue that the right to expand the political imagination lay at the heart of the idea of civil society and human rights. Note how very concept of 'rights' seems arid when set as an explanation of the riches of the cultural imagination to which these activists laid claim.

But the main thread of our story is in the West. The Helsinki Accords led directly to the establishment of Helsinki Watch, made possible by another simultaneous development: the decision of the Ford Foundation to begin funding human rights activities or, more precisely, human rights activities conducted by organisations based in Western countries. Out of this came Helsinki Watch and subsequently Human Rights Watch, which is I believe the paradigmatic case of what I will call a 'second generation' human rights organisation. One way in which it is marked out from Amnesty International is its embrace of free expression from the outset: Helsinki Watch was set up by publishers, worked closely with writers, and tapped into the rich seam of free expression journals established at that time, for example Index on Censorship, set up in 1972. (It was not until 1997 that Amnesty International specifically began to campaign against restrictions on the media.)

This kind of human rights organisation is marked by a number of characteristics. It is an institution, subject to the demands of management, employment law, fundraising and public relations. It is staffed by professionals, who see working in the human rights business as a career an ethical career, certainly, but a career nonetheless. Lawyers are dominant: it is driven by a lawyer's world view which, I would contend, is one of its handicaps. It specialises in a particular kind of advocacy, based on documentation, exposure and condemnation: 'mobilising shame' as Aryeh Neier used to say. It is driven by publicity, and

the assumption that coverage in the media can change attitudes and spark action. It seeks to enact change by putting pressure on the U.S. government (and also other western governments) to condemn and impose sanctions of one kind or another. It is concerned primarily with civil and political liberties. There are other characteristics too. There are many variants, and indeed Human Rights Watch itself has developed considerably over the years. But my point is not to make a detailed critique of what these organisations do, but to examine the place they occupied in the political imagination.

Let me underline that this ‘second generation’ model is an invention. It was created by some rather inspired human beings about a quarter of a century ago. Until that time, the idea of some self-appointed activists using a set of texts (some international conventions and the Helsinki Accords), interpreting them, and pronouncing moral judgement on foreign countries, would have been thought very curious. Of course people had done it before, but this time the invention took flight, and has become a fixture in our moral-political firmament.

The adversarial model worked because it was supremely well adapted to the particular circumstances of the ‘second’ Cold War. ‘Second generation’ practitioners were able to exploit systematically the double standards of the Reagan Administration, and the even more blatant ones of the Soviet Union and its client states. It worked too because both governments cared about their reputations, first for respecting their citizens both were committed to political projects in the Enlightenment tradition and second for telling the truth. It worked because the human rights organisations were able to maintain their own purity, by a rigorous focus of condemnation, and by avoiding the messier business of actually getting involved with delivering human rights. That ‘purity’ was of course a fiction, but a fiction that was well-protected and worked rather well.

It’s a truism of any form of adversarial politics, that over time it either comes to an accommodation with power, or retreats into Utopianism. This is partly because power accommodates to any effective adversarial critique. Success changes the political and moral landscape. So it was with the ‘second generation’ of human rights activism. It became attractive for foundations and (increasingly) governments to fund. Even though the extent of its activities is tiny in comparison with the international development sector, and still more so compared to the Pentagon, it is extraordinarily influential. It has become akin to a globalised industry of its own: the production of moral knowledge and ethical principle, headquartered in the world’s greatest metropolis, lobbying to dismantle barriers to the trade in its product, which is exported across the world.

The reliance of these second generation human rights organisations on publicity also has a problematic dynamic. For reasons of media friendliness and impact, these organisations have a tendency to package their reports, press releases and lobbying activities and thereby their entire operations around individuals. The cult of the human rights hero, as either victim or activist or both, has emerged out of the nexus between these organisations, their fundraising and public relations imperatives, and the media. It certainly worked in bringing human rights issues to a much wider audience, and stirring people’s imagination and compassion. But there is always the danger that a means becomes an end in itself.

It is interesting to look at some of the paths that the human rights movement didn’t take. There are two of particular interest. One is a focus on the right to food. This was a big issue in the early 1970s, which mobilised considerable international attention. But this issue was quickly appropriated by the emergent ‘humanitarian international’, and put into the basket of ‘charity’ rather than rights. The right to food did not die, of course, and is being revived in the current debate on the ‘human rights approach to development’.

The second is the path mapped out by the debate and activism on the rights of indigenous peoples in the Americas. This also did not die, but neither did it enter the mainstream of the international human rights movement. One of its insights, drawn from

anthropological studies, is that a fundamental question is ‘who is a person?’ That is, a prior question to, ‘what rights are human rights?’ is, ‘which people count as people?’ It is arguable that a focus on the principle that all persons are equally to be valued, would have avoided some of the difficulties that human rights organisations subsequently encountered.

By the time of the elder Bush administration, human rights advocates had ready access to the State Department, and the activism and critique was being practised with ever-finer tuning to address the demands of effectiveness in policymaking circles. This is a measure of success and something to be applauded. I am sure we would much rather have the Secretary of Defence taking advice from Human Rights Watch before making his pronouncements and enacting his policies. But it’s not without problems of its own.

The change became crystallised with the Clinton Administration. In 1993, the human rights generation came to power. Many on the boards of human rights organisations took posts in the administration. Others who didn’t found that many more doors were open to them. Their friends and partners both partners in law practices and marriage partners were in government. Above all, the peer group of the human rights movement could now have a much more direct influence on how the most powerful government in the world conducted itself. After the early euphoria, human rights organisations quickly found their feet and continued their best tradition of adversarial criticism. But things had changed: government policies were couched in a human rights language, human rights became the concern of development organisations (which as often as not simply re-labelled what they were already doing as ‘human rights’).

Over the years, the human rights business has become much better funded. I suspect that a threshold was passed in about 1990, at which point the level of institutionalisation in both donor foundations and recipients increased substantially. It became necessary for organisations to employ full-time fundraisers. The insidious influence of the fundraising imperative on humanitarian organisations is widely accepted. But in the field of ideas, the influence can be more subtle and invidious still. In the 1970s and ‘80s, while the human rights pioneers were defining the field, it’s true to say that money followed ideas. By the late 1990s, there was an appreciable shift to the reverse phenomenon: ideas were often shaped by the opportunities, and the constraints, of obtaining funds.

Also in the 1990s there was a vigorous debate on the expansion of human rights activism from civil and political rights to cultural, economic and social rights. In the early 1990s I was at Human Rights Watch and, through my advocacy on the links between human rights violations and the creation of famine, found myself actively engaged in this debate. Curiously, I found myself ultimately on the losing side. I argued against the extension of the mandate, not on grounds of principle, but because it would involve a radical revision of Human Rights Watch’s way of doing business. Among other things, we would have needed to congratulate socialist China on its health care programme and perhaps advocate compulsory vaccination programmes, as in the case of the smallpox eradication programme which was of course Josef Stalin’s idea. In this, I found myself in alliance, though not agreement, with Aryeh Neier, who was adamantly opposed to expanding the mandate on philosophical grounds. In passing let me note the superficial way in which Amartya Sen’s remark that famines do not occur in democracies has become part of the corpus of liberal dogma. Sen’s was an offhand remark, that has been developed and theorised by others including myself (de Waal 1997), and includes recognition of the successes of socialist China, among other cases. In the event, Human Rights Watch later extended its mandate (after Neier’s departure), but, revealingly, only insofar as it was able to do so using its existing, tried and tested methods of documentation and advocacy.

The dilemmas of both ethics and identity for this new, ‘third generation’ of human rights activism in power are best encapsulated in the debate over humanitarian intervention.

Again I seemed to be on the losing side of this argument. The human rights movement got caught up in the question of whether, and when, to advocate for the use of force. After an initial though somewhat protracted period in which some human rights activists tried to argue that it was possible to advocate force but to disavow its consequences, this became an ongoing debate that could not be resolved either way. It involved assessments of means and ends, of the ethics of violence, of the mandate for overruling sovereignty, and of the measurement of outcomes. In fact it was a standard messy political debate, though conducted with a heavy dose of moralism.

Rather than commenting on the different components of the debate, I would point out its symbolic importance: this was where the human rights movement encountered the dilemmas of power. And it is revealing how poor were the analytic tools that the human rights movement brought to this debate, at least initially. In this area, the human rights activist was accountable to his or her conscience, not to a rule book. For organisations that had studied the Geneva Conventions, this was a remarkable illustration of the lack of a capacity for institutional or historical self-analysis. Any kind of practical engagement in a conflict, especially one where an intervention is envisaged or is occurring, requires a mode of operation based on the principle of proportionality. It requires thinking in terms of treaties and not constitutions, relative outcomes rather than absolute rules. It proved rather difficult for human rights organisations, as for humanitarian organisations, to apply these principles to their own actions.

However, the wonderful thing about the way in which a human rights organisation can operate in a liberal society is that freedom of expression is a self-righting mechanism. It allows dissent, even if it doesn't always encourage it. Its moral certainties are open for critique and its mishaps are fair game for mockery. And, I would argue, this is precisely what it needs.

The Trajectory in Africa

Let me return to 1957 in Africa, and let us think back to what it meant to be a political activist at that time, campaigning for freedom in Ghana, Algeria, Egypt or South Africa. This was a time when the ANC was not yet banned, and was still committed to non-violent struggle. It was holding massive demonstrations and 'stay aways', tactics familiar from the civil rights struggle in the U.S. Based upon a similar model of peaceful activism, Kwame Nkrumah had achieved independence for his country. Thereafter he held his Pan African Conference on 'Positive Action', advocating international non-violent protest against the French in Algeria. Gandhi had brought independence to India through non-violent struggle: why shouldn't Africa achieve the same? Another strand in independence politics was liberal universalism, which traced its inspiration to the French Revolution and its Declaration of the Rights of Man.

My central contention is that the idea of a rights movement as a means of emancipation simply could not take hold in Africa, and the principal reason for that was that Africa was subjected to extreme violence, and the political imagination of liberation was therefore dominated by counter-violence, which in turn has proved profoundly damaging to the prospects of civil society, peaceful change, and the western concept of a human rights organisation.

Where violence is central to political processes, and even more so when it is ideologically legitimated, the basis for civil politics is profoundly endangered. Violence has its own dynamic. As Clausewitz notably pointed out, war tends towards the absolute. There is probably no war in modern history that has achieved its 'aims' without, at a minimum, either grossly compromising itself in the process, or creating a legacy that has subsequently

undermined the victory what the CIA calls 'blowback' or both. Even when violence is not actually used on a day-to-day basis, militarised forms of governance have a similar logic, which is towards a concentration of power, towards values that promote hierarchy, obedience, command and decisive action, and devalue democracy, dissent, consensus and patience. Violence incubates religious, ethnic and political extremism on both sides. Violence promotes a hegemonic masculinity. It is when the threat of violence is lifted that we can begin to envisage civil politics dominated by debate, argument and consensus. My point here is not only that non-violence is a point of principle for human rights activism, but that the political logic of a non-violent movement is fundamentally different from one that is ready to use violence.

Let me look at four pivotal figures, each of whom was personally deeply averse to violence, but each of whom came to embrace it. They had unquestionable personal commitment to the emancipation of their societies and the development of the human spirit. But they didn't achieve it.

The first is Kwame Nkrumah himself, who by 1961, was advocating armed struggle as the only way of overthrowing the colonial regimes in Algeria, Portuguese Guinea and Southern Africa, and the neo-colonial regime in Congo. He even wrote a book on 'people's war', adapting Maoist principles to Africa. The idea of popular armed struggle has been a fixture in the African political imagination ever since. As well as those anti-colonial struggles, it has had a second lease of life in Eritrea, Ethiopia, Uganda, Rwanda and Congo. For reasons that I will not go into, liberation movements become, despite their avowed intent, addicted to a political culture of militarism. In power, they tend initially to implement radical and progressive social policies, but over time, their incapacity to change and respond to critique creates a fossilised, secretive and hierarchical militarism, which ultimately plunges into crisis. There is, clearly, a predisposition to use force amongst the tight-knit ruling circles in these leftist movements. In Africa, there is not a single example of such a government that has conducted a free and fair election and handed over power, and most of them have turned to violent internal repression and/or foreign military adventures.

But: the idea of emancipation through force of arms, of war for liberation, still retains a powerful hold on the political imagination. The reason for turning to armed struggle was to square up to the means used by their colonial and post-colonial adversaries, who respected nothing else. And the reason why liberation war retains this afterlife of legitimacy is to do with the continuing, evident use of force by those same powers, one or two generations on.

The second figure is Gamal Abdel Nasser, who had seized power in a coup and sought to achieve radical social and economic transformation in Egypt, through top-down social engineering directed by the state. The model of Nasser's 'free officers' short-cut to power and emancipation also proved attractive, as witnessed by the numerous leftist or populist coups that have marked Africa since then: Somalia, Sudan, Libya, Ghana, Burkina Faso, etc. This has proved another route to authoritarian populism. And whereas it takes a certain moral commitment and stamina to sustain the hardships of guerrilla war, it takes only opportunism and bravura to mount a coup. The downward spiral of putschist regimes in Africa has, generally speaking, been more rapid than former liberation movements in power.

Moreover, Nasser's legitimacy was inextricably linked to his 1956 war against Israel, Britain and France. For more than fifty years, Egypt along with other Arab countries has been obsessed with military might. I cannot emphasise too strongly how the sense of insult and humiliation associated with first the Western betrayal of promises to the Arab world over Palestine, and then the inability of independent Arab governments to match Israel's military capacity and warmaking skill, has created a political imagination dominated by militarism. When conventional nationalist militarism was discredited after 1967, first terrorism and the religious militarism, and finally a combination of the two, have taken its place. It's

remarkable how even the most liberal human rights commentators in Egypt frame their entire human rights critique with reference to the double standards of the West with regard to the Palestinians, and preface any essay on human rights in the Arab world with extended reference to the Palestinians' right to self-determination. The political imagination of emancipation is locked into what it sees as the logic of its adversary. I will return to the case of Egypt a little later.

Our third figure is Frantz Fanon, the Antillean psychiatrist and writer who so bitterly opposed the French in Algeria. His significance in this discussion is his theory of the emancipatory power of violence. His writings are complex and no interpretation is uncontested, and subtleties are lost in translation for example 'violence' in French refers not just to violence but to armed struggle. However, there is no doubt that the popular reading of Fanon in Africa and the Muslim world is that violence could be a means of breaking the psychological burden of colonial subjugation. Fanon legitimised rage. One of his biographers has gone so far as to describe his theory as 'holy violence' (Perinham 1982). This reminds us the Algerian struggle for independence was simultaneously a secular nationalist struggle for independence and a jihad for socio-cultural integrity against French attempts to absorb Algeria, not only politically but culturally as well. As with Nkrumah and Nasser, Fanon was ideologically accommodating with his adversary.

This reference to Fanon brings us back to Egypt, and one of Nasser's most important critics and victims. In 1957 he was in prison, suffering under the extremes of prolonged incarceration, torture, and in 1966 he was executed. This is Sayyid Qutb, the Islamist theoretician who first absorbed and then rejected the secular liberationist doctrines and produced a theory of the Islamic state and the theory of jihad. It was Qutb's theory of jihad that was enacted by al Qaida members on 11 September 2001.

Historicising Qutb's theory of jihad and its subsequent practice is an intellectually and politically important task, but not one that can be attempted here. Let me confine myself to a few points. One is that the Muslim Brothers in Egypt invented Islamist activism: the founder, Hassan al Banna, essentially created the model of self-appointed activists assuming moral authority in the Islamic world. The mainstream Muslim Brothers' activism is essentially social and non-violent, it is akin to a 'primary mobilisation' such as the cases mentioned for the U.S., Ghana and South Africa. But Qutb rejected that incrementalist approach. Second, Qutb was seeking a timeless, ahistoric Utopia. His Islamic state is based on absolute personal virtue among both ruler and ruled: he places himself, and his acolytes, above politics in fact he has no theory of politics at all. In Qutb's theory, there is a yawning gap between the present realities of society, including the organisation of the Islamist movement, and the ideal Islamic state he advocates. That gap is filled by jihad, which is simultaneously the achievement of personal virtue and the means of securing divine intervention to create the Kingdom of God.

This is a theory, of course, doomed to failure. Since Qutb, Islamist political thought in the Arab world we have to point out that Iran is an exception here has very largely been stuck in a state of paralysis. But, the ideal of an Islamic state and the concept of jihad continue to exercise a powerful grip on the political imagination in Egypt. To understand why this is so we need to appreciate not just Islamism's own failings, but the failings of the Egyptian state, which is also in a state of paralysis. For this discussion, the most significant thing about this paralysis is not the extent of political repression, or even the state's insidious embrace of Islamism, but the blanket suppression of any form of socio-political debate. Most social and political scientists and the best journalists have left the country; some have been murdered, others are in prison. While Qutb himself condemned all humanities and social sciences as jahili, or 'wicked' and un-Islamic, the Egyptian universities in turn reproduce a value system that stresses the exact sciences and devalues social and political thought. 'Civil society' in

this context refers very largely to the Islamist service delivery organisations that exist around the fringes of the state, filling in where government services have collapsed. The Havelian notion of ‘living in truth’ has been thoroughly appropriated by the Islamists. The political imagination is thoroughly unimaginative. The intellectual landscape is barren. One result of this is that there have been few if any truly political intellectuals in the Islamist movement in the Arab world. The current generation of Islamists has abandoned the ‘liberation project’ of Islamism in the 1960s and ‘70s and regressed to an illiterate neo-fundamentalism exemplified by the Taliban.

In Africa and the Arab world, there is a strong feeling, often poorly articulated, that solutions must come from within and cannot be imported. This sentiment has been so widely abused by dictators (and indeed also by terrorists) that it is easy to dismiss it. But let me fix on the element of truth in this: concepts and processes of emancipation exist and develop in particular social and political contexts. They derive from a certain configuration of the political imagination. They cannot simply be imported something I will turn to in the next section. The thwarting of the ‘primary movements’ for social change in Africa in the middle part of the 20th century was, I suspect, the biggest tragedy that overtook the continent, because it turned the leadership of the continent towards violence, and all that violence entails, and it left Africa singularly ill-prepared to develop the institutions and ideologies necessary for absorbing and domesticating the international human rights movement of the 1980s.

The Human Rights International Encounters Africa

Human rights activism began to get a grip in Africa, and on Africa, in the late 1980s. There was always a pressure from within for non-violent, emancipatory social change. The peaceful popular uprising that brought down the military dictatorship in Sudan in 1985 and the trade union movement in South Africa are two examples of effective popular mobilisation for rights. But they were rare and the Anti-Apartheid campaign was exceptional in any terms. To a significant extent, the human rights agenda arrived in Africa fully packaged from the West.

Let me underline: concepts akin to human rights are found in African societies and in Islam, and there was always a strong yearning for peace, justice and respect for the individual. The concept of human rights is not alien to Africa. But the form of human rights organisation that appeared in the late 1980s and 1990s was essentially a borrowing. There is nothing intrinsically wrong with that. What I have called the ‘second generation’ human rights organisation was a valuable innovation that can work in contexts other than liberal industrialised countries (as the Latin American experience has shown). And it can be adapted, domesticated and even subverted to good ends in African countries.

But we must be aware that the model of the professional, institutionalised human rights organisation as it was imported into Africa played a rather different role, both conceptually and politically, to the role it had played in the West. As I have tried to point out, it was not a direct inheritor of Africa’s emancipatory traditions. It didn’t have the legitimacy born of those struggles—with a couple of partial exceptions such as northern Sudan, South Africa, and to some extent, Nigeria. It was introduced in opposition to African governments. Many of them were authoritarian, militarised and corrupt, but they did have a legitimacy, albeit vestigial in some cases, arising from their history, their patrimonialism and their use of popular nationalist, cultural and religious symbolism.

A second aspect of these human rights organisations was their lack of an organised constituency. They were largely the product of professional, urban literate elites with ambitions. They did not spring from mass movements. Often, they found that their most powerful, though somewhat unreliable allies, were the churches, which had a huge

constituency and legitimacy. For obvious reasons, the professional, institutional model of human rights activism was very attractive to aspiring urban elites. It was attractive to political opportunists and also individuals primarily concerned with their income and ego. Many of these activists and organisations were courageous and principled, but the lack of organic accountability to wider movements laid them open to the charge that they represented no-one but themselves.

The 'second generation' human rights organisation, based on exposé and adversarial criticism, was much less well suited to an environment without mass mobilisation for human rights, and with weak states. The absence of 'primary mobilisation' not only deprived activists of the constituency that would keep them relevant and honest, but also meant that their activities were not securely anchored in the national political imagination. Ordinary people weren't quite sure who these activists were and what they were aiming at. And secondly, with a weak state and its corollaries, poverty and low levels of education, such activism drew the riposte: our problems are poverty, illiteracy and lack of institutional capacity. This riposte was usually an excuse to cover the moral nakedness of dictatorial governments. But we have to acknowledge that it has a point: effective human rights activism, and the realisation of human rights, is founded in a well-educated populace and a functioning police and judicial system.

A common problem with such organisations has been called 'donorism': a preoccupation with the concerns of their donors, entailing a focus on issues preferred by those donors, a concern with projects that can be measured, and the pre-requisite of financial accountability in accordance with donors' rules. These are essential to a functioning modern organisation. But the apparently innocuous technical demands of donors can have far-reaching implications. Ideas follow money: there's a tremendous amount of intellectual deception and self-deception, some of it tactical, some of it willfully optimistic, in funding proposals. Because these organisations obtain pride of place in the media and with funders, alternative forms of mobilisation may be neglected. Most insidiously, these organisations take the unquestioned moral high ground, denying other forms of moral discourse that may in fact be more rooted in the society in question, and more effective in bringing about change.

This phenomenon can be seen much more sharply in the wider circle of human rights related activities, such as the new-found concern of the World Bank and bilateral donors with 'civil society'. The concept of 'civil society' is broad and I will not attempt to provide a definition. Instead I ask, what is the concept 'civil society' for? In the 1970s and 1980s in Eastern Europe, it was a means of retrieving the legitimacy of a pre-Communist era of civil politics, and carving out space against totalitarianism. Civil society in this sense is where alternatives flourish, where dissent and creativity can be found: where the bounds of the political imagination are pushed.

This definition should equally apply in some of the most effective authoritarian states in Africa, for example Egypt. But in this case, both the Islamists and the state prefer to see civil society as any non-state service provision. 'Civil society' in this sense is not a promoter of dissent or free-thinking, but a means of building an alternative but equally conformist society that evades the paralysis of the state.

More common in Africa is however a new instrumental definition of civil society: it's what the World Bank, or USAID, can fund. These donor institutions have invested considerable effort in trying to define 'civil society', but their purpose for doing so is quite simple: they need criteria for what they can support. Their definition is wider than their focus for funding, but it is the latter that counts in these poor and aid-dependent countries. This can lead to absurdities, such as current USAID programmes in Southern Sudan to support so-called 'civil society', which provide the rebel movement, the SPLA, with a de facto veto over what organisations are given support. As a result, 'civil society' institutions that are no more

than front organisations for the SPLA are supported, and independent organisations dismantled, as their members are forced to seek employment elsewhere. And such is the mediocrity of the AID staff that they simply don't understand this.

We can easily mock these sorts of programmes. The deeper point is that, in a situation in which the state is weak and cannot provide, civil society does have a rather different function. But the funding organisations that make the key decisions are simply not equipped with the right concepts the right political imagination to make their efforts work. And they will look in vain for an alternative set of concepts emergent from Africa, because their own political and moral vocabulary has achieved such a dominant status, and few if any actual or potential recipients of their largesse are prepared to challenge them openly. And moreover, if they do, and they come with a genuine alternative, it won't fit any existing funding categories, or will be dismissed for being too political. The reality of donor funding is that donors' proclaimed enthusiasm for 'new' or 'creative' ideas is institutionally shallow. An African organisation, confronted with a funder using this language, is well advised to take a very conventional project with the most standard reporting schedules and requirements, and give it an imaginative repackaging.

Another component of this estrangement, is the partial capture of the human rights agenda by international humanitarianism, with its agendas of charitable action and, increasingly, military intervention. Elsewhere, I have extensively critiqued the way in which the humanitarian international has a structural tendency towards regressive political outcomes (de Waal 1997), and so I will not elaborate here. It suffices to say that the readiness of western human rights organisations to embrace, often uncritically, the agenda of military-humanitarian interventionism, reflects the extent to which they are grounded in the discourses and worldviews of western capital cities, and are distant from the social and political realities of Africa.

The last and perhaps the most subtly damaging element in the encounter between western human rights organisations and Africa is the way in which the western organisations are associated, like it or not, with power. They are seen as emissaries of the west. This is partly through the historical accident that western human rights organisations moved en masse into Africa in the 1990s, at a time when they themselves had moved on to the 'third generation', of gaining real influence with their governments. While the model of activism promoted in Africa was 'second generation' adversarial to African governments those promoting it were often seen as quite cosy with their own (Western) governments. This was not least because of their demonstrated readiness to call for western military intervention, and occasionally to get what they asked for.

This association with power was partly illusory. Its emptiness was most dramatically demonstrated in Rwanda in 1994 when the national human rights movement, enticed out of the shadows by its international counterparts and by the presence of a UN peacekeeping force, became ever bolder in its condemnations of the Habyarimana government. And its members were duly annihilated in the early days of the genocide, while their foreign friends screamed, and the UN and United States did nothing to help. They were the victims of a wilfully contrived optimism, of a false hope. Of the human rights activists who survived, some of them failed to meet the moral standards normally expected of such people. I don't want to pass moral judgement on individuals who succumb under such extreme stress. Rather, I would point out that, not only were their unrealistic expectations of the role of the West dashed, their political and moral imagination was shattered. We wasted their hope. At one level, the human rights community must bear some responsibility for this part of the Rwandese tragedy.

By this point, the mid-1990s, the sheer profusion of different kinds of human rights activism and organisation makes any generalisation very hazardous. The success of the

human rights international and the power of its language is such that almost every institution even now including transnational corporations are defining their mission and activities in terms of human rights. What was a sharp and definite fixture in the moral firmament at the beginning of the 1990s was rather confused and blurry by the end of the decade.

I have pointed to some of the unanticipated consequences of the human rights international's encounter with Africa in the last decade. The most extreme and adverse case is Rwanda, but other examples can be cited as well. For example it would be profoundly unfortunate if the concern of some activists for combatting slavery in Sudan and in the process grossly exaggerating the numbers and lining the pockets of unscrupulous middlemen in the slave redemption business were to stand in the way of the U.S. government pressing for a serious initiative to bring that country to peace.

But overall, the record of outcomes is actually quite good. On the whole, the last decade has seen the raising of the moral bar. There are more elections in Africa. In its Constitutive Act, adopted last year, the African Union pledged not to admit any government that comes to power through unconstitutional means. There are more uncensored newspapers and more radio stations a development that is, in and of itself, a measure against military coups, because in the old days of one national radio station, it was the first target of any would-be putchist, who would make his broadcast, accompanied by martial music, and there would be no alternative voices on air. Countries are taking measures against child abuse. Although more landmines are laid every year than are cleared, the moral prohibition on their use is gaining currency. What we are seeing is what Thomas Risse and Kathryn Sikkink (1999) have called the 'domestication' of human rights norms. Although governments may have entered into dialogue with human rights critics out of the most cynical motives, or ratified international conventions simply for the photo-op, over time the commitment to human rights is taken more seriously, and may even become sufficiently domesticated to be the basis for consistent, rule-bound behaviour.

However, we need to be very careful before we congratulate ourselves, or African governments, in making international human rights standards a reality. It is a somewhat unpalatable reality that human rights are not well anchored in the political imagination. We need to attend to the fact that the biggest followings among Africa's youth are Pentecostal Christianity and militant Islam in various forms. There is a tendency in human rights circles not to take these movements seriously as intellectual competitors, to assume that either their adherents will 'mature' and move towards a liberal secularism, or the movements themselves will follow this kind of trajectory. I would like to caution against such views. For one reason, we have yet to see the impact on the political imagination of African societies as the life expectancy on attaining adulthood plunges to half of what it has been, due to the HIV/AIDS pandemic. This is an adverse structural change in the framework of adult expectation that is unprecedented in modern history.

The level of debate about the nature of political society in many African countries is just deplorably low. There are talented and imaginative political scientists who hail from Egypt or Nigeria or Rwanda. But few of them are able to develop their careers, and engage in serious debates, in their home countries. When the concepts of 'human rights', or 'human rights organisations', are deployed, the context is simply not similar to that in intellectually dynamic western societies. These concepts are somewhat fetishised, imbued with a moral and political polarity that does not always promote the kind of dissenting creativity that is necessary if Africa is to find its way out of its current predicament.

And unfortunately, the moral certainty and lack of historicity of many western human rights advocates does not help this situation.

The Challenge of HIV and AIDS

The greatest single challenge to any projects of promoting human rights or social and political emancipation in Africa is the pandemic of HIV/AIDS, and the immense governance implications of that pandemic (de Waal 2003). The historically unprecedented cut in adult life expectancy associated with rates of HIV in excess of 20% of the adult population, threatens regressive social and political transformation of a scale, structure and speed rarely witnessed. Elsewhere I have analysed how a halving of adult life expectancy threatens to shatter the unexamined pillars of social, economic and political life, including education, building careers, accumulating assets and skills, the functioning of institutions, and the structures of family life. The same holds true for the axioms of human rights activism and the prospects for realising human rights.

Engaging in any human rights activity including casting a vote is premised upon the availability of time and the expectation that something will come of it. In heavily-AIDS impacted societies, adult time is becoming a very scarce commodity, and what is left is increasingly dedicated to obtaining enough resources to provide for a larger number of dependents, both children and sick adults. Voluntary activities are becoming more focused on caring for those suffering AIDS. Meanwhile, the curtailed expectation of adult longevity, and the subjective perception that social and political life is on a downward trajectory, makes social activism less attractive. All activism is based on a positive sense of futurity, and perhaps the most profound impact of HIV/AIDS is its assault on this sense of a better future.

The field of AIDS activism in Africa is simply not equipped to deal with this challenge. And the reason, I fear, is that it is rooted in the recent history of human rights and NGO activities just outlined.

The HIV/AIDS epidemic was first identified in the U.S., and the first social and political action to overcome it was founded in the American gay community. AIDS activism in Africa still bears this imprint. The problem is not that there is anything wrong with the way in which the American gay community struggled simultaneously to overcome AIDS and to defend its hard-won civil rights. On the contrary, it was the linking of these two struggles that powered the gay community's successes. Rather, it is that Africa has been unable to develop its own authentic discourse on AIDS, rooted in its own simultaneous and linked struggles for social progress and emancipation.

In Africa, the epidemic has unfolded since the mid-1980s, in a political climate dominated by neo-liberalism and its various manifestations, including systematic attempts by donor governments and international financial institutions to dismantle many state institutions. International public health institutions have been similarly unfashionable. The model for responding to the AIDS pandemic has overwhelmingly been one of NGO projectism. Thus far, it has not worked. Most international AIDS policymakers have studiously closed their eyes to the implications of the few success stories in overcoming HIV/AIDS in Africa, including Uganda in the late 1980s and early 1990s, Senegal, and the Ethiopian military's programme. These cases illustrate the necessity of state action, and of tying HIV/AIDS programming to other social agendas. In Uganda it was the creation of local democracy and affirmative action for women; in Ethiopia it was the preservation of the army as a functioning institution drawing upon the army's history as a liberation movement. Many NGO programmes have marked local successes, but they have simply not been taken to scale. Partly this is a problem of lack of funds. But partly it is because a national programme demands a different kind of action.

The agenda of the international human rights community to Africa's AIDS cataclysm has been essentially defensive. It has focused on the threats to individual human rights posed by government responses to the pandemic. Thus for example there has been an insistence on

the right to privacy of the person living with HIV and AIDS, and efforts to prevent stigmatisation of and discrimination against these people. These are important and worthy: they simultaneously keep human rights in focus and help prevent some of the more repressive and counterproductive governmental responses to the pandemic. But they do not add up to anything approaching a coherent social and political programme for restoring the basic right to life that is being so hugely deprived. The campaign for more equitable access to anti-retroviral treatment is a step in that direction. But much of that campaign is framed by the tactical priorities of the western organisations themselves, namely the traction that they can obtain by confronting international pharmaceutical companies. The strategic objective of ensuring that all who need treatment do indeed obtain it, and that this is accompanied by the full range of other programmes (such as condom availability, STD prevention etc.), requires much more. It demands building institutions and enacting social change in Africa, which are immensely more difficult, especially for second generation organisations based outside the continent.

In Africa itself, human rights activism on HIV/AIDS has been largely limited to South Africa. Here it has been overwhelmingly adversarial, and necessarily so because of the extraordinary denial and obstruction of the South African government. There is a lot of anger at the government for its intransigence, which may conceivably turn into an electoral challenge. Increasingly, the secondary impacts of the pandemic are becoming of concern to key constituencies, such as the trade unions. Given the right analysis and leadership, there is a real possibility of a political coalition to confront HIV/AIDS in South Africa or at minimum, to provide affordable treatment to PLWAs. But the unique character of political discourse in that country means that it is improbable that this model will be readily replicable elsewhere.

Elsewhere in Africa, there has been very limited activism by PLWA themselves, alongside a much wider NGO mobilisation to respond to the education, prevention and care needs of people and communities affected by the virus. Unfortunately, most African NGO activism manifests many of the same problems as the wider NGO and human rights movement across the continent, namely a reliance on donor funds and models, and a single issue focus. This results in AIDS policymakers adhering to the illusion that what is required is taking this NGO model of action to scale, rather than moving the locus of action decisively into the political sphere. When AIDS policymakers and NGOs talk of 'scaling up', what they mean is for governments to adopt the NGO model of action. When they demand 'political leadership', what they want is for African heads of state to act like the directors of AIDS NGOs. Even if they could achieve these things, it is very unlikely that they would work.

What are needed are emancipatory social and political projects that capture the energies of young people, and turn the struggle to overcome AIDS into a collective political endeavour. This means political action focused on the state. If that energy is not mobilised by progressive social agendas, there is the real risk that it will be captured by regressive projects perhaps militant religious movements, that dispute the premises of current liberal orthodoxies on HIV/AIDS or that societies will decay into a state of apathetic fatalism. Should either of these happen, it will be an indictment of the African left, and its erstwhile international allies.

Conclusions

Let's not fetishise the way of working of human rights organisations, whether adversarial 'second generation' organisations, funders or others. We need to be clear about the difference between human rights principles and human rights practices and organisations. Both are historically constituted, and there is an association between the two increasingly close in fact, as in many places 'human rights' can be defined as 'what human rights organisations do'. But it is unhealthy if a self-selected group of professionals from a certain kind of institution, with

certain cultural and political baggage, ends up defining the basic moral texts of the global order. It will be a problem if the discourse on human rights is so thoroughly owned by western organisations and governments that it ends up generating a set of subversive counter-claims, that seek to 'liberate' their societies from this discourse, which they have had no role in shaping.

There is clearly some unhappiness in the human rights international. One manifestation is that some public intellectuals, such as Michael Ignatieff, have started questioning (Ignatieff 2001). That's good. Human rights as an activity requires some adversity: it's been getting too comfortable lately. Another is that we can see a kind of defensive 'human rights fundamentalism' at work among some advocates, insisting that human rights texts not be revisited or critiqued, and indeed suggesting that any dissenting voice is interested in bringing down the whole apparatus rather than reforming it. I am not overly worried by this kind of intellectual defensiveness or fetishisation of either human rights texts or organisations, because in the long run, any liberal system is founded on free expression and the expansion of the horizons of the political imagination. What disturbs me more is the sense in much of Africa that we are subject to a reluctant intellectual dependency, a projection of power that is invisible to those who are doing the projecting, but real and somewhat alienating for those on the receiving end.

Perhaps we need a 'fourth generation' of human rights activism. Lacking adequate space for the theorisation of the evolution of both rights and how they are achieved, let me be content with a few superficial remarks about what a human rights reformation might look like. First, the human rights industry, for such it is, is likely to become ever more institutionalised and professionalised, as it delivers tangible improvements in the quality of governance and the respect for life and liberty around the world. Like all such global industries, it needs regulation, in the conventional sense of quality control and greater accountability. It can be true to its motive of delivering protection for the weak, exposure of untruths, and promotion of the dignity of all. In doing this, the human rights business needs to be attentive to the framework in which human rights are deliverable: the capacities and responsiveness of states, and the educational level of the population. And in this context, it must attend to the secondary impacts of HIV/AIDS, which are undermining all the human and institutional capacities capable of delivering human rights.

But the human rights project also needs to return to its other source of inspiration: intellectual creativity and dissent against the power of domineering ideas, when they are backed by institutions. This, I submit, includes questioning the moral and political power exercised by the human rights establishment itself. We need to liberate human rights from its accommodation with power. This is something that may happen in reaction to the excess of the so-called 'war on terrorism'. Simultaneously we must seek to create a language that can rescue the political imaginations of countries such as Egypt and Nigeria, trapped as they are in a choice between different blind alleys. I am not going to suggest that this is a solution to the problem of terrorism, because that would be a cheap shot. Earlier, I suggested that the human rights movement in the West, and the various liberation projects in Africa and the Arab world, were partly defined by their adversaries, both politically and intellectually, but ultimately overcame them at a cost, which in some cases was too high. I suspect our adversaries today are, on the one hand, extreme power unconstrained by understanding but driven by a shallow moral certainty, and on the other hand, profound frustration channelled into violence by the intellectual and moral closure of poor, badly-governed, and AIDS-afflicted societies. Our most precious asset against these formidable adversaries is our ability to think openly and creatively and express ourselves freely.

Bibliography

- Anderson, Benedict, 1983, Imagined Communities: Reflections on the Origin and Spread of Nationalism, London, Verso.
- de Waal, Alex, 1997, Famine Crimes: Politics and the Disaster Relief Industry in Africa, Oxford, James Currey.
- de Waal, Alex, 2003, 'How HIV/AIDS Will Transform African Governance,' African Affairs, forthcoming.
- Freeman, Michael, 2001, 'Is a Political Science of Human Rights Possible?' Netherlands Quarterly of Human Rights, 19.2.
- Ignatieff, Michael, 2001, Human Rights as Politics and Idolatry, Princeton University Press.
- Keane, John, 1998, Civil Society: Old Images, New Visions, London, Polity.
- Korey, William, 1998, A Curious Grapevine: NGOs and the Universal Declaration of Human Rights, New York: St. Martin's Press.
- Perinham, B. Marie, 1982, Holy Violence: The Revolutionary Thought of Frantz Fanon, Washington DC. Three Continents Press.
- Risse, Thomas, and Kathryn Sikkink, 1999, 'The socialization of international human rights norms into domestic practices: introduction,' in Thomas Risse, Stephen Ropp and Kathryn Sikkink (eds.) The Power of Human Rights: International Norms and Domestic Change, Cambridge University Press.
- Sutherland, Bill and Matt Meyer, 2000, Guns and Gandhi in Africa: Pan African Insights on Nonviolence, Armed Struggle and Liberation in Africa, Trenton, NJ, Africa World Press.