



CHALLENGES FACING THE ARAB HUMAN RIGHTS MOVEMENT

EDITED AND INTRODUCED BY
BAHEY EL DIN HASSAN

ABDEL AZIZ BANANI

ALAA QA' OUD

AMIN MEKKI MEDANI

HAYTHAM MANNA'A

IBRAHIM AWAD

KHEDR SHUKAIRAT

MOHAMED EL SAYED SAI'D

MONCEF EL MARZOUQI

**Challenges facing the
Arab Human Rights Movement**

CAIRO INSTITUTE FOR HUMAN RIGHTS STUDIES CIHRS

* CIHRS is a professional, non-governmental research center specialized in the study of human rights in the Arab world. CIHRS was founded in April 1993 and has started its activities in April 1994. The Institute views itself as part of the international and Arab human rights movement.

* The Institute does not associate with any kind of politicized activity, and cooperates with other institutions on equal basis in all political matters, except when it comes to the International Human Rights Law.

* CIHRS' activities include conceptual and applied research, educational programs, seminars, courses, periodical and non-periodical publications, as well as providing research facilities and consultation to interested researchers.

THE BOARD OF TRUSTEES

Abdel Monem Said	(Egypt)	Abdullahi An- Naim	(Sudan)
Ahmed Othmani	(Tunisia)	Amal Abd El Hadi	(Egypt)
Asma Khadr	(Jordan)	Aziz Abu Hamad	(Saudi Arabia)
El Said Yasin	(Egypt)	Fateh Azam	(Palestine)
Ghanem El Nagar	(Kuwait)	Hanny Megally	(Egypt)
Haytham Manna	(Syria)	Ibrahim Awad	(Egypt)
Mohamed Amin Al Midani	(Syria)	Sahar Hafez	(Egypt)
Violette Daguerre	(Lebanon)		

Research Advisor

Mohammed El Sayd Said

Director

Bahey El Din Hassn

9 Rustom St. #35 – Garden City – Cairo, Egypt

Mailing address: P.O. Box 117 (Maglis el-Shaab), Cairo, Egypt

Tel: 3543715 – 3551112

Fax: 3554200

The Views expressed in this book don't necessarily reflect those of the CIHRS

CHALLENGES FACING THE ARAB HUMAN RIGHTS MOVEMENT

Edited and introduced by
BAHEY EL DIN HASSAN

ABDEL AZIZ BANANI

ALAA QA'OD

AMIN MEKKI MEDANI

HAYTHAM MANNA'A

IBRAHIM AWAD

KHEDR SHUKAIRAT

MOHAMED EL SAYED SAI'D

MONCEF EL MARZOUQI

Challenge Facing the Arab Human Rights Movement

Copyright : All rights are reserved

Publisher : Cairo Institute for Human Rights Studies

PO Box .117 (Maglis el- Shaab), Cairo, Egypt

E-Mail Address cihrs@idsc.gov.eg

Printing : Cairo Institute For Human Rights Studies

CONTENTS

INTRODUCTION

Towards An Arab Human Rights Movement	Bahey el-Din Hassan	7
--	----------------------------	----------

THE PROBLEMATIC OF ARAB HUMAN RIGHTS MOVEMENT

* Problems Of The Arab Human Rights Movement	Mohamed El Sayed Sai'd	13
* The External Relations Of The Arab Human Rights Movement	Ibrahim Awad	27
* The Political Islamic Movement and Human Rights	Haytham Manna'a	44

THE PROBLEMATIC OF EGYPTIAN HUMAN RIGHTS MOVEMENT

* The Roots of Turmoil in The Egyptian Organization for Human Rights: Dynamics of Civil Institution-Building in Egypt	Mohamed El Sayed Sai'd	63
* The Egyptian Organization For Human Rights: The Experience And Prospects For The Future Points For Debate	Alaa Qa'Oud	85

Bahey el-Din Hassan 95

*** Towards a Consistent Strategy for
Human Rights Advocacy in Egypt**

*THE PROBLEMATIC OF HUMAN
RIGHTS MOVEMENT IN ARAB
MAGAREB*

Moncef El Marzouqi 115

*** Human Rights Organizations: The
Difficult Task: The Tunisian
Experience**

Abdel Aziz Banani 132

*** The Moroccan Human Rights
Movement: Struggle for the Rule of
Law and Professional Independence**

*THE PROBLEMATIC OF HUMAN
RIGHTS MOVEMENT IN PALESTINE
AND SUDAN*

Khedr Shukairat 165

*** New Challenges to the Palestinian
Human Rights Movement**

Amin Mekki Medani 175

*** Politicization And Factionalism:
Predicament Of The Human Rights
Movement In Sudan**

EPILOGUE

Bahey el-Din Hassan 189

**Towards Human Rights Enforcement
in the Arab World: A Comprehensive
Strategy for the Arab Human Rights Movement**

Introduction

Towards An Arab

Human Rights Movement

The Cairo Institute for Human Rights Studies (CIHRS) is pleased to present to readers the first book that studies and analyzes the human rights movements in the Arab World in a collective volume written by a number of the most outstanding human rights activists.

This book, is considered a live testimony on the reality of the Arab Human Rights Movement. The mere fact it is published is an important indication to the degree of maturity the movement has already reached.

At a time in which the Arab organizations struggle to gain legal legitimacy -- or protect it for those who enjoy it -- and establish cultural legitimacy in the face of the dominant political culture which facilitates the sacrifice of democratic and human rights values; in the face of the dominant ultra-orthodox Islamic traditional jurisprudence (al fiqh al Salafi) and its advocates who portray human rights defenders as against Islam; During a time in which the campaign of political *takfir* against some Arab human rights organizations led both by governments and some writers from the opposition combine with the campaigns of religious *takfir* by some writers of political Islam, human rights defenders, were nevertheless not discouraged from watching the performance of their organizations, diagnosing the weaknesses and ills, and presenting a deep and open self-criticism.

In this context, the essays and studies in this book avoid being descriptive or reportive. They view human rights organizations as a social entity with its own message through which it seeks change, and hence the essays study and analyze the impacts of the socio-political, cultural and religious reality both upon the messages and those who carry them. This will help to illustrate failure and success and explore the new challenges faced by the movement.

This type of study is not common in dealing with human rights organizations, even outside the Arab World. The most common type of study in this field is either reports

about the activities of these organizations or studies by non-Arab scholars from outside the movement itself. Such writings are usually purely academic.

The emergence of the present studies in the Arab World reflects, on the one hand, the high level of experience accumulated during the course of struggle and facilitates study of the movement. On the other hand, it reflects the increasing awareness among leading members of this movement that internal obstacles to the performance of Arab organizations have now become a fundamental impediment to the effectiveness of these organizations in improving the human rights situation.

What is noteworthy is that there is consensus about the overwhelming influence of the socio-political and cultural environment in the Arab World in the course of human rights advocacy, despite the fact that the authors come from different places (Morocco, Tunis, Sudan, Egypt, Syria and Palestine). This consensus also is apparent despite the different historical and political circumstances within which the human rights organizations have emerged in these states, which include monarchy, republics, territories occupied by Israel and those ruled by political Islam, as well as the different periods in which the organizations came into existence, from the mid-1960s (Tunis) to the early 1990s (Palestine). This environment, perhaps, has a greater influence than what the studies herein attribute to the governments. This shows the existence of a common ground that justifies the debate on "the prospects of an Arab human rights movement." We have used this term from the beginning, despite our conviction that we are not about an existent movement because of the characteristics of historical evolution.

Perhaps it is too much to expect that the Arab readers, particularly those, who are not involved in the work of human rights organizations, will not feel alienated when reading the articles on these six countries. The reader will feel that he is reading about his own country or about the experience of a local human rights organization there.

For when Abdel Aziz Benani writes on "the historical and political circumstances of the emergence of the human rights movement in Morocco," he nearly speaks about the democratic movements in Tunis in 1960s. His statements are also applicable to the student and leftist movements in Egypt after the 1967 defeat and the beginning of a wide democratic ambition. When he deals with the relationships between political parties and human rights organizations, he seems to address the interaction between the different Palestinian political factions and human rights organizations. Those who are well-versed in the experience of the Egyptian Organization for Human Rights (EOHR) will be familiar with al Marzouqi, who writes on the impact of the changes of political and party alliances on the Tunisian Association for Human Rights and the conflicts within it. This is true even though the two organizations have faced different fates because of the weakness of the Egyptian parties, on the one hand, and the rigorous stand of the EOHR towards the Egyptian parties and its bitter struggle in this regard, on the other hand. This has been well illustrated by the studies written by Mohamed El Sayed Sai'd, Ala Qa'oud, and Bahey El Din Hassan, which have been

included in this book, although they describe other risks facing EOHR which are no less dangerous than those that challenged the Tunisian Association.

The Arab reader will not be greatly shocked by what is written by K. Shukairat on

“the Palestinian human rights movement.” It fights on two tracks: the Israeli occupation, on the one hand, and the Palestinian National Authority, “the sole legalized representative” for whose sovereignty over occupied territories the movement has struggled, in the framework of the Palestinian nationalist movement, on the other.

The Sudanese Organization for Human Rights' (SOHR) experience with politicization, which has been examined by Amin Mekki Medani, is almost the same experience of all other Arab organizations. Perhaps the movement of the organization into exile has played a decisive role in characterizing the Sudanese experience. It is characterized by an overwhelming influence of the opposition parties on the organization's attitudes and discourse.

Chapter 1 includes three articles which deal with the Arab movement, written by Mohamed El Sayed Sai'd, Ibrahim Awad and Haitham Manaa'. The springboard of these three works is the existence of common deep characteristics among Arab organizations. Mohamed El Sayed writes on “the internal structural problems,” while Haitham Manna' discusses “the nature of the challenge represented by the political Islam movement.” Ibrahim Awad examines the impact of the factors concerning the current generation of leaders and their political backgrounds on the structure of the organizations' relationship with the international community.

Based on all the above, Bahey El Din Hassan attempts in the last chapter to explore the horizon of common strategies for the human rights movement in the Arab World, on the grounds of similarities in the diagnosis of the problematic and the nature of challenges they face.

Although this book contains studies and articles written on different occasions over the last three years, it outlines the features of the human rights movement in the Arab World.

The ambitions of the editor were that this book include studies that highlight further basic aspects to complement the features of the movement. But the book has transcended the planned size and budget, and some studies were not completed on schedule. This situation has caused postponement of presentation of these studies, possibly for a second part of this book.

As for CIHRS, this book falls within the framework of its orientation of studying the problems of human rights organizations in general, and in the Arab World in particular, and exploring ways to improve their effectiveness. CIHRS has embodied this approach during the three years of its existence in ten research papers and comments, two issues of its bulletin “sawasia,” other two issues of its periodical “Rowaq Arabi,” the organization of two symposiums on the Egyptian movement, a

joint workshop with the four Palestinian organizations on the emerging challenges they face, and finally, its initiative for an international project to reassess the international human rights movement.

While this book is an indicator, to a certain degree, of the maturity of the Arab movement, it comes in the context of launching a new phase of the struggle. It coincides with a meeting organized by CIHRS which will bring together a number of the most prominent experts in the field to plan for the future of the movement and to outline aspects of the common strategy. It also coincides with preparations for an unprecedented training course organized by CIHRS for senior and junior leaders in Arab organizations on the human rights movement's strategies.

If Arab citizens have come to believe that human rights organizations are responsible for their daily concerns of dignity and freedom, perhaps the time has come for the involvement of citizens in reflections on the human rights organizations' preoccupations. We hope this book will serve this difficult task.

Bahey El Din Hassan

Cairo, July 1997

PART 1

THE PRBLEMATIC OF THE ARAB HUMAN RIGHTS MOVEMENT

PROBLEMS OF THE ARAB **HUMAN RIGHTS MOVEMENT***

*Mohamed El Sayed Sai'd***

Introduction

The Arab human rights movement has established itself as a major feature of Arab political and cultural life. It has passed the stage of foundation. Furthermore, Arab political discourse has come to assimilate ideals of human rights. Opposition to these ideals is fading. Dialogue among political and social forces, in a number of Arab countries, shows the centrality of human rights.

Nevertheless, there is a pervasive feeling among activists and sympathizers that the movement has somehow stalled, that the initial momentum is dissipating, and that the moments of great optimism and hope have probably passed without great achievements. To the contrary, while the movement has made progress in the Arab region as a whole, some of its organizations in certain countries are experiencing many problems. For example, how can we understand this sense of stalling and the number of setbacks suffered by eminent human rights organizations such as the Tunisian League?

Part of the answer to this question is in the metamorphosis of Arab political structures. Another part is naturally specific to the Arab human rights movement as such, and the problems it faces at the internal and domestic levels. In the following, we provide a general description of the present situation of the Arab human rights movement, and the ills and problems specific to it at the present stage. Then, we take a look at the general political environment in which this movement is operating. In conclusion, we suggest a theoretical explanation of the stalling and stumbling of the movement

^{*} (Paper presented at the meeting of the International Association of Middle Eastern Studies, Amman, April 10, 1996). Also published in Rowaq Arabi quarterly third issue, July 1996.

^{**} Research Advisor of Cairo Institute for Human Rights Studies

First: The Present Condition of the Arab Human Rights Movement

The present condition of the Arab human rights movement can be characterized as a mix of gains and losses as compared with the stage of initiation in the 1980s.

In the broader sense of civil, peaceful and systematic struggle to attain respect for human dignity and essential civil rights, the Arab human rights movement can probably be traced back to the coming of modernity to the region. In the specific sense of institutions whose mandate is to advance the cause of implementing international human rights law, the true inauguration of the Arab human rights movement took place in the early 1980s, with the establishment of the Arab Organization for Human Rights (AOHR) in 1983. In some countries, major human rights organizations preceded it, such as the Tunisian League and the Moroccan organization. Some others followed, most importantly the Egyptian Organization for Human Rights (EOHR).

While there was in fact no reason for great optimism at the time, the Arab human rights movement, in the narrow sense, has actually achieved some remarkable gains since its initiation. These gains include:

1. In the first place, human rights ideals as such have come to be accepted in mainstream Arab political culture. Before the inauguration of this movement, the overwhelming majority of Arab intellectuals and civil and political activists viewed human rights simply as an American ploy to further subjugate the Arab World, designed to infiltrate the very fabric of Arab society and to deepen its cultural as well as political dependence on the West. A certain number of these groups still propagate the same claims. But a larger and growing sector has come to assimilate human rights ideals and to participate in the struggle for their protection.

This can be partly explained by the absorption of experience and lessons of the performance of Arab "progressive and nationalist" regimes in the 1960s and 1970s. There was no way to deny the immense victimization of Arab citizens (or rather persons, because true citizenship is not really acknowledged) at the hands of the repressive Arab regimes that justified this by a whole range of progressive and other claims.

More important, perhaps, was the shock experienced by Arab nationalists when they discovered, especially after the Israeli invasion of Lebanon in 1982, the magnitude to which repression by supposedly pan-Arab regimes, and the degree of destruction in that event, led to the revitalization of the vitality of Arab peoples and societies. This made them yearn for the past days of the Liberal era in which they could inspire and motivate the Arab masses through available means during that era of relative freedom.

In fact though, it was the assimilation, perhaps partial as it was, of human rights values by pan-Arabists and progressive elements of Arab politics that gave the movement its momentum the early 1980s, and the relative possibility of diffusion within Arab political thought and Arab political culture. By virtue of the leading role of pan-Arabists and Leftists, it was possible to show that human rights are not, by

necessity, a ploy by Western conspirators. It was also possible to demonstrate the crucial nature of democratization for the attainment of other supreme goals.

Indeed, even Arab regimes have come to pay lip-service to human rights values and to declare their commitment to some versions of this culture

The magnitude of writings on human rights has expanded incredibly beyond, perhaps, the dreams of the early generation of human rights activists. We speak, in this respect, not only of academic and expert writings, but more importantly of a variety of more accessible writings in various media, including newspapers. Statements protesting violations of human rights or in defense of these rights have become commonplace in Arab printed (and to a lesser extent electronic) media.

2. The establishment of an organizational set-up is another important gain. This set-up is far from perfection or even competence. But having it and empowering it, in general, to adapt to constantly shifting circumstances, is by itself an enormous step forward. While the AOHR lies at the center of this organizational field, the movement has proliferated and grown far beyond the more or less centralized view held by its founders.

The establishment of an organizational set-up embodied in several countries and pan-Arab human rights organizations correlates with greater systematization and professionalism in conducting various forms of advocacy and defense work in the interest of entrenching human rights in the Arab political and cultural arenas. Equally important is a phenomenon that would ordinarily escape non-attentive eyes, i.e., the intrinsic interest of human rights organizations to reach out to all sectors of the political community and, accordingly, to emphasize the value and the habit of dialogue to an Arab political arena in which exclusion of the other was the norm. There is certainly a very long way to go on this road. But we may now speak with some credibility of a reasonable start, at least in countries such as Egypt, and possibly Yemen.

Interestingly, a whole number of Arab human rights organizations - including AOHR itself - are not legally recognized by Arab regimes. Nevertheless, even de facto accommodation of the existence of such organizations in a number of cases proved instrumental in developing human rights work and enhancing its legitimacy.

3. The ascent to predominance of a new generation of committed and professional human rights activists in a number of Arab countries. The new generation of human rights activists in the Arab World which made its way to the top of the movement is making a significant difference in the performance of various country's human rights organizations for a number of reasons. In the first place, a more devoted approach and commitment to the ideals of human rights and democracy as such is clearly demonstrated, as opposed to the secondary value accredited to these ideals by the founders of the movement, who were essentially occupied with other aims and goals as manifested in various political ideologies or projects. Furthermore, as opposed to the generation of founders, the new generation is by far better equipped for the practice

of militant grassroots politics and human rights advocacy, with skills acquired in various Arab universities and the student movement in the 1960s and 1970s.

4. The Arab human rights movement, for a number of reasons, has come to entrench itself more strongly in both the international human rights movement and the emerging international civil society. In comparison with other sectors of activism and development work, the Arab human rights movement is much more balanced in its engagement in the international arena. Hence, while Arab presence is remarkably weak in various other sectors of grassroots activism in the international arena, the Arab human rights movement occupies a respected and relatively prestigious and influential status within international civil society, especially the international human rights movement.

On the other hand, the Arab human rights movement is also experiencing substantial losses and set-backs. These include:

1. Failure to bring about concrete results as measured by improved respect for human rights standards and instruments on the part of regimes; on the contrary, the human rights situation in a majority of Arab countries, which looked promising in the early or mid-1980s, is growing worse.

This worsening human rights situation logically correlates with the lapses of experiments in political relaxation and liberalization in a number of Arab countries that started at various points in the 1980s. Contrary to the optimism generated by these experiments (e.g., the Egyptian elections of 1976, 1984, and 1987; the Tunisian reform movement of 1987, Algeria's democratization drive in 1989-1991; Yemen with the constitution of the Unified State in 1989; Jordan with the measures of 1988, etc.), the situation looks gloomy as we move deeper into the 1990s. Civil war broke out in Algeria, the gains of the democratic revolution in Sudan were violently crushed by the coup of 1989, and civil war in Yemen demolished hopes for democratization and modernization of a state that has gone back to Middle Ages. But the worst of all signs come from both Tunisia and Egypt, where hopes for democratization, or at least legislative harmony with human rights conventions, were soaring in the first half and the second half of the 1980s, respectively. The termination of the liberalization experiments in these two countries is more than amply testified to by reports of human rights organizations, and indeed by the destiny of the Tunisian League itself: an organization that was long considered the most active and influential in the Arab World, and has now turned into an appendage of the regime.

2. The failure to reach wide acceptance in civil society and the populace in a majority of Arab countries.

This problem is handled in Arab literature from an elitist perspective, which refers to the relative isolation of human rights discourse within a rather small elite of intellectuals and activists who mostly come from the ranks of politically motivated citizens.

However, this view is itself somewhat confused. In most cases, what is implied is a

critique from the left of the human rights movement in the Arab World. It is claimed, in this context, that the human rights movement is one-sided and is preoccupied with civil and political rights in disregard of social and economic rights. In reality, this critique carries some truth. But it may not be totally valid.

In fact, a complete survey of the agenda of AOHR (for example, as demonstrated in its newsletter) shows a balanced interest in both domains of rights. Imbalance arises not from the agenda-setting but rather from the modalities of action. Human rights advocacy exists essentially on two levels: general and concrete. General demands for respect of human rights are rather balanced. The imbalance is noticeable when it comes to action, because this action is ordinarily triggered by complaints. In this perspective, the problem is two-fold. On the one hand, the human rights movement, while interested, has not managed to articulate and connect with pertinent organizations whose mandate is specific to social and economic rights, such as trade unions. On the other hand, there is a rising pressure, especially from the left, for the human rights movement to substitute for political parties, trade unions, professional syndicates and other specialized institutions of civil society. This pressure may, in this regard, generate deviations and misconceptions.

In fact, this critique hints at self-assertion on the part of the Left, which, in a sense, undermines the credibility of the human rights movement for its own political interest.

A more profound analysis would accordingly show that the true problem in this realm arises from the low level of development of civil society and public opinion. It is because of this that the human rights movement is explicitly invited to fill the entire space that should be occupied by a diverse structure of social and civic practices. Instead, the human rights movement is itself stalled because of this relative vacuum. This impacts negatively not on its social and economic demands and actions per se, but on all aspects of its work.

The human rights movement is partly accountable for the failure to break into society because of a variety of conditions, which still undermine its credibility. We shall shed some lights on this issue in a later section of this study.

This failure is still to be explained by a set of extraordinary circumstances and crises experienced in a number of Arab countries. In countries such as Iraq, Algeria, Yemen and Sudan, the very survival of society is at stake. While the human rights movement could play a role in alleviating these extraordinary conditions, there would be no way for it to play the basic role. We cannot even hope that the nations and societies involved will give the human rights dimension the value it deserves in making their decisions on how and where to go.

3. Imbalanced growth of the human rights movement in the Arab region, the reversal of the situation in various countries and institutions over time, and weakening cooperation and coordination among these organizations and institutions, as a result.

In the 1980s, the human rights movement developed more vigorously in the Arab

Maghreb [North Africa] and much less vigorously in the Arab Mashreq [the Middle East], with the single exception of Egypt. In the 1990s, the human rights movement is severely undermined where it was strongest, i.e., Tunisia; is seized by confusion over its role where political turmoil is greatest, i.e., Algeria; and is practically stalled where some of the best conditions prevail in the whole Maghreb area, i.e., Morocco. The movement experienced a remarkable growth in the case of Egypt at the same time that it started to dwindle in the Maghreb area. And it is making a good start in some parts of the Arab Mashreq, primarily in Syria, Kuwait and Bahrain. In the meantime, the movement has been crushed in Sudan. We cannot speak of even an early beginning in other Gulf States (the case for qualifying the society in defense of Shari'a rights formed by Saudi opposition figures, as a human rights organization is very weak).

Uneven growth and reversals, over time, may allow for solidarity. But this is certainly far from conducive to coordination and cooperation among various Arab human rights organizations so as to augment the strength of the movement overall.

4. Proliferation of internal crises and conflicts within organizations and institutions, and possibly the breakdown of consensus within the Arab human rights movement.

Internal turmoil is apparent in a good number of Arab human rights organizations, at various points in their history, mostly leaving them with deep scars if not total breakdown or long decay, and eventually allowing hostile regimes to take them over from within and without. The example of the Tunisian League during the 1990s is a model for this sad evolution through internal crises leading to regime takeover. Another example is the Egyptian Organization, whose evolution was never free from severe tensions and internal strife. This organization barely managed to escape total breakdown under the pressures of sweeping conflicts that broke out on the occasion of the Fifth General Assembly in early 1994, but it is far from certain that the organization will emerge stronger from the less violent but longer internal tensions since then. The scandalous rift within the London-based society in defense of Shari'a right in the spring of this year may not be said to be relevant to Arab human rights movement. But it is indicative of the type of internal relations within communities of Arab refugees interested in promoting political reform in their countries. The devastating conflicts within the alliance of Iraqi opposition forces provide another model of the same nature.

5. Confusion over the future and over strategies to be pursued. Most of the internal turmoil within Arab human rights organizations correlates with disputes about future lines of development and strategies to be pursued. Theoretical debates bear the impact of a sense of crisis. We shall shed further light on this in the following section.

Second: Internal Problems of the Arab Human Rights Movement

Internal crises and contentions over future strategies do originate from a web of problems, internal and external, which surround the Arab human rights movement. A

full comprehension of these problems will have to wait the formulation of a complete theory. For the time being, it is probably adequate to point to five classes of problems, as follows:

1. Dilemmas germane to human rights advocacy as such:

International and regional human rights advocacy is entangled in certain intrinsic dilemmas, which have not yet been resolved at the philosophic level. As opposed to political action, the human rights movement as a whole positions itself as a moral, rather than a material, power. In other words, the human rights movement relies on its moral appeal to governments and public opinion. It does recognize the vitality of political and other forms of material pressures. But it is at the same time jealous of its own independence as a moral movement. It opposes itself to the immorality of violations and infringements on human dignity. But it has to appeal to the same powers, which it condemns as immoral. In other words, the real impact of the human rights movement ultimately hinges on the positive response to its calls and demands by the same immoral authority(ies) which commit violations in the first place. Accordingly, human rights, as distinct from political, action will be stalled when authorities turn a deaf ear to its demands and calls, and when public opinion is so weak or indifferent to human rights values that it allows authorities to act in contempt of human rights. Human rights is then implicated in the same dilemmas as the pacifist position. It is effective when its call is met by those with similar preferences, but is stalled when met by crude force.

The true success of the human rights movement is attained when society develops its moral standards and power. But this can only be achieved in the long-run. In the meantime, influencing developments in society hinges on material results and pay-off. Otherwise, groups will tend to turn away from human rights organizations and pursue alternative strategies of direct political struggle and pressure. The Arab region's human rights organizations suffer from the same dilemmas, with greater intensity, since the inclination to direct political activism is more attractive, even within human rights organizations.

2. Legal problems

The withholding of recognition of human rights organizations by relevant authorities is a major problem in a number of Arab countries. This has been a major issue of international reporting and advocacy in the name of the Arab human rights community.

This problem is, in fact, multi-layered. The primary layer pertains to modes of existence. Human rights organizations do not enjoy legal status in a few countries, i.e., Tunisia, Algeria, and Morocco. Some others are accommodated in reality but not explicitly given an objective legal status. Among these are the Arab OHR and the Egyptian OHR. Other human rights organizations have a hazy legal existence. A majority of Arab countries, including all Gulf countries with the exception of Kuwait, deny legal existence to all forms of domestic human rights action. This denial has

either prevented the formation of human rights organizations completely or forced human rights activists to operate as clandestine entities.

At another more subtle and less pronounced layer, manipulation of legal licensing has resulted in a number of negative phenomena. Tunisian authorities, for example, managed to argue that everyone has the right to membership in the Tunisian League, according to the pertinent law on non-governmental organizations (NGOs). The aim of this argument was amply clear in 1993-4. By expanding membership to supporters of the regime, it was easy for the regime to take over the organization from within, or at least to disturb the critical political balance on which the League was founded. Another model of regime action is seen in a number of cases, including Egypt. According to this model, the regime can install and encourage its own brand of human rights organizations and introduce them to the international arena as the true (legal) human rights organization(s). The Egyptian authorities without much success tried this scenario. It was nevertheless more successful in other cases, e.g., Mauritania.

At an even deeper layer, a strategy of extensive intervention by authorities could be implemented, whereby concessions in terms of the substance of human rights work could be exchanged for relaxing disputes about the legality of human rights organizations.

Furthermore, the explicit denial or hazy legal framework governing the operation of human rights organizations as NGOs is also largely responsible for the difficulties encountered in conflict resolution within human rights organizations. When lines of legitimacy are less than clear, conflicts are hard to resolve unless tacit understanding and consensus are entrenched and constantly guarded.

3. Problems of politicization:

Politicization is the single greatest problem encountered by the Arab human rights movement. This problem runs deep, to the conditions of birth, and is constantly reproduced from within the political arenas of most Arab countries, with devastating impact on the movement. In the following, we deal with the main manifestations of this phenomenon.

a) Conditions of initiation: These conditions continue to influence the operation of human rights organizations and the whole climate of their work. Three major aspects are clear. The first is the remarkable influence of Pan-Arabists within AOHR. Having been the motive force behind the inauguration of this organization, their various currents still enjoy a predominant position within it. In all honesty, this influence is not always negative. One major positive impact is that, with this condition of official birth, human rights values were allowed smoother entry into mainstream Arab political culture, at least in a number of Arab countries where Pan-Arabists still enjoy a measure of popularity in the political and intellectual fields. On the other hand, this condition creates a number of negative implications for Arab human rights movement, as follows.

One of the gravest negative effects is the relative closure of AOHR. While Pan Arabists are not an oligarchy any more in the AOHR, the organization continues to be identified with them to the risk of failing to attract supporters of other major trends in Arab politics. This relative isolation continues to damage the cause of human rights in the political arena. In a number of Arab countries, such as Egypt, this has given the organization a notorious reputation among those hostile to the heritage of pan-Arabism and Nasserism, such as liberals of the Wafd party.

On the other hand, this same phenomenon of almost full monopoly has undermined the credibility of AOHR. In certain countries, truly notorious currents of Pan-Arabism have exercised a degree of exclusive control totally inconsistent with the values of the human rights movement. In Jordan and to some extent in Algeria, Ba'athists in control have arbitrarily colored the cause of human rights with their own unique heritage and styles, thus putting credibility at risk.

Third, the benefits associated with positions of leadership, generally enjoyed by leftists, tend to reinforce stagnation, since opening the political arena wider may disturb balances within the governing bodies of human rights organizations. This is more or less evident in both the Arab organization and a number of its country affiliates such as the Egyptian Organization For Human Rights, EOHR, in which Nasserists and Marxists have so strongly resisted broadening of the political spectrum to include other trends, especially Liberals.

b) Tendencies towards divisiveness and having a political agenda: This is one of the clear problems of both initiation and development. In cases such as Algeria, human rights activism is coupled with political orientation, leading to the formation of three different and competitive organizations, each professing a specific political inclination. In the case of the Tunisian League, the very formation was modeled on the basis of a political and partisan quota system, which caused a constant state of caution and political calculations and compromises, leading eventually to paralysis and loss of independence. In the case of Egypt, constant tensions among liberals, human rights professionals, Nasserists and Marxists are behind all major crises of the organization with constant factionalism leading to minor splits within the same political currents, e.g., Nasserists at present. We may even suspect the presence of a shade of sectarianism in addition to ideological and political differences behind the plurality of human rights organizations in Lebanon.

c) Tensions relating to political Islam: While political Islamic forces seem to be the major direct beneficiaries of Arab human rights advocacy, they have barely trusted human rights organizations. But only recently, these forces have started to form their own 'human rights' organizations, such as the London-based Action group connected to the international organization of Muslim Brothers, and the Society in Defense of Shari'a Rights, connected to militant Wahabi groups first established in Saudi Arabia then expelled to London.

Tensions between human rights organizations and the Islamic movement arise in conjunction with a whole range of factors. In terms of ideology, there seems to exist a

certain measure of opposition in their respective frames of reference, with Islamicist groups referring essentially to their understanding of Shari'a still built on orthodox Fikh (jurisprudence), while human rights organizations refer to international human rights law. Politically, leading figures within human rights organizations are the descendants of a variety of radical political ideologies that harbored traditional suspicions against Islamicist forces. In practice, human rights organizations have developed, in a number of cases, very critical positions towards the practices of Islamic forces, particularly fanatic terrorist organizations.

Nevertheless, a noticeable trend has emerged, whereby dialogue between certain leading trends within the human rights movement and certain trends of political Islam is indeed developing on a purely political, rather than a human rights, basis. This manifests the negative implications of politicization. Specifically, Pan-Arabists are showing strong inclinations to ally with Islamic forces politically; a fact which may have consequences for the human rights organizations which they lead. The result of this is noticeable wavering between striking an alliance or at least having tacit sympathy on the one hand and a show of hostility on the other, to the detriment of genuine human rights practice in both cases. This is demonstrated in the case of the Algerian and the Jordanian organizations for human rights.

It would be quite unfair to over-generalize or over-extrapolate from minor incidents or marginal trends in the interactions of human rights and Islamic forces. But the intrinsic difficulties of maintaining honest and straightforward relations between the two groups cannot be over-emphasized.

d) Failure to observe human rights principles, and violating them in the context of major crises: This can be shown in numerous incidents. But one major example suffices to argue the case, i.e., the Gulf crisis. Not only have various human rights organizations committed themselves to a partisan view of the Gulf crisis, but splits and schisms have also been created within these organizations, with opposing views on the crisis being the undeniable motive. Examples of deviations from a true human rights position towards the Gulf crisis include the Jordanian human rights organization, the Algerian human rights organization, and even the Tunisian League. Deviation, in these cases, was expressed in explicit support of Saddam Hussein, who could never be portrayed as a friend to democracy and human rights. In fact, differences with regard to Saddam's regime and the United Nations Security Council decisions on Iraq in the aftermath of the Iraqi invasion of Kuwait and the war for the liberation of that country, caused great turmoil within the AOHR and a number of country organizations, resulting in the disintegration of the Pan-Arabist alliance that underpinned AOHR from the very start. Nevertheless, it is remarkable that AOHR showed such a balanced stand in the face of the crisis and got past it with its credibility not tangibly harmed. This, however, is to be attributed to the influence of certain wise leaders and the Egyptian Pan-Arabists within the Organization.

4. Problems of political culture:

The most important types of problems for the Arab human rights movement is in fact cultural in nature. These problems are as follows:

- a) The lack of clear cultural legitimacy: While international law for human rights, in its entirety, is relatively new to all cultural systems, it is supported by certain fundamental concepts and points of reference in some cultures more than others. This is specifically the way I prefer to posit the problem, as opposed to the sharp distinction common to the literature between Western and non-Western positions with regard to human rights.

Arab/Islamic culture has in fact developed certain humanist trends in various moments of its long history. But Arab history has evolved through long periods of stagnation, leading to almost total oblivion of its greatest and most vital achievements so as to secure the hegemony of militant orthodox jurisprudence. Modern Arab history is, by and large, characterized by nervous reactions and responses to new and large-scale national disasters such as classic Western colonialism and Zionist imperialism. This has given predominance to ultra-nationalist feelings, seconded only by various radical ideologies. In the meantime, Arab liberalism and the great cultural achievement of the Arab renaissance in the latter part of the 19th century and early 20th century have generally been eclipsed.

In this context, modern and present day Arabs have had only little opportunity to think deeply about their internal problems and the associated need for an agenda of philosophic and political cultural actions conducive to modalities of social organizations.

The Arab human rights movement is thus faced by a philosophical and political cultural gap between the underpinnings of human rights on the one hand and the agenda and themes prevalent in their present political culture and philosophic practice. This gap is causing a special crisis regarding the philosophical and cultural frame of reference. Bridging this gap poses the double problem of authenticity and revitalization. In this sense, the Arab human rights movement is bewildered by the opposition between ossified Fikh and the humanist foundation of the doctrine to which it commits itself. Simple reference to international human rights law or to themes germane to Western political culture causes a sense of estrangement and relative apathy. By the same token, a political agenda soaked in frustration and wrath against Western injustices against Arabs is hardly conducive to a human rights agenda. By all means, the Arab human rights movement is striving to develop its own cultural legitimacy, through extensive scholarly work. This, for example, is the precise mission of the Cairo Institute for Human Rights Studies, established in 1994. But it will have to wait for some time before this comes to fruition. Until then, problems of cultural legitimacy will continue to haunt this movement and to cause it to stumble in some civic and political realms.

b) The weak development of civic culture in general: By this we refer more specifically to the four facets of a culture:

* *First* and foremost is the motivation for devoted work in the public sphere. In our present-day political culture, this motivation is extraordinarily weak, resulting in a limited supply of activists in every pursuit of life, including human rights advocacy. This is certainly to be explained in part by the risks involved in the context of violent and oppressive Arab regimes.

* *Second* is the weakness of commitment to formal organizations. It seems that modern Arabs are intensely non-confident modern organizations in general. This could be explained by the modernization gap in which societies are presently caught. It is nevertheless clear that all-modern organizations operating within the civic and political realms are not only small but also shrinking. Defections, dissent, and fragmentation of political parties, for example, are the result of this phenomenon. The ease with which crises break out, even in human rights organizations, illustrates this general fragility of organizational commitment.

* *Third* is the resourcefulness and pluralism of a culture in relation to issues of public purpose and collective good. Societies tend to produce sub-structures dedicated to problem solving in the public realm without having to intervene directly in delivering these goods. For example, Waqf institutions have deep roots in Arab Islamic culture. But with large-scale bureaucratization of societies, these were taken over by governments. Nothing has substituted for them in the domain of philanthropic activity, including human rights. This is plainly the cause for the economic and financial crisis of stagnation in Arab NGOs, including human rights NGOs.

* *Fourth* is the culture pertaining to conflict resolution. Every society tends to develop and systematically nourish cultural institutions relating to peaceful resolution of conflict. Arab Islamic culture is rich in these institutions. Nevertheless, within the general course of distortions, this culture has come to be skewed in a more or less combative direction with little regard for peaceful conflict resolution. It is in this context that debates within human rights organizations are quick to escalate and to break out in crises, violent propaganda, and political strife.

c) The peculiar culture of the present generation of international and regional human rights activists. While the generation which founded the international, and regional, human rights movement was remarkably characterized by moderation in its style of operation, the generation which currently leads this movement has been largely influenced by radical ideas, and operations of the "mass politics" type. The former generation was generally successful in obtaining tangible, albeit individual results from oppressive governments. This was clearly less than satisfactory for the present generation, which seeks to achieve broad social transformations through human rights principles. Nevertheless, its peculiar culture, which mixes mass politics with human rights methodology, seems to be approaching a crisis whereby relations with oppressive governments are more than bad, and the relatively weak response by public opinion, at the present, is less than adequate to compensate in terms of tangible

results. It is also noticeable that the political culture specific to the new generation is more inclined to combative attitudes, even in relation to different segments of the movement itself.

5. Problems of institution-building

All the above-mentioned problems reflect on the formation and operation of institutions of human rights advocacy. Legal problems, the relative lack of cultural legitimacy, and constant politicization of human rights action result in the somewhat meager supply of resources, both human and material, available to the human rights movement; this, in turn, contributes to the institutional fragility of human rights organizations in the Arab World.

Furthermore, there are problems pertaining to institution-building as such. These can be sorted out as follows:

a) Weak supply of talented institution-builders and managerial skills. In fact, all institutions in present-day Arab societies, including businesses, suffer gravely from the limited development of institution-builders and managerial skills. This is to be explained by the massive bureaucratization of Arab societies. We may speculate by asserting that this is the most important cause of underdevelopment in general and the relative fragility of civil society at large. Moreover, remarkably endowed managers may have no preference for human rights action, which tends to attract intellectuals and political activists whose striving for total liberty is more pronounced than are their organizational talents and commitment. Such organizational talents always imply a certain basic minimum of binding bureaucratic rules.

It follows that the management of human rights organizations either follows loose, and largely ad hoc methodologies and styles of action, or pushes for the student movement type of mass politics, with grave negative consequences for professional standards of performance and achievement. It is only with the legacy of gifted individual leaders and of a tiny minority of good managers that a number of Arab human rights institutions have been created and sustained. However, when one of those limited founding leaders and professionals leave or quit for some reason, they are very difficult to substitute.

b) The problem of the type and structure: Due to differences in the circumstances of their "initiation" and the legal system and other persistent conditions, Arab human rights organizations are vastly different in their organizational types and structures. It is enough for the purposes of this paper to illustrate these differences in terms of three dimensions: open versus closed, flexible versus quota system, and democratic versus centralized. The Tunisian League and Al-Haq of Palestine, for example, is a model of a closed organizations, while the Egyptian EOHR is an open membership, with each having pros and cons. Also, the Tunisian League is built on a quota system, with each major faction having a given number of seats on the governing committee or board.

Other organizations reject this system in law, but may follow it in practice, in one way or another.

The AOHR was built on a centralized model and then proceeded to establish local affiliate organizations, allowing no strong role for the general assembly constituted by elected members of the various affiliates. Other country's organizations give assemblies the highest authority within them.

THE EXTERNAL RELATIONS OF **THE ARAB HUMAN RIGHTS** **MOVEMENT***

*Ibrahim Awad***

1.Introduction***

The first Arab non-governmental organizations active in the field of the defense and promotion of human rights (ANGOHRs) were created in the 1970's. However, the establishment of the Arab Organization for Human Rights (AOHR) in 1983 was a watershed. The AOHR was, undoubtedly, a driving force that encouraged a number of citizens, from different Arab countries, to engage in a committed action in the field of human rights. Thus, human rights organizations were established in a number of countries, and, as of the late 1980's, an Arab human rights movement (AHRM) was certainly in existence. In parallel with this process Human Rights activism in the Israeli-occupied Palestinian territories, cut off from the rest of the Arab world developed. Eventually, Palestinian Human rights active organizations joined ANGOHRs and became part and parcel of the AHRM.

However, that the movement came into being did not mean that it had the means to subsist. In fact, it was a weak, physically handicapped infant, at birth. This weakness had two sources. First, were the relations of each ANGOHR with public authorities. They faced legal and political obstacles. Some, failing to obtain legal recognition from public authorities as civil society associations, were relegated to the status of de facto organizations, everyday threatened in their very existence. A second category circumvented the recognition barrier by resorting to a legal maneuver. They thus

*Paper presented to the Meeting of the International Association of Middle Eastern Studies, Amman, April, 1996.

**Consultant with International Labor Organization and A Board Member of Cairo Institute for Human Rights Studies

*** The author would like to thank all the friends, leaders, founders, and activists of Arab and international non-governmental organizations active in the field of human rights, who have facilitated his research by giving him of their time and providing him with material and advice.

acquired a legal status but were still threatened, as authorities could any day invoke the maneuver to outlaw them. A third category obtained legal recognition as NGOs but was undermined by the hostile attitude adopted in their respect by public authorities.

The lack of financial and of trained human resources to carry out the functions, and realize the objectives, ANGOHRs set for themselves, was a second source of weakness. If public authorities had denied them due recognition or fair relations, their societies were unable to provide them with necessary financial resources for reasons ranging from poverty to fear of consequences. Most of the citizens interested in the defense and promotion of human rights did not have the financial means that would allow them to support ANGOHRs. More importantly, the hostile attitude adopted by public authorities in respect of these organizations deterred interested and financially capable citizens from providing the badly needed support. Human Rights were a new field of activity in the Arab countries. Training for effective, professional undertaking of functions was therefore lacking. In any case, past or present authoritarian regimes had done away with whatever practices of participation in public life had previously existed.

The founding members of ANGOHRs were conscious that by establishing their organizations, the international institutional system of human rights was wide open to them. The terms of reference of these organizations were determined by the instruments forming part of the global regime of human rights. Therefore, it was only legitimate for them to join the network of institutions which, by different means, supervise, and monitor or promote the observance of the norms contained in these instruments. This paper considers that the two sources of weakness pointed out above are the first determinant of the integration into the international system of human rights of the ANGOHRs born in 1970s and 1980s. Weakness is seen as one pole of a continuum, the closer the organization is to it, the greater its integration in the international system.

This differential integration is considered to have a further determinant. This is constituted by the set of characteristics, i.e. the ideological backgrounds and generational belongings, of founders and activists of ANGOHRs. Arab Nationalists and Islamists, and public figures that have been active in Arab governmental politics in the 1960s are seen as reluctant to engage in a wide spectrum of interactions with other actors in the international system. In contrast, founders and activists with a background in the left, especially if they have gained liberal values, in addition to liberals are considered as disposed to a greater integration in the international system. Likewise, an activist in his twenties, thirties or forties in the early 1990s is seen as more open to the idea of a full participation in the system than one in his sixties or seventies. To summarize, a member of an organization which lacks legal recognition and is devoid of resources, who is aged from 25 to 50 and holds liberal ideas will be the most open to the idea of maintaining relations with the greatest number of external actors.

This paper intends to test the propositions mentioned above. First, it will deal with the international institutional system of human rights and the legitimacy of joining it. Second, it will deal with the determinants of the differential integration in the international system. Finally, the paper will present a brief overview of the activities of the organizations it studies. In fact, the real test of the legitimacy of the integration in the international system is the furtherance of the human rights cause by horizontal expansion of activities or vertical deepening in one of them, as well as by access to the greatest number of potential beneficiaries.

The paper will focus, in particular, on three ANGOHRs, namely, the AOHR, the Egyptian Organization for Human Rights (EOHR) and the Cairo Institute for Human Rights Studies (CIHRS). It will also resort to examples related to the Palestinian Human Rights Organization Al-Haq. Reasoning *a contrario*, it will occasionally point out the cases of ANGOHRs legally recognized and maintaining good relations with authorities in their countries.

2- The International Institutional System of Human Rights

The question of the legitimacy of joining the international institutional system of human rights has been repeatedly raised in different Arab countries, and not only by public authorities. Questioning became more pronounced and reached outright denunciation and accusations of near betrayal, the greater was the integration in the international system of the concerned ANGOHRs. This was an issue of great importance. To shed some light on how an international institutional system of human rights came into being, on the one hand, and on the justification of joining it, on the other, is in order.

The need to protect individual and group rights is apparent from history, and the state is likely to be the perpetrator or silent partner in any infringement of those rights. At the same time, each state is jealous of its sovereign guarantees and prerogatives, and guarantees of rights have traditionally been a subject almost solely of domestic jurisdiction. Any effective international means for implementation is, therefore, revolution-ary in nature. The charter of the United Nations has marked the beginning of this revolutionary expansion concern ⁽¹⁾

In addition to historical considerations, implicit behind the attitude adopted by the Charter is the idea that human rights are rights that everybody should have by virtue of his or her humanity ⁽²⁾. In the contemporary world, there are a number of institutional arrangements concerned with the promotion and protection of human rights. These arrangements are consistent sets of normative and procedural expectations on the part of states concerning the treatment of individuals and groups throughout the world whatever their nationality. If there are such expectations, it may also be said, that there has come into being a world society which includes in its membership individuals and non-state groups as well as states, and that the old

principles of international society, like sovereignty and non-intervention, no longer have a clear run-over ⁽³⁾. Thus, the Charter may also be considered as revolutionary because it was at the origin of the establishment of a world society.

On the road from international to world society, several indicators of the extent to which human rights have become a common concern may be identified. First is the support given by states to the various conventions. A second indicator is the work of the United Nations on the subject. Of particular interest here might be the extent to which individuals have been able to make headway with complaints against the states whose organization the United Nations is. An instance of this ability is the United Nations Commission of human rights Resolution 1503 procedure, according to which communications could be acted upon from individuals referring any persistent pattern of violations ⁽⁴⁾. Another is the individual complaint mechanism regulated by the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR).

The level of non-governmental organization in the matter of human rights might be the most reliable indicator of an emerging world society. For here, it may be argued, individuals and groups approach the question of the rights of their fellow human beings unencumbered by a duty to protect this or that political or economic interest. Their principle can be the idea that an offence to the rights of anyone anywhere is at the same time an offence to their own humanity: it diminishes them. Non-governmental organizations acting on this principle might be then interpreted as at once expressing the existence of world society and visibly buttressing it ⁽⁵⁾.

Johan Galtung has elaborated on this perspective. He sees modern society as having three components: state, capital and people, the last organized in associations that add up to constitute civil society ⁽⁶⁾. At the international level, the three are reproduced as intergovernmental organizations (IGOs), in a hierarchy with the UN at the top; as transnational corporations (TNCs), in an informal hierarchy according to assets; and as international non-governmental organizations (INGOs), in an informal hierarchy according to size of membership, like states. The people's organizations Galtung includes in the third level are here replaced by non-governmental organizations (NGOs), from particular countries, interacting with external actors. By combining the two levels, the state system, the corporate system and the civil society system. Interest here lies with the first and third systems. The state is considered as a potential perpetrator of violations, and as a reinforcer, of human rights. Of course, it can also be a victim of external aggression or of internal warfare; but the former is the province of public international law, and the latter is usually seen as "politics", meaning governed by other types of rules. Civil society enters the stage in a double role: as victim and as reinforcer ⁽⁷⁾. Obviously, people, in civil society, can also be perpetrators, but that is handled under criminal law unless directed against the state, in which case talking would again be about "politics". Whereas the state may be paralyzed by the conflict of interest between the temptation to break human rights and the obligation to reinforce them, civil society experiences no such conflict of

interest. To be a victim of human rights violations and to want human rights implemented are highly compatible. From this alone follow civil society enthusiasm and state system ambiguity. And the conclusion is obvious: without the civil society, the NGOs, human rights would be vacuous in many countries, if not in all of them. Galtung finally raises the fundamental question of whether these organizations are equipped to carry out their functions. Here he sees a paradox: if they were very well equipped, there would have been less severe ⁽⁸⁾. This weakness is what drives these organizations into the international system. However, they do not all integrate the system to the same degree. The determinants of this differentiated behavior are the subject of the next section.

3- Integration in the International Institutional System:

The determinants of the differential integration of ANGOHRs in the international institutional system of human rights bring out the relationship between the domestic and the international levels of the treatment of human rights. The attitudes adopted by governments in respect of ANGOHRs may be considered the first determinant. Recognition of the legality of these organizations is here the matter of concern; in relation to it is also the political attitude adopted toward these organizations. Financial capabilities, ensured from local sources, are seen as closely linked to the legal and political status of an ANGOHR. Ideological backgrounds of founders or leaders of these organizations constitute the second determinant. They are qualified by the generational belongings of these same individuals. The conceptual parameters of these two determinants, and their application to specific cases, are hereafter reviewed.

3-1 Attitudes Adopted by Governments in Respect of ANGOHRs

The attitudes adopted by governments in respect of ANGOHRs determine the degree of integration of these organizations in the international institutional system of human rights. An organization legally recognized by the government of the country where it is active will be less oriented toward the international system than an organization, which is not. If the government in question does not maintain a politically hostile attitude toward the organization, this orientation will be further reduced. An organization benefiting from such a benign attitude on the part of the government may well receive financial assistance from it. At least, this attitude will enable it to seek financial contributions from individuals who will not be deterred by fear of consequences. Considered from another angle, it may be said that the conditions attached to the legal recognition of an organization reduce the potential effectiveness of its action and, hence, of its credibility. Therefore, the international system will be reluctant to integrate, or to maintain meaningful relations, with it. The Egyptian society of Human Rights Supporters (SHRS) ⁽⁹⁾ proves the validity of this proposition. Established in the late 1970s under Law No. 32 of 1964 on private associations, the

SHRS has enjoyed a peaceful life. It has not, at any moment, either incurred the wrath of the government or suffered from its hostility. Its participation in the international system is also limited, if existent at all. It was a member of the network of the International Federation of Human Rights (IFHR), but was excluded in 1995 on the grounds that it did not actively defend and promote human rights. The great majority of ANGOHRs does not enjoy legal recognition and/or are perceived with hostility by governments. Therefore, they will seek, to a greater or lesser extent, integration in, or at least, protection from the international system.

Founders of the AOHR could not hold the constitutive meeting of their organization in any Arab country. Once established, the AOHR was refused a legal status in the Egyptian capital, where it chose to set its headquarters. When it submitted, in 1986, an application to be granted a consultative status (Category II) with the United Nations Economic and Social Council (ECOSOC), it was met with great hostility on the part of Arab governments. Even though Oman was the only Arab member of the ECOSOC Committee on NGO's in the April 1987 session, delegates of other Arab governments hastened to attend its meeting. Spokespersons for Algeria, Iraq, Oman and Syria did not spare the organization all sorts of accusations and insults. In contrast, the French delegate expressed the view that he could not believe that a human rights organization including in its membership jurists, academics, journalists... could harbor such dishonest intentions as were mentioned by Arab delegates. Sweden supported a Soviet suggestion to grant the AOHR the consultative status (category III), but all efforts at a compromise were to no avail (AOHR 1987, p.1) ⁽¹⁰⁾. The organization eventually acquired the consultative status with ECOSOC in 1987. However, the refusal of the Egyptian government to recognize it, an attitude resulting in part from the hostility of Arab governments, has led to the withdrawal by the AOHR of an application to obtain a similar status with the United Nations Education, Science and Culture Organization (UNESCO). In fact, the latter's Constitution provides that for an organization to acquire the consultative status, it has to be legally constituted. AOHR has also gained consultative status with the African Committee of Human and People's Rights (ACHPR). Needless to say that its consultative status with ECOSOC, and its resulting interactions with UN Center for Human Rights, and the ACHPR, in addition to the working relationships it maintains with such INGOs as Amnesty International and the International Commission of Jurists (ICJ), provide the AOHR with protection against arbitrariness on the part of Arab governments. On the other hand, these relations can be considered a guarantee of seriousness in the behavior of the organization. Efforts currently exerted with the Egyptian government for the conclusion of a Protocol to govern its activities, may also be a restraint on the organization. If concluded, it should reduce its relative dependence on the international system. It should also lead the organization to be intent on keeping sound relations with the Egyptian government. Unfriendly attitudes on the part of governments cannot be considered to have greatly affected its financial position. Its statute forbids to receive assistance from governments; and it has benefited from generous financial support from Arab individuals (AOHR, 1990). ⁽¹¹⁾

The EOHR is another case of refusal of legal recognition. Established in 1985, it applied for registration under the above-mentioned Law No. 32 of 1964. Not surprisingly, the application was rejected on the grounds that there exists another organization, i.e. the Egyptian Society for Human Rights (ESHR), non existent in reality, pursuing the same objectives since its establishment in 1975. Article 12 of Law No. 32 provides that the relevant administrative body, after consulting with the concerned union of societies, may refuse to declare the constitution of a society either because the community does need its activities or because of the existence of other societies satisfying the same needs (Council of State, 1987). Bad faith seems unquestionable. The decision to refuse registry, made by an organ of the Ministry of Social Affairs, is based on the opinion it sought from the relevant Regional Union of Societies. The latter had advised to postpone the approval of registry for several reasons, among which are that the aim of the EOHR was to engage in political activities, which runs counter to provisions of Law No. 32, and that the approval of the Ministries of Foreign Affairs and of Interior should first be sought (Council of State, 1987). In fact, more than with the Ministry of Social Affairs decision or with the Regional Union of Societies opinion, the problem lies with the very Law No. 32. This gives the Ministry and the Minister of Social Affairs extensive powers to, inter alia, approve or refuse registry of an NGO, control its activities and meetings, oversee its finances, merge it with another NGO, appoint up to half the members of its board, dissolve it for a great number of vaguely formulated reasons⁽¹²⁾. In fact, the law seeks to integrate interest groups in the state apparatus and, thus, cannot be expected to tolerate autonomous human rights organizations. The Egyptian SHRS is a good case in point. Its founders were well-intentioned liberals, but the government quickly hijacked their Society by enforcing provisions of Law No. 32. In contrast to the AOHR, the EOHR could not acquire a consultative status with such international organ as the ECOSOC since it requires that the applying organization undertake its activities in several member countries. Protection secured by relations with Amnesty International or with the ICJ could not be completely relied upon. In fact, the government had refused the constitution of an Egyptian section of Amnesty. The EOHR could not count on generous financial support from individuals either. Assistance provided by the AOHR was discontinued. Therefore, either it had to close shop or to engage in relations, including of financial character, with external institutions. In 1991, it chose this last option which it had been debating for the previous two years.

Founders of the CIHRS, established in 1993, could benefit from the experience of the EOHR and from successive analysis of Law No. 32. They directly thought of registering it as a civil firm. This was an option already chosen by a number of research centers, set up for non-profit purposes, in order to overcome the obstacles raised by the government. The concomitant to this solution was to seek support, financial and otherwise, from external institutions. Research knowing no boundaries, the decision must have been easier to take.

The ultimate example of the consequence of public authorities' hostility is provided by Al-Haq, the organization established in 1979 in the West Bank City of Ramallah, as an affiliate of the ICJ. Occupation and Israeli settlement policy are a refusal to recognize a distinctive identity of the Palestinian people and its right to self-determination. It was only logical, therefore, for Al-Haq to directly register as a firm under Jordanian law. It was also normal for it to be funded almost exclusively by Western Foundation grants, with additional donations coming from its associate membership and other individuals ⁽¹³⁾. Even if, hypothetically, financial support could have been secured from Palestinian private sources, the commitment of Western institutions also meant protection. Israeli authorities could have, any day, awakened to their omission and order its closure. With Western involvement, this is harder for them to do.

After dealing with the legal status of ANGOHRs and attitudes of public authorities in their respect as a first determinant of the orientation of these organizations toward the international institutional system of human rights, attention will be focused in next section on the second determinant, i.e. the ideological backgrounds and generational belongings of their founders and/or leaders.

3.2 The Ideological Backgrounds and Generational Belongings of Founders and/or Leaders of ANGOHRs

The different ideological backgrounds of founders, leaders and activists of ANGOHRs logically determine their orientation towards the international system and its component units. Their differing attitudes result from diverse assessments of the functioning of the system. They also depend on the extent to which their needs and expectations were satisfied and on whether norms and rules of the system fitted their ideals. But more importantly, for purposes of analyzing ANGOHRs' differing attitudes toward external actors, are their founders and leaders' evaluation and understanding of civil societies. If founders or leaders of the ANGOHRs have a pluralist view of civil society in the west and if their objective is a pluralist civil society in their countries, they will be the most open toward the idea of maintaining all sorts of links, including financial ones, with external actors. Obviously, these are liberal ideas held by persons disposed for the greatest interactions possible with the international system in order to advance their interests. On the contrary, persons having a Hegelian view of civil society, perceiving it as integrated in the state in the West, and who do not seek the emancipation of their own civil society from their state, will be most suspicious of external links and even of the very human rights discourse. Of course, this is an extreme case of persons who do not claim to be part of the human rights movement; they will only be considered to the extent that they can shed light on the proposition made here. Some founders and leaders of ANGOHRs come close to them; they harbor the same ideas but just do not disown the human rights discourse. They are of no interest here: they have good political relations with the state to which they anchor their organizations. Their lack of credibility undermines whatever external relations they may have: again, this is the case of such an organization as the

Egyptian Society for Human Rights (ESHRS) On the continuum extending from outright refusal to integration in the system, analysis here will start with ESHRS leaders and founders of ANGOHRs adopting a human rights discourse and perceiving civil society as not totally integrated in the state and will finish with those coming close to the above-mentioned liberals.

Mustafa K. Al-Sayyid has brought out the different conceptions of civil society found in the Arab world. A review of the findings of his research will provide support to a proposition advanced here. Some intellectuals "express the conviction that what Arab countries needed for the time being was to strengthen the Arab state, which at this stage was incapable of carrying out its developmental task and was subject to penetration by foreign powers. A strong society, in their view, would first require a strong state. Arab historical experience suggested, according to them, that it was usually the state, under Muhammed Ali in Egypt, for example, that initiated and carried out social reform. The discourse on civil society at present would only serve to undermine a weakened Arab state. It accords very well with the interests of foreign powers, but not those of Arab peoples. "This statist position was advocated particularly by certain Nasserite intellectuals, but might not reflect the point of view of all Arab nationalists" says al-Sayyid ⁽¹⁴⁾. Proponents of this approach seem to overlook that civil society was at the origin of the declaration of Muhammed Ali as Wali of Egypt. They exclude themselves from the human rights, indeed from all the civil society, movement.

Some Islamist intellectuals reject the term *mujtama' madani*, the usual Arabic translation of "civil society", which "smacks in their view of its Western origins, which stresses membership in a particular community qualified as civil as distinct from any other community, particularly one based on religion. These intellectuals prefer, therefore, another term that could reflect particular features of Arab culture". ⁽¹⁵⁾ This interest in terminology reflects a rejection of some elements of the civil society concept, in particular its component of secularism. But, it implicitly admits, at least a degree of, differentiation between civil society and state.

Al-Sayyid rightly considers that this Islamists' stance is similar to "that of some liberal nationalists who have called for maintaining the concept of civil society while adapting it to reflect specific conditions of Arab culture... Advocates of this view came closest to identifying civil society institutions with all those economic, cultural, or religious institutions that are not subject to a single uniform regime imposed by public authorities and that act under conditions allowing them to expand, renovate, compete with each other, and innovate in their activities" ⁽¹⁶⁾. These are proponents of a distinctive essence of Arab society and culture that should always be jealously preserved in all interactions with the international system. They are wary of the latter, but they are not totally closed to it. They have not attempted a distinction between actors in external societies, but they have done it for their own. This means that they admit of civil society and state as distinct constructions. Therefore, autonomous civil

society organizations are called for; however the means to sustain them should be watched so as to preserve them from jeopardy.

Finally, al-Sayyid considers that "a minority of Arab intellectuals found that the analytical power of the concept of civil society would be diluted if it were to be given a different meaning in the Arab concept. The analytical power of the concept resides, in their view, in its distinction between a civil society and all other types of society that are judged to be uncivil ... However, those who adopt this view disagree on the particular variant of the European definition of civil society that should serve as the point of reference. The Ibn Khaldoun Center opts for a Lockean approach, while publication of the Arab Research center in Cairo favor a Marxian approach" (17) their conceptions may be different, but they recognize the possible distinction of external civil societies and states, and aim at distinguishing between their own civil societies and states. Al-Sayyid attempts to make a synthesis of the Lockean and Marxian discourses. For our purposes, we may emphasize two from the six propositions he advances:

- i. In a civil society, the state abides by certain rules in dealing with societal actors, recognizing in particular their autonomy.
- ii. State and society accept and protect the exercise of the right to dissent by citizens, including expressing views at variance with those of the majority, providing that dissenting minorities do not use force in persuading others to adopt their views ⁽¹⁸⁾. Obviously, Liberals and Marxist share much in common in the early and mid-1990's. The latter, having abandoned their objective of placing the state at the service of part of civil society, have come close to the former. The gap between normative aspects of their conceptions has been narrowed down. Some Marxists have implicitly accepted tenets of the Liberal theory. Others have explicitly adopted them. Therefore, the openness of this group to the international system should not be surprising.

Generational belongings will sometimes qualify the hypothesis formulated on the basis of ideological backgrounds. Most individuals born in the 1920s will be reluctant to fully integrate in the international system. As they were growing up, they had felt frustration at the colonization of their countries. Later, they had participated in the sweet dream of Arab nationalism. When their dream was shattered by external actors, the international system had not come effectively to their defense. It had even aggressed them in one momentous instance. These are the Nationalists for whom the two variables will reinforce each other. However, nationalists engaged in the human rights movement have adopted some liberal ideas, and they should better be called liberal nationalists. The liberal doses they have taken makes them accept some degree of interaction with the international system. For the minority of Liberals in this age group, ideology will prevail. Individuals born in the period from the late 1940s to the late 1960s will be opening minded about participation in the system. If they come from a nationalist background, their age group will neutralize their ideological

identifications. This may be because they have spent their lives in the opposition, and have suffered the heavy hand of the state. If they come from a Liberal, or have moved to a greater or lesser extent from a Marxian to a more Liberal identity, they will be the most eager to fully integrate in the international system. For them, the two variables will reinforce each other.

An analysis of the membership of the Boards of Trustees and Founders of three ANGOHRs will be useful in establishing a link between each of these organizations and one of the three approaches identified above. Identifying ideological affiliations is certainly not easy. Neither is estimating ages. However, the purpose of the exercise is just to roughly bring out characteristics of the collective memberships of these organs.

Successive Boards of Trustees of the AOHR have had a clear, but declining, Nationalist orientation. The first Board included 14 Nationalists, two Islamists, three Marxists and two Arab-oriented members¹. They accounted for 63.6 per cent, 9.0 per cent, 13.6 per cent and 9.0 per cent respectively of total membership. The board in charge of the organization in 1991 included 13 Nationalists, one Islamist, three Marxists, two Arab-oriented members and four Liberals accounting for 56.5 per cent, 4.3 per cent, 13.0 per cent, 8.7 per cent and 17.4 per cent of total membership. The Board running the organization in 1995 included nine Nationalists, one Islamist, one Conservative, six Marxists, two Arab-oriented members ⁽¹⁹⁾ and six Liberals accounting for 36.0 per cent, 4.0 per cent, 24.0 per cent, 8.0 per cent and 24 per cent of the membership. The members' average was slightly reduced from 61.6 to 59.6 and finally to 59.2 years; it certainly is still quite high. These being the characteristics of its members, and since the organization could count on the proceeds of donations made by generous contributors, it should not be surprising that the Board has kept to the policy of selective relations with external institutions. The AOHR focuses its external relations on the United Nations where its consultative status with ECOSOC has served it well. This was clearly seen during the preparations leading up to and the 1993 UN World Conference on Human Rights. Other privileged external partners of the AOHR are such organizations as the OAU's CHPR, Amnesty International, the Lawyers Committee for Human Rights and the ICJ. These are active in rule-supervising, and in monitoring and reporting on violations of human rights. They do not provide funding for field activities or for institution-building although they may occasionally train personnel from the AOHR. In the field of training, the organization maintains regular relations with the Strasbourg International Institute for Human Rights. Nevertheless, it could be said that the clearly declining Nationalist component of the Board of Trustees may be at the origin of the tolerance of the external funding of activities of the Arab Institute of Human Rights (AIHR), shown by the AOHR. The AIHR was jointly established by the Union of Arab Lawyers, the Tunisian League of Human Rights and the AOHR.

The 1985 Executive Council of the EOHR was made up of 10 members: two Nationalists, three Marxists having moved toward Liberal positions and 4 Liberals, representing 20 per cent, 30 per cent and 40 per cent of total membership respectively.

The ideological set up of the Council was appropriate for wide-ranging external relations, but the members' average age, 62.5 years, was quite high. The Executive Secretariat, which drew up the EOHR's extensive program of action, had seven members: one Nationalist, one Marxist, four Marxists who have moved toward Liberal positions and one Liberal. Percentages were 14.2, 14.2, 57 and 14.2 respectively. The members' average age was 45 years. Both variables were appropriate. A decision to seek and accept external funding was not taken but the extensive program adopted foreshadowed it. Either it had to be taken or the organization would have had to be dismantled. The Board which took the decision on external funding in 1991, after two years of extensive discussions, was made up of 15 members: one Islamist, two Marxists, five Marxists having moved toward Liberal positions and six Liberals. The ideological set up was most appropriate. The members' average age, 55.3 years, was notably higher than that of members of the Executive Secretariat; still, it was clearly in the age group that is expected to be open to wide-ranging external relations. The EOHR is now an observer in the OAU CHPR, is affiliated to the IFHR and maintains relations with such institutions as the United Nations High Commissioner for Refugees (UNHCR), Amnesty International, the ICJ and Human Rights Watch. These are institutions concerned with rule-supervising, monitoring and reporting on human rights violations. But the EOHR also has relations with such organizations as the Internship Program, the National Endowment for Democracy, the John Merek Foundation, the Dutch International development Agency (NOVIB), the International Service for Human Rights, Global Fund, the Friedrich Ebert Foundation, Agir ensemble pour les droits de l'Homme, the National Democratic Institute for International Affairs and the International Center for Human Rights and Democratic Development. These are Western NGOs providing training and resources to support promotion, field work, communication, publication, research, training and institution building activities in the field of human rights.

The two founders of the CIHRS readily admit that they have moved away from their Marxist origins towards Liberal positions. As all individuals undertaking a similar evolution they may be considered social-democrats or democratic socialists. This is said to have occurred around 1980. One of them attributes a great part of his metamorphosis to the events that befell Poland during that period. This is an eloquent recognition of the logic of systemic interaction. It is an indication of a feeling of belonging to a legitimate system, and of a disposition to be affected by interactions taking place within it. When they appointed an honorary Board of Trustees, they chose persons whom they knew harbored Liberal ideas and were open to integration in the international institutional system. To carry out its research, publication, training and promotion activities, the CIHRS now receives support from such external institutions as the Danish Agency for International Development (DANIDA), Agir ensemble pour les droits de l'Homme, the Friedrich Ebert Foundation, AMIDEAST, the Ford Foundation, the Canadian International Development Agency (CIDA), Rainbo, the Dutch International Development Agency (NOVIB), the

Fullbright Foundation, the National Endowment for Democracy and the Bunstift Foundation.

4. International Dimensions of the Activities of ANGOHRs

It has often been argued that external links, in particular funding, may interfere with the priorities of ANGOHRs. Obviously, priorities cannot be subjected to any objective criteria. However, it can safely be said that an ANGOHR will not find an audience if it raises questions alien to the society where it is active. If it focuses on a particular problem to the exclusion of another, this should not discredit it if the former were a real one, worthy of attention. A problem may not be accorded the same importance by all segments of a society. If just one sizeable segment of a country's population feels its urgency, this should be enough to legitimate the efforts an ANGOHR exerts in its respect. As previously mentioned, the real litmus test of the legitimacy of ANGOHRs' external relations are the horizontal extension and vertical deepening of their activities. These are briefly reviewed in what follows.

Ten people work for the Secretariat of the AOHR. The organization provides advice to international NGOs on the situation of human rights in the Arab world. It exchanges information and visits with them. It has already been pointed out that these are organizations only concerned with monitoring and reporting on the situation of human rights. The AOHR also attends meetings of the UN organs concerned with human rights and is represented on the UN major conferences. It publishes an annual report on the situation of human rights in the Arab world. Sources of the report are laws and regulations, the means and individual communications received by the organization. The AOHR also publishes a monthly bulletin. Issues of its quarterly periodical are not regular; but it occasionally publishes books on specific issues as well as press releases on particular events. The AOHR intervenes with governments about particular human rights violations. With the Union of Arab Lawyers and the Arab Institute for Human Rights, it is, at present, promoting the setting up of an information network on human rights in the Arab world.

The EOHR has 13 branches, four of which have established permanent headquarters. Five units make up the Secretariat of the organization. The EOHR has intentionally raised the level of professionalism of the twenty-three people working for it. To this end, it has benefited from training courses organized and financed by such INGOs as the International Service for Human Rights and the Internship Program respectively. The organization monitors the situation of human rights in Egypt, and carries out field activities, investigating violations and visiting prisons. It writes to public authorities in respect of human rights abuse. It occasionally issues press releases and urgent appeals. The EOHR publishes reports on specific issues of human rights as well as a bulletin. In 1995, the reports dealt with such issues as violence, violations of Egyptian migrant workers' rights in Gulf countries, prosecution before military courts and freedom of expression. It convenes press conferences. It organizes debates

and training courses, and launches information companies on issues of interest to human rights. In 1995, it took part in an effort to monitor legislative elections. Internationally, it takes part in meetings, workshops and training courses organized for NGOs active in the field of human rights. It exchanges information and advice with external NGOs. To those of them visiting Egypt, it provides logistic support and organizes their programs. Two semi-autonomous projects, on female genital mutilation and legal assistance to women, are attached to the organization. They employ eight activists working in a separate office (EOHR, Cairo, n.d.). As it owes its creation to the AOHR, the EOHR was behind the establishment of, at least, three other Egyptian human rights organizations.

In addition to those living in Cairo, visiting academics, researchers and activists give lectures about human rights issues at the CIHRS. The Institute also organizes monthly seminars. There were 12 such lectures and seminars respectively in 1995. They dealt with such issues as conditions of human rights in Gaza, the problematic of relations between government and intellectual community and the Beijing document from the civil society perspective. The CIHRS holds round table discussions and debates. It prepares research papers and submits them to local and international meetings and seminars. It has publications in Arabic as well as in English on human rights questions. It publishes a bimonthly bulletin, in both languages, and a quarterly periodical. Alone, or in cooperation with academic institutions, it organizes training courses for university students from Arab countries. It hosts and provides research facilities to guest scholars. It has established an important library open to interested researchers (CIHRS, 1995)⁽²⁰⁾. The CIHRS employs 16 people, in addition to those commissioned for specific assignments. It is noteworthy that after a research paper it presented to an international workshop, an external NGO asked the CIHRS to prepare a discussion paper on the necessary restructuring of the world human rights movement and on the strategy it should now adopt. NGOs from Africa, Asia and Latin America and noted activist in the human rights movement have commented on the paper which, after it is revised, should be the basis of large project such as a workshop, a conference or a publication. This is an example of how Arab actors can influence the international institutional system of human rights if they become integrated in it.

Al-Haq has four units concerned with fieldwork, a database, research, a library, in addition to support staff. Members of the framework unit are dispersed throughout the Occupied Territories to collect primary documentation about human rights abuses; the database unit systematizes the information collected; the research unit conducts both legal and human rights research; the library unit is the only public law library in the Occupied Territories. Al-Haq also maintains a field representative in London. Al-Haq has compiled Israeli military legislation in the West Bank and published it, under the title *The West Bank and the Rule of Law*. Five years later, it published *The Occupier's Law* where it focused on both the violation of both the general principles and the general provisions of international humanitarian law and

human rights law in the Occupied Territories. Al-Haq registered testimonies of victims of human rights abuses and intervened with Israeli authorities. After its various publications on, *inter alia*, administrative detention, house demolition and prison conditions, Amnesty International, for the first time, unambiguously accused the Israeli authorities of engaging in torture. This is a clear example of how an ANGOHR can effect the behavior of external actors. In the mid-1980s, it established Labor Rights, Women's Rights and Legal Advice projects. During the uprising, it started the publication of its annual reports. Al-Haq has taken part in conferences dealing with such issues as the international humanitarian law. It has also briefed UN envoys on the human rights situation in the Occupied Territories ⁽²¹⁾.

Conclusion

The evolving doctrine of international law and of international organization has recognized that human rights are a matter of concern for the international community as a whole. This could not be rejected, any more, on grounds of exclusive national jurisdiction. This is the basis of the integration of the Arab human rights movement in the international institutional system of human rights. Differential integration can be explained by the different legal status of ANGOHRs and by the characteristics of their leaders and founders.

Failing to obtain legal recognition from public authorities in Arab countries, the Arab human rights movement sought refuge and protection in the international system. This was the best available guarantee for it to act in domestic societies. Hostile political attitudes were a further reason for the movement to take this orientation. Some years later, the international system also became a source of badly needed resources. In fact, absence of recognition added to hostility meant that domestic resources would not be forthcoming. A negative correlation can be established between legal recognition and political attitude, on the one hand, and external relations, on the other.

The characteristics of individuals behind the creation, or activation, of a social movement are of great importance for the orientation it adopts. They determine its behavior and the extent of its interactions with the environment. When it came into being, the Arab human rights movement faced a dilemma. Its establishment was an implicit recognition of the right to choose with whom to interact, and to what extent. Yet, those individuals who were behind it had inhibitions. They could not overcome their apprehensions in respect of the international institutional system. This was not particularly related to human rights. Their ideological backgrounds and generational belongings did not predispose them to an ample range of interactions with it. In their great majority, these leaders were Arab Nationalists who grew up in times of confrontation with the masters of the system. They had had disappointments; and had felt frustration. Their assessment of the functioning of civil societies was not conducive to extensive relations with external institutions either. They were still suspicious of

relations between states and civil societies in the external world. They made part of the road, when they established relations with the United Nations and with some institutions active in human rights monitoring, but could not walk it to the end. A new generation of leaders reinforced the relations of their ANGOHRs with the external world because they had not lived the same era. When they were Arab Nationalists, their experience of the opposition had opened their minds to the validity of Liberal ideas of pluralism. Marxists evolved toward Liberal positions under the influence of transformations in the international system. The systemic nature of Marxian approaches predisposed them for this evolution. Liberals needed little convincing. The extension of Liberal ideas also affected the analysis the new generation made of relations between external states and civil societies. A positive correlation can be assumed between young age and Liberal ideas, on the one hand, and integration in the international institutional system, on the other.

It is doubtless that the ANGOHRs more integrated in the system have greatly expanded or deepened their activities on behalf of human rights. They have carried out a greater number of, and more varied, activities than those who have integrated to a lesser extent. In the process, they have gained more adepts to ideas of pluralism and human dignity. To the extent that they express and promote real demands of their communities, they can safely proceed on the road they have been walking.

References

- ¹ LeRoy Bennett A., International Organizations: Principles and Issues. Englewood Cliffs, N.J., Prentice Hall International Editions, Sixth Edition, 1995. Jam'iat Ansar Hoqouq Al Insaan
- 2 Human Rights and International relations. Cambridge, Can-Vincent RJ. Bridge University press, 1986 { Published in Association with the Royal Institute of International Affairs}, P 111.
- 3 Ibid p99
- 4 Ibid p109
- 5 Ibid p 102
- 6 Galtung, Johan, Human Rights in Another Key. Cambridge, Polity Press, 1994
- 7 Ibid
- 8 Ibid P 147-151
- 9 Jamiat Ansar Hoqouq Al Insaan
- 10 AOHR 1987, first newsletter P1.
- 11 AOHR 1990 a collection of publications

12 Salem, Amir, Difa'an an Haq Takwin al-Jam'iyat (In defense of the right of association). Cairo, Center for Legal research and Information on Human Rights, 1991 (in Arabic)

13 Rabbani, Mouin, "Palestinian Human Rights Activism under Israeli Occupation ". Arab Studies Quarterly, Vol. 16, No.2, Spring 1994, PP. 27-52.

14 Al-Sayyid, Mustafa Kamel, "the Concept of Civil Society and the Arab World.", in Political Liberalization and Democratization in the Arab World, Volume 1, Theoretical Perspectives, edited by Rex Brynen, Bahgat Korany and Paul Noble. Boulder and London, Lynne Rienner Publishers, 1995, PP. 131-147.

15 Ibid

16 Ibid 134-135

17 Ibid

18 Ibid P 136

19 Are considered Arab-oriented individuals those who call for reinforced links, arriving to the extent of integration, between Arab countries without adopting an Arab Nationalist stance and discourse. They are here assimilated to Liberals.

20 Cairo Institute for Human Rights Studies (CIHRS), a Report on CIHRS activities in the year 1995. Cairo,n.d.

21 Mouin Rabbani, op cit ., pp 29-44.

The Political Islamic Movement **and Human Rights**^{*}

Haytham Manna'a^{**}

To begin, I must make some essential remarks that form the necessary approach for tackling the issue under consideration; the Islamic political movement and human rights .

First, this movement with all its components constitutes a reflection of the condition of Islam, i.e., there is no one Islamic movement, and there is no consensus on any specific Islamic movement; consensus on temporal or religious matters has been buried since the death of prophet Muhammad.

Second, this movement does not only imply the interjection of religion in politics, but also the rule of politics in religion. In this sense it abounds with all the diseases of politicking, from programmatic alliances to conferences to internal and external liquidation. Thus we agree with those who denounce its tutelage and its claim to monopolize religion and belief, and we reject endowing it with any holy character on the basis of its alleged representation of the "party of God." In my study of the anthropology of religions I have followed more than one hundred trends of the political party of God the world over. I am no judge of which of these are the "rescued from hell" sects. Is it necessary to be reminded that wars are waged in the name of God not Satan, and usually by both belligerent parties?

Third, this movement, despite its adoption of ideological mobilization, is the offspring of living realities. And thus we find it calling for female circumcision in Egypt while

* * This paper was presented to the workshop "Towards a Professional, Independent and Effective Human Rights Movement in the Arab World," held by the International Commission for Jurists, Amman, January, 1994.

** Speaker of the Committees for the Defense of Democratic Freedoms and Human Rights in Syria, member of the Board of Trustees of the Cairo Institute for Human Rights Studies, and Vice President of the International Federation for Human Rights.

denouncing it in Syria; in Paris it calls for secularism while combating it in the Islamic world. For, in spite of all its passion for heavens it is -- just as all other political movements -- a child of the earth, and, like it or not, must take earthly considerations into account.

Fourth, despite all the attempts at religious reform, starting with al-Afghani, followed by Aly Abdel-Razek, and recently Mahmoud Muhammad Taha, the political Islamic movement is still governed by the fundamentalist Islamic ideology in its three main representations (Mawdoudi /Qutbi, Wahabism, and Khomeinism) with their common tenets: Islam is a totalitarian system that should be embraced or discarded in whole; the Islamic system means the literal and full application of the Qur'an. Hence, it is possible to trace the outlines of these trends' schemes for "the state and society" despite the differences between them and among their ranks. As regards the state, this involves the issues of the constitution; the interrelations of powers; independence of the judiciary; the definition of citizenship; the consequences of difference in gender or belief; the nature of penal, exceptional and political laws; and the concept of violence. The societal level involves such issues as the rights of the individual and the spheres of individualism in society, women's rights, and children's rights.

We will attempt to survey this as well as noting the main problems this movement has with the issues of human rights, the modern concepts of citizenship, and democratic and public freedoms. Also, we will attempt to mention the moments of renovation and restoration in history and in modern times so that the prevalent image of this movement as the sole and legitimate representative of Islam will not be confirmed.

Revival or Relapse?

It is difficult in this context to reflect at length on the rise of the political Islamic movement about two decades ago. For this movement, albeit marginalized by the pan-Arab aspirations for a while, has never vanished. It has always derived its power from the despotism of the authoritarian state. The political Islamic movement found in the victims of authoritarianism its life elixir after the big collapse of the last nominal Islamic Caliphate owing to its senility and to Ataturk.

Whenever the world crushed its inhabitants, people looked to the heavens for the savior. Notwithstanding our opinion of this response, what concerns us primarily are its consequences as regards consciousness and Arab/Islamic culture, where the separation has never been made between religion and the state, private and public, individual and group, life and belief, belonging and loyalty, etc., despite all the cases of actual dissociation produced by lived realities.

Retrogression is directed towards the most totalitarian forms of the past; its most introverted moments; its violence towards self and other; and its staunchest denunciations of innovation and reformation. This is because retrogression takes place under the conditions of a general crisis, where it is difficult to speak of a developed and mature culture to have accompanied the violent transformations that

took place in society or the conditions of social recalcitrance produced by the authoritarian state. A society that succumbs to a state of emergency bears an "emergency culture" which presents itself as the expression of a threatened identity and heaps a mass of distinctive features to assert an abducted identity. Everywhere, the fundamentalist ideology targets the marginalized social strata with a mobilizing discourse that combines the assertion of superiority, the necessity of assimilating the "I" into the "us," and emphasis on the danger of the "other" for the purpose of reinforcing the symbolic representation of good and evil. This dichotomy between "us" and "them" is considered a division between the righteous and the unjust, believers and disbelievers.

We face an ideology with superficial constituents and deep roots, resting on the basic sentiments of people. It justifies insolent violence within the family and between individuals. It idealizes machismo and its focus on oppressing women in answer to general defeats in life, along with bolstering the rule "I and my brother stand against our cousin; I and my cousin stand against the outsider" as a form of social solidarity. This is an ideology of superiority based on religion, not facts, and thus makes an enemy of those who oppose it, considering them obstacles to establishing this superiority in reality.

This discourse, simplistic to the extent of demagoguery, does not turn its violence on the victims of the system that produces outcasts and destitute people. These find in self-exclusion through introversion the reply to their rejection by society. Thus, the rejection of humanistic principles to the benefit of fundamentalist ideology constitutes a belief only among the cadres and leaders; for their followers it constitutes a reaction to the denial of the ABCs of the rights guaranteed by international human rights law. They have not encountered these rights either in writing or in practice, in contrast to the traditional culture absorbed since childhood. Hence, in the absence of the consciousness and practice of rights, in Arab and/or Islamic societies it is easier for a person to become a believer than a citizen.

The whole problem for human rights activists and defenders lies in the necessity of overturning this equation, because citizenship does not negate belief; bigotry on the other hand abrogates the most important human and citizenship rights.

The Ideological Fundamentals of the Political Islamic Movement

We will not be dealing with all the elements of fundamentalist ideology, for it is not the subject of this article to consider the private world of religious rituals and personal means of expressing belief. What we will deal with is the Islamic political movement's presentation of Islam as a way of life, not as a religion. In this domain specifically there is a fundamental and clear contradiction between the political Islamic movement's agenda and international human rights law.

We have adopted an approach based on singling out the points on which the main trends of this movement agree and neglecting their differences so as to avoid

entanglement in fine details. In this way we will survey what is common in the writings of Hassan al-Banna, Sayyed Qutb, and Sa'id Hawa of the Muslim Brothers, the writings and *fatwas* [religious opinions] of Ayatollah Khomeini as the best expression of Khomeinism, Abul-A'ala al-Mawdoudy of the Islamic Jama'a in Pakistan, the available announcements and writings of the Islamic Jama'a and its sister groups in Egypt, and the announcements, fatwas, and speeches of Ibn Baz and Ibn Saleh al-Uthaimin of the Wahabite school. We will set aside their differences regarding "pleasure marriage," the role and status of the prophet Muhammad's family, the permissibility of women driving cars, and the arbitrary killing of foes. We will also dismiss the literature produced by the political Islamic movement in Tunisia and Algeria, considering they are but deformed reproductions of the Egyptian literature, only a quarter of a century later.

1- The Sacredness of Text

Al-Mawdoudy's lecture, "The Political Theory of Islam" (Lahore, 1939), constitutes the first coherent attempt to establish a fundamentalist ideology in the parlance of the century. The main methodological rule of this lecture is associating the constitution of life with the Qur'an, and associating the Qur'an with the concept of immutability, as a blow against the idea of reform in Islam. According to al-Mawdoudy:

With these ordinances Allah granted us an independent system and an inclusive constitution that can receive no alteration or amendment.... This divine constitution and system as we have said does not accept any alteration or amendment; if you wish you can reject it and battle against it as did Turkey and Iran, but you cannot effect in it the slightest change, for it is an eternal divine constitution where there can be no alteration or amendment. ⁽¹⁾

This statement is repeated nearly literally in Sayyed Qutb's study "Take Islam as a Whole or Leave it," in the "Islamic Government" by Khomeini, ⁽²⁾ and in the writings of the others. It constitutes the cornerstone of the Islamic constitution and the Islamic way of life advocated by political Islamic trends: the Qur'anic text is the constitution and the reference; no discretion with the existence of a text, and no interpretation or drawing upon its spirit allowed.

This principle impacts directly on the concept of the judiciary and the nature of laws in the desired Islamic state. The rebuilding of the Utopia of the first four decades of Islam means the annulment of centuries of juristic development which have produced, among others, the separation of powers and the independence of the judiciary. It is a return to the judiciary being an offspring of a totalitarian system that links the three powers with respect to their origin and source, and gives the ruler the right to appoint and depose judges and overlook their work, as the ruler is considered the protector of Shari'a. This reminds us, as al-Mawdoudy himself notes, of the Stalinist and Nazi regimes.

It is important to note that this issue is not a matter of consensus in Islam. According to reformers, Islam, as a religion and belief, has not changed; God remains the same as described by Surat al-Ikhlaas (which according to the Prophet equals the third of the Qur'an). However, most of Islam's precepts were altered in less than thirteen years in the lifetime of the Prophet. This taught the first Caliphs (Abu Bakr, Umar and 'Ali) to transcend the rules themselves.

Contesting the idea of immutability and literalism, al-Afghani wrote: "If the literal interpretation of the Qur'an were correct, the Incarnatists would be the absolved sect." (The incarnatists describe the hand of God, his feet, genitalia, etc.) The late Mahmoud Muhammad Taha denounced this rigid mentality, and argued that the strength of Islam stems from its assimilation of the movement of history. Those who try to duplicate what was prevalent at the times of the Prophet in fact kill this creative aspect in Islam. Taha advocated a "developed Shari'a" that would conform with the progress of humanity.

2- A Totalitarian Order

This totalitarianism constitutes the practical interpretation of the sacredness of the texts from the fundamentalist perspective. The totalitarian nature of early Islam was a result of its rise in a stateless society. This origin entailed the rise of Islamic authority through the very process of spreading the message of Islam. This constitutes both a specific characteristic of the Islamic experience in history and an obstacle to religious reformation.

Although the problem of the separation between religion and *al-dunia* (worldly affairs) had been propounded early with the wars against renegades and the Islamic civil war, however, because of this amorphousness, the Orient has granted us the precious gift of transforming religion into the "bloody shirt" of both rulers and subjects, and into a veil for the struggle for power. The schools advocating this separation rose early in Islam. The first is expressed by al-Hassan al-Basry, who said of the Kharijites: "They are seekers of worldly matters." When a Kharijite asked him, "How could you say that when one of them leaves his family and fights until death?", he answered: "Tell me of the Sultan! Does he prevent you from praying, alms-giving, or pilgrimage?" "No," answered the Kharijite. Al-Basry said, "So I believe he has denied you the worldly goods for which you are fighting." Likewise, the Arab philosopher al-Kendy did not spare those who use religion for political purposes: "Rulers mount their ill-gotten thrones for the pursuit of power and for trading in religion. They are bereft of religion. Because he who trades in something sells it, and he who sells anything leaves it. He who trades in religion has no religion."⁽³⁾

However, the reformist trend in its different expressions among philosophical circles and among the Mu'tazellites, the Kharijites and the Isma'illites was overpowered by arbitrariness, not debate, and along with it Arab/Islamic civilization was defeated.

The fundamentalist ideology emphasizes that the true Muslim is the one who seeks the orders of God and the Prophet in all matters of religion and life, abides by these

orders, and in public life rejects any principles that are foreign to the ordinance of religion regarding the rules of government. The attempt to codify the private and public elements of everyday life usually starts with the Qur'an and the prophetic tradition and ends with very fine details derived from the fatwas of Babawayh al-Ja'fary and Ibn Taimiyah al-Hanbaly that are hardly identified with the source text, such as: the attire of Zimmi people (Christians and Jews under Islamic rule), the age of marriage, the form of marriage, the exact way of veiling, the proper use of different consumption material, the prohibition of non-alcoholic beer, and the methods of amputating hands and skinning backs. In this way the break with the spirit of the age comes about and the relationship with defenders of international human rights law becomes antagonistic. Let us follow this through the most important elements of this conflict.

A) Citizenship: According to the political Islamic movement, citizenship is based on belief and residing in Darul-Islam (the abode of Islam.)⁽⁴⁾ This concept was derived from the Qur'an and the classification in Islamic jurisprudence of human beings according to their beliefs first, and second according to the requirements of Jihad and Islamic wars. This is very clear in the case of the classes of non-Muslim subjects, who are divided by Islamic jurisprudence into those who went under the patronage of the state through a peace agreement, those who were conquered in war, and those who joined without conciliation or war. According to this concept, Muslims are first-class citizens, Zimmis come second, and there is no place for a polytheist or an atheist.

This classification clearly contradicts articles 7 and 21 of the Universal Declaration of Human Rights, article 2-2 of the International Covenant on Economic, Social and Cultural Rights, and articles 14, 16, 26, and 27 of the International Covenant on Civil and Political Rights (ICCPR). For, according to the Universal Declaration, people are equal before the law without any discrimination (article 7). Article 18 emphasizes the right to the freedom of belief: "... This right includes freedom to change his religion or belief." On the contrary, the penal law advocated by the political Islamic movements stipulates the death sentence for a Muslim who converts to another religion. (See also article 18 of the ICCPR.) It is also clear that article 26 of the ICCPR completely contradicts the Islamist concept of citizenship. It states: "In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Ten centuries ago a Muslim asked Imam al-Shafe'i about five men who had had sex with a Muslim woman, why the first was killed, the second stoned, the third whipped one hundred lashes, the fourth fifty lashes and the fifth exempted. Al-Shafe'i answered that that was because the first was a Zimmi, the second a married Muslim, the third a bachelor Muslim, the fourth a slave, and the fifth insane.⁽⁵⁾ Just thinking in this way in modern times is tantamount to negating a whole millennium of great juristic progress achieved by humanity.

B) On the definition of a person: Article 16 of the ICCPR states that “Everyone shall have the right to recognition everywhere as a person before the law.” It rejects any discrimination according to sex in this definition. Accordingly, states-parties undertake to ensure the equality of both men and women to enjoy all the civil and political rights guaranteed by the Covenant (article 3). The same applies to the International Covenant on Economic, Social and Cultural Rights (articles 2-2 and 3), in confirmation of article 2 of the Universal Declaration. This was followed by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which tackled the impediments to women’s struggle for liberty and equality. The CEDAW affirmed that human rights are not male or female; they are for both sexes without discrimination.

This is one of the main issues raised by the political Islamic movement. In the name of the concept of male custodianship over women declared by the Qur’an, Islamists denounce the idea of equality in toto. They assert the superiority of men and the inferiority of women (Qur’an: Surat an-Nissa’a - verse 30); women’s lack in wisdom and religion (Prophetic saying); the legitimacy of polygamy (Surat al-Nissa’a - verse 44); granting the right of *wilaya* or political authority exclusively to man; giving a woman’s family, in case she is killed, the authority to demand the application of the law of equality in punishment, or to forgive, or to accept blood-money (Surat al-Isra’a - verse 33); women’s stay at home (Qur’an: Surat al-Ahzab - verse 33); punishing women by beating them and abandoning them sexually (an-Nissa’a - verse 34); veiling; treating women as if they were perpetual minors (hence denying them civil and political rights, and considering a woman’s testimony in court to be half that of a man, and granting females half the share of a male in inheritance); and prohibiting women from traveling without a guardian, etc.⁽⁶⁾

All of this contradicts the above-mentioned articles and strikes the CEDAW at the heart, especially articles 2, 8, 7, 5-a, 7-a, b, c, 8, 9, 15, and 16. Thus it is not surprising that only few Islamic countries have ratified the Convention in compliance with the traditionally prevalent machismo sentiments and the fundamentalist tide.

The fundamentalist ideology always hides behind the sacredness of texts and shields itself with demagogic discourse based on disregarding cognitive criteria and substituting literary eloquence for definitive statements. For example, al-Aqqad^{*} speaks of women as a driven force and of men as a creative force, and affirms that “the man was created to order and the woman to obey.” Why and how? No answer! For al-Mawdoudy, it is of women’s nature to be “weak, hypocritical and contradictory.” Based on what science or study did he come to this assertion? Likewise, Zaki Sha’aban states that nature has made the woman “incapable of external [outside the home] struggle.” Muhammad Qutb reiterates the same idea.

We ask both of them: what is the difference between the peasant woman who plows and reaps in the field, churns milk, collects timber, bakes and weaves at “home”

^{*}Abbas Al Aqqad, Egyptian prominent writer and intellectual

without wage and the working woman in any of these jobs for wage? The Qur'an explicitly considered such wage to be one of the two reasons of male custodianship ["Men are the protectors and maintainers of women, because Allah has made the one of them to excel the other, and because they spend from their means" (Qur'an, Surat an-Nissa'a, Verse 34)]. In the same context comes the discourse eulogizing staying at home to undertake the "noblest of tasks" and the most "glorious of work": rearing children and supplying food for the family. But why would such a noble and glorious undertaking prevent one from acquiring the right to vote? In reality, this undertaking is degraded and considered worthless, and is furthermore considered to be a proof to the frailty and inferiority of women.⁽⁷⁾

The Kharijite youth did not wait for the election of Benazir Bhutto in Pakistan. They elected a woman called Ghazalla as their leader 1200 years ago. To terrorize women dissidents, the governor of Basra, Ubaidullah Ibn Ziyad, had to kill Kharijite women, cut off their hands and feet and exhibit their naked corpses. Al-Jahez called for the equality of men and women, supporting the opinion of some philosophers and of the Carmathians. In the same vein, Ibn Rushd indicated the importance of women's role in society. These early gestures were yet to be developed by reformers who, starting with Qassim Amin, called for equality and rejected the regressive stand on women. In 1975, the Republican Brothers issued 16 pamphlets on International Women's Day elucidating their new ideas on Islam and equality.⁽⁸⁾

Arab thinkers and reformers have participated along the lengthy course of liberation trodden by women the world round, which was crowned by the adoption of the Convention on the Elimination of all Forms of Discrimination Against Women in December 1979. Women's liberation can not anymore be considered an Eastern or Western issue. It is a human issue that involves all countries and pertains to the dignity of both genders. On its bases rest the definition of a human being in international human rights law.

C- Childhood: According to a saying ascribed to the Prophet, every infant is born into human nature and the parents then Judaize, Christianize or Magianize him/her. The Prophet also said: "You and what you own are to your father." In general, the Prophetic tradition and Islamic jurisprudence link the child to his/her parents both materially and spiritually. And despite the absence of any Qur'anic text on the subject, religious succession (the child of a Muslim is a Muslim) remains the rule. A person is held a Muslim through his/her descent and rarely by his/her conviction.

This tradition adopted by mass culture, the fundamentalist ideology and most jurisprudential schools contradicts the right of every human being to choose his/her thought and religion and to change them (article 18 of the Universal Declaration), and the right of the child to choose not to embrace his/her parents' religion (Convention on the Rights of the Child). This sensitive point in Arab and/or Islamic societies made several Islamic countries sign the above-mentioned convention while stating reservations about several articles, especially articles 13 and 14. And some countries dismissed it entirely, such as Saudi Arabia and Iran.

However, and despite the intense reaction within traditional and fundamentalist circles regarding child rights, they should be raised today. For the dialectic of enlightenment starts in childhood, since the assimilation of bigotry and prejudice start in childhood. It is necessary to realize the demand by the Universal Declaration for Human Rights that "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups...." (Article 26-2)

This concept of education is not directed against Muslims, Christians, Jews or Buddhists. It simply aims at coexistence among all humans with no regard to their religions or opinions, and giving priority to peace and love among peoples. It gives people the right to choose their religion just as Ibn al-Khattab, Abu Bakr and 'Ali did.

Certainly it would be naive to think that this battle is easy to win: all the pillars of the antiquated coalesce to resist change. These include the statist cultural institution, mass culture, and the patrimonial clannish mentality which insists on "nationalizing" children for the benefit of the fathers and the family. Moreover, it is necessary to critically reconsider the entirety of traditional upbringing, based as it is on ordering children to pray when they are seven years of age, beating them to pray when they are ten, and imposing the veil on little girls. These methods of upbringing contradict the right of the child to freedom of expression and belief and to protection from all forms of bodily punishment, in addition to being in clear contradiction with the concept of responsibility in Islam. In this regard, it is incumbent upon enlightened Muslims to expose this contradiction between the coercion of minors and denial of their own responsibility.

It is necessary, for a better future for the people in the Arab world, to reconsider the issue of coercing children to follow an obligatory hereditary religious education instead of bringing them up in a humanist, enlightened culture that would prepare them to understand their religion and culture in a better way and from a mature perspective, not from a perspective of coercion and blind following.

D- Violence: According to our current knowledge, there is no such thing as a society free of violence. Violence lies in the very make-up of the human personality, and in the bases of inter-human relations, which are not free of aggressive drives. Mythology places violence in the heart of cultures through the battles of brothers, father and son, the tribe and the other, etc. Although the rise of the state was usually associated with some form of controlling violence, state arbitrariness has always fed the violence of social relations. Thus society reproduces new forms of violence and its culture through the dialectic of rulers' arbitrariness and subjects' repression.

Humanity, however, has reached a point where this cannot be a "luxury": being one of the principal factors in producing poverty, disease, disability and destruction, if not to speak about principals. Combating violence has become necessary for the survival of the human race. This could be effected through the positive and constructive release of the violent energies within individuals and societies.

The issue of violence makes itself felt in the nature of inter-human relations, including: inter-gender relations; generational conflict; civil life; the judicial order (normal penal and exceptional political courts); and also the concept of holy war and the propaganda for violence, whether "revolutionary" or "counter-revolutionary."

The ideology of the Caliph being God's shadow on earth engenders the reality of God being the shadow of the ruler in heavens. For the earthly totalitarian power as an explicit and direct factor perpetuating religious ideology represents the absolutism of the ruler on one hand and reflects a monolithic viewpoint on the other. Religions persist owing to internal diversity and multiple perspectives and dwindle in their absence. Thus we can discern in a tolerant Islam the disposition towards peace supported by Qur'anic verses, and the principal of war being the minor Jihad, while struggling with one's soul is the major Jihad; or we can see only the verse "Prepare for them what you can of might." The problem is that ideology, whether religious or secular, is necessarily missionary, and overtly or covertly expansionist.

Polytheism was not missionary. And although Ikhnaton may have been the real father of the idea of missioning in our region, the application of this notion came about through Judaism and Christianity. Islam, as a religion of missioning, conquering and holy war under the rubric of universality and the rule of God, boosted this idea with new dimensions, with the natural implications of the superiority of the "us" and the inferiority of the "others." Certainly the crusades were not an example of justice, and non-religious forms of imperialism are not more soft-hearted or just, but the task of human rights advocates, in our opinion, goes beyond stopping at comparisons and having to choose among them.

Introducing the concept of peace between beliefs and peoples is a vital matter that can not be realized except through the mutual recognition of equality between people, and identification of the other as part of the process of the formation and identification of the self. It also requires the realization of some measure of social justice, and necessitates recognizing the political rights of all and securing physical and mental protection for everyone. We need here only mention article 20 of the International Covenant on Civil and Political Rights:

- 1- Any propaganda for war shall be prohibited by law.
- 2- Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

This article alone suffices to change the educational curricula in most countries of the Islamic world, although this world has gained nothing of wars but losses and destruction. The discourse of external violence entails the call for implementing internal violence. This leads us to the issue of corporal punishment in Islam.

E- Corporal Punishment: Corporal punishment is one of the main elements tarnishing the image of Muslims and both the Arab and Islamic worlds in this century. It is one of the symbolic issues which the political Islamic movement seeks to impose, such as the veil and prohibiting smoking in the streets in the month of Ramadan as a

reflection of the society's obedience to the ways of the fundamentalists, etc. The best comprehenders of the superficiality and limitedness of this way of thinking were army Generals and Third World despots like Ziya'ul-Haq, Numeiri and al-Bashir, who could not find anything better than implementing these punishments to earn the title of Imam, repress their subjects and suppress their sighs of remonstrance in the name of God and Islam.

From the juristic historical perspective, there were two phases of Islamic "legislation" applied in the times of the Prophet's stay in Medina: The first stage included the first five years of this epoch; rulings were applied more in a personal than in a statist framework. They were a continuation of the Arab and Hebrew pre-Islamic sentences (such as confining adulteresses, the law of an eye for an eye, and blood money). The second stage was the phase of expansion and military expeditions (which numbered twenty-seven in ten years), which could be compared to a state of war in our modern terminology. Sentences in this phase were strict and severe (amputation, stoning, crucifixion, flagellation, etc.).⁽⁹⁾

Whatever the motives were, the Prophet presented answers to definite circumstances in the spirit of his age. This makes historians conclude that Islamic legislation is characteristically local, relative, pragmatic and historically-bound. In traditional and fundamentalist writings we find these four characters to be: divine constitution, revealed, eternal and universal. Most jurisprudential schools in Arab/Islamic history lie somewhere between these two interpretations.

Abu Bakr was the first to add to corporal punishment the rule of killing apostates or burning them alive. Umar suspended the punishment of hand amputation for hungry thieves, and did not punish drunken soldiers in the war. He also expressed his disagreement with killing apostates.

The application of Hudud had its ebbs and tides in Arab/Islamic history. They were nullified by Ottomans and reinstituted half a century later at the hands of the Wahabi-Saudi state (1903-). The Western governments that pressured the "sick man" to annul Hudud did not see fit to upset the Saudis and the Sheikhs when drilling for oil in the Arab peninsula. For the sake of gain, human rights may be frozen. In the second half of this century, the idea of corporal punishment was revived by the political Islamic movement as the fundamental feature of applying the rules of Shari'a.

Certainly, there were those (starting with the Kharijites) who denounced stoning and considered crucifixion a blemish on Islam. And it is also noteworthy that Abu Bakr was criticized on the basis that burning is a punishment by God in hell, not an earthly penalty. There were also those who criticized Islam for sanctioning such sentences as crucifixion, amputation, stoning and flagellation. Traditional classics relate that the Isma'illis and the Carmathians did not apply hudud, without however reporting any details about penal punishments in the Carmathian state east of the Arab Peninsula.

However, the issue of corporal punishment was not definitively brought up until the

last century. Enlightened Muslim reformers raised the banner against this blotch which manifestly contradicts article 5 of the Universal Declaration of Human Rights, article 7 of the ICCPR, article 1 of the International Convention against Torture, article 5 of the African Declaration of Human Rights, article 3 of the European Convention on Human Rights and article 5 of the American Convention on Human Rights.

It is no coincidence that fundamentalists and traditionalists wage a ferocious war against Aly Abdel Razek, that Numeiri executed Mahmoud Muhammad Taha in the name of Shari'a, and that extremists assassinated Farag Fouda in the name of Islam.

The Freedom of Opinion and Belief

"No coercion in religion," the Qur'an declares, in one of the earliest Eastern statements on the freedom of belief. Abu Haniefa recaptured this tolerant view in his famous saying: "What we believe is an opinion which we force no one to believe and would not accept that some one should be forced to believe it. Whoever has a better view should present it." Ten centuries before Khomeini, al-Fakhr al-Razy rebutted his fatwa on Salman Rushdie: "The one who is right should listen to the arguments of the mistaken and answer with no harm nor intimidation." What we call for today is that Muslims on the threshold of the third millennium be no less tolerant than al-Fakhr al-Razy.

Human rights are both a cultural and a juristic issue, meaning that legislation alone does not suffice to ensure their respect and application. The collective consciousness of the importance of human rights and their role in human development requires a general societal dialectic of enlightenment. This constitutes the basis of entrenching the international human rights law so that rights will not be usurped by the first adventurer to come along. The dialectic of enlightenment cannot be brought about without safeguarding the right of everyone to freedom of thought, conscience and belief, even to heresy (considering it is the seed of creativity), and the right to express one's opinions and beliefs by all means (verbal, written, etc.) as emphasized by many articles of international human rights law.⁽¹⁰⁾

In this dialectic relationship between the necessity of the freedom of opinion for the elucidation of human rights and the indispensability of human rights for securing a pluralistic, free and creative culture, the fundamentalist project which considers plurality to be a sort of Jahiliya (pre-Islamic benightedness) and fears for itself from a local or external cultural invasion intervenes. It feeds those generations brought up under the authoritarian state and never having tasted freedom with a totalitarian view that rejects variance and fights against the despotism of rulers while manipulating elemental sentiments in the service of combating free thought. As if it were a fate of our peoples to have a choice only between a standing despot and an impending tyrant.

In the 1980s some factions of the political Islamic movement started assassinating writers and intellectuals in Lebanon. It did not take long before the Lebanese example inspired Iran, Egypt and Algeria, so that freedom of opinion and conflicts of opinion have come to cost writers their lives, after costing them their freedom. When Khomeini issued his fatwa on Rushdie we called for establishing an Arab organization for the defense of the freedom of expression in reply to that qualitative step in slaying the freedom of expression. Unfortunately, Arab writers were not enthusiastic about this idea.

The political Islamic movement succeeded in engaging in a war of words and in explicating its convictions. It tries by all means to deny others this possibility. It employs discourse and sermons, assassinations and killing fatwas. It is necessary to study the Khomeini experience and the contemporary Iranian culture to realize the dimension of the tragedy ushered in by the accession of the fundamentalist project to power.

The Absence of the Motif of Time

Drawing on the practice of Umar Ibn al-Khattab, Judge Abu Youssef wrote of Zimmis:

Their necks should be sealed at the time of collecting Jizyah [religious tax on non-Muslims] and then the seals should be broken off.... It should be ensured that none of them be allowed to resemble Muslims in attire, mounts or appearance. They should be ordered to gird themselves with waistbands like coarse ropes; their head covers should be quilted, and they should install on their saddlebows pommels of wood. They should be ordered to tuck their shoelaces, and prohibited from imitating Muslims; [Zimmi] women should be prevented from riding in howdahs. They should be prevented from building a synagogue or a church other than those existent at the time of making peace with them....

Abu Youssef further related what the Caliph Umar Ibn Abdel-Aziz had written to him: "Do not let a visible cross without eradication. A Jew or a Christian should not be allowed to mount [horse] saddles; they should ride on [donkey] bards. Do not allow any of their women to ride in howdahs; they should ride on [donkey] bards."⁽¹¹⁾

This excerpt from the "Tributes" by Judge Abu Youssef summarizes the problem of Medieval Islamic jurisprudence in modern times. In the times to which the author of that book belongs, only Christians in Europe attained recognition as human souls, for a human becomes as such "by baptism not by birth." The early whiffs of free thought constituted the substance of crime and punishment for inquisition courts. People had not yet moved from what they called the right of God to what we call human rights. In this regard we are not concerned with bringing history to trial, but we emphasize our rejection of any attempt to rescreen it more than one thousand years later.

One of the basic elements of the fundamentalist movement is putting time to death and considering what was viable fifteen centuries ago as still feasible today without

amendment or discussion, only because there is a text on the subject. And although it is difficult for the advocates of fundamentalism to call for what the judge of Harun ar-Rashid mandated, or revive the old definition of human booty, or rehabilitate the three sources of slave ownership (war captives, slave trade and inheritance), they still do not refrain from promoting a racist view of non-Muslims.

In his book "Islam," Sa'id al-Hawa summarizes his opinion on the subject (at the end of the twentieth century) writing:

... Thus, Zimmis do not have the right to accession to any government post; they do not have the right to shura [consultation]; they do not have the right to sovereignty; and no right to elect the leaders of an Islamic state. If Muslims want to employ them in some state posts for a certain necessity, there is no objection, but only under the condition that they would not have authority over Muslims, because one of the conditions of the contract to protect them is that they be inferior to believers.⁽¹²⁾

The merit of Islamic jurisprudence when founded was its answering of questions posed by life. Thus we find writings mentioning the opinions of the scholars of Egypt and those of scholars in Iraq, etc. Time and place were essential for the formation of opinions. In the heyday of Arab/Islamic civilization, scholars endorsed changing rules with the change of times, that is in the period when this civilization produced its best fruits through its internal struggles and the conflict between temporal and religious knowledge.

The political Islamic movement is not up to its ancestors and how they related to the spirit of their age. It is also inferior to them in tolerating variations in the schools of thought. For example, Khomeini insisted that the Ja'afari be included in the constitution as the official creed of the state, in a sectarian choice within Islam itself, and Saudi Arabia defines its Islam as Wahabi-Hanbali. In both cases Islamic minorities are prosecuted. Just imagine the case for secularism and diversity of opinions and religions.

The problem is that this movement is a continuation of what led to the termination of the Arab/Islamic civilization and what Abul Hassan al-Nadawy calls the "degeneration of Muslims." It has not yet dared to effect a rupture with the doctrinal closeness crowned by the writings of Ibn Babawayh in the Shiite school and the Qaderi doctrine in the Sunni school. Muslims had their civilizational role when they had the capacity for continuous self-transcendence; their civilization withered away with the victory of following over innovation.

To dwarf the role of human beings by abstracting the text and raising it above society and the state, and to impose it as a belief, legislation and institution (intended for the past, present and future) with the logic of the "perfectness of Shari'a" and that it does not need the efforts of any human being, reduces heritage to a backward and rigid understanding of religion, and reduces religion to one of the forms of bigotry.

Although the battle for cultural enlightenment is indispensable, reality was the most

powerful demolisher of the schools of intellectual rigidity and the most effective abrogator of verses through the change of times. For with the slaves' and freemen's revolutions against slavery it was difficult to find a prominent religious scholar objecting to the abolition of slavery and the principle of enslaving war captives, despite the fact that this development achieved by humanity throws one-tenth of Islamic jurisprudence books onto the bookshelves of history. In the past, the religious scholars of Najaf and Mecca objected to opening schools for girls; in the present they are compelled to accept it. Change and progress are laws of life.

The Fundamental Problems for Human Rights Defenders

Human rights exist both in legislation and in practice. Inasmuch as their practice is fair, victims will be curious to know about the legislation. These rights have not yet been entrenched in the customs and traditions of the Arab people, who have not had a single democratic revolution. Democratic experiences in the Arab world are the offspring of "democratic allowance from above,"⁽¹³⁾ meaning that democracy is either granted or withdrawn according to the will of the ruler. Thus, human rights defenders find themselves between the anvil and the hammer: they defend individuals against the power of society and the state, defend society against the arbitrariness of political authority and reject the transmission of arbitrariness to the victims or its reproduction in programs. The political Islamic movement as a whole marches under the banner of a religious or a chauvinistic ideology that is deep-rooted in mass culture. Hence, dealing with this movement has to go beyond simple critique to a deep analysis capable of dismantling its constituents in the psyche and in society. In our opinion this calls for the following:

1- Human rights defenders should support the struggle for enlightenment in society, considering that this struggle is the basis of forming awareness and critical consciousness. In respect to the freedom of expression, rights defenders should not make any compromises in consideration of "sentiments" or rulers.

2- Human rights organizations should insist on their independence from political movements, or else they will be essentially dependent on the alignments forged between political parties and the political Islamic movement, and on partisan tactics that would detract them from their task (namely to defend individuals, minorities, small and big societies, the subjects and the weak, not to defend what is popular or favored at any one point). Political parties, which have the right to change their policies, are not the guardians of human rights nor the sponsors of international human rights law. On the other hand, human rights organizations constitute a counter-authority and a watchdog over all political views, whether in power or in opposition. Here we put our finger on the tender spot in the current condition of most Arab human rights organizations. The reader is more aware than the writer!

3- Human rights defenders should necessarily be well acquainted with Islam and Arab/Islamic history to be able to revive the values pertinent to human rights, the

history of tolerance, and the symbols of defending freedoms from among this history which is not the property of any one school or sect, and which includes intellectual and philosophical summits which contributed to the stream of human civilization.

4- Working towards forging an international spirit of solidarity apropos the issue of human rights in reply to closeness, localism and racial fanaticism, and in reply to the simplistic view which reduces the Islamic world to the dark forces in it.

5- Explaining the difference between the West or Western civilization and international human rights law. Although the West played an important role in the adoption of human rights legislation, these rights are universal and they are not the property of any one country, people or civilization. This separation is the *sine qua non* of effecting the cultural move from planning *for* countries and persons (the base of the international system for about two centuries) to planning *with* countries and persons. This could be brought about by creating a spirit of participation among the ranks of the victims of an unequal economic system, and by parallel progress in the application of civil-political and economic, social and cultural rights. This would transform the basis of practice from an elemental feeling of injustice, which is capable only of reproducing it, to a conscious feeling which seeks to abolish the causes of injustice in a rational manner. In this arduous battle, straightforward and sincere language is our guarantee against being a pawn in the hand of events, and practice consistent with our words is the asset of our credibility.

Notes

1- Abul-A'la al-Mawdoudy, The Theory of Islam and its Guidance, Al-Fikr Publishers, 1967.

2- In: Towards an Islamic Society. See also by Sayyed Qutb: Signposts on the Road, This Religion and Future Belongs to this Religion. See also: Al-Banna's Letters, The Islamic Government by Khomeini, The Missing Ordinance by the Jihad group in Egypt, and Islam by Sa'id Hawa. Also see our lecture "Islam and Secularism" published in Arabic in: The Challenges of Enlightenment, 1991.

3- Haytham Manna'a, The Dialectic of Enlightenment: The Renaissance of the Orient One Thousand Years Ago, Al-Tali'a Publishers, Beirut, 1990, pp. 41-42.

4- Abul-A'la al-Mawdoudy, Citizenship and Its Bases, and The Theory of Islam and its Guidance, op. cit., p 301. In a study currently under preparation, I try to move from the textual definition to tracing this concept in society and state.

5- Haytham Manna'a, Corporal Punishment in Islam: A Disputed Procedure, Medical Notes, issue no. 13, April. Supplement to the Amnesty International periodical (French).

6- On the issue of women's rights see: Haytham Manna'a, The Veil (1990), The Woman! (1988), Women and Islam (1980); Sana'a al-Masry, Behind the Veil (1989); Shoukry Latif,

Islamists and the Woman (1988); and the special file of Su'al: Women in the Arab World (1983) (French).

7- Haytham Manna'a, "To Women - Before it is Too Late," Naqd, February - May, 1992, issue no. 2, p. 6.

8- Ibid

9-On corporal punishment see: Haytham Manna'a, Notes on Corporal Punishment in Islam, a lecture in French before the medical committee of Amnesty International, Paris, October, 1992. Also: The Missing Truth, and Before the Fall, by Farag Fouda.

10- The Universal Declaration of Human Rights, articles 18, 19, and the International Covenant on Civil and Political Rights, articles 18, 19.

11- Abo Youssef, Tributes, second edition, al-Salafiya Publishers, Cairo, 1352 A.H.

12- Sa'id Hawa, Islam, Scientific Books Publishers, Beirut, 1983 edition, p.225.

13- To our knowledge the term was coined by Farag Fouda, in Before the Fall, first edition, 1985, Cairo.

PART 2

THE PROBLEMATIC OF THE EGYPTIAN HUMAN RIGHTS MOVMENT

The Roots of Turmoil in The Egyptian Organization for Human Rights: Dynamics of Civil Institution- Building in Egypt.

*Mohamed El Sayed Sai'd**

On the premises of the Egyptian Press Syndicate a strange scene unfolded for hours on Friday the 28th of January 1994. 458 persons were hotly and loudly screaming at each other and almost coming to the point of physical engagement. What seemed almost a mad house was, sadly enough, the Fifth General Assembly of nothing less than the Egyptian Organization for Human Rights. ⁽¹⁾

Unfortunately, the scene was all too typical of organizational meetings in Egypt. Lack of civility and continuous haggling have frequently characterized and paralyzed Egyptian associations. However, the surprised dismay by observers of the events at the premises of the press syndicate sprang from the fact that EOHR was thought to be exempt from the syndrome, which has torn apart many civic associations in Egypt.

* This paper is dedicated to Bahey El Din Hassan, the former Secretary General of EOHR, whose remarkable qualities and devotion to the cause of human rights will one day be fully appreciated by Egypt's public and intellectual community. The paper was discussed in the fourth annual symposium of the American University in Cairo, 15-16 May 1994. It was published in Cairo Papers in Social Science Volume 17, Issue no 3 Fall 1994.

The purpose of this paper is to shed light on the causes of the internal turmoil within EOHR. Some of these will be familiar to observers of Egypt's evolving civil society. Others are certainly specific to EOHR and include the circumstances of its birth.

Civil Society and Dynamics of Civil Associations

It is generally known that the democratic transformation of Egypt's political system is impeded not only by the legacy of authoritarian political and legal structures but also by the lack of impetus on the part of civil society. In fact, the call for consistent democracy continues to be feeble, even among the political and cultural elite. Worse still, the public political arena is itself increasingly shrinking. General apathy is justified by a view of politics and politicians as corrupt (in the sense of pursuing their own interests), inept, insensitive and more or less redundant. One major commentator refers to Egypt as a "democracy of one million" despite the country's 58 million⁽²⁾

The figure of one million includes all those who have the slightest engagement in public affairs. Actual participation in the running of public associations may not exceed a very small fraction of this figure.

This state of affairs testifies to the destructive impact of bureaucratic authoritarian rule, particularly of the populist brand, on civil society. Lingering economic crisis also has something to do with this situation. One may even go as far as saying that this situation is not peculiar to Egypt.

In its specifically Egyptian expression, the evolution of civil society and civil culture cannot be understood as a simple process of liberation. In the liberation model, a society, which is striving to liberate itself will at a certain moment emerge free only by lifting the oppressive hand of the state. It is presumed that the society, inspired by the ideals of freedom, eventually manages to enrich its own institutional fabric to the point of allowing it to control its own state.

The process of democratic transformation seems far more complex in Egypt. Society is passing through a period in which it is profoundly confused about its own foundations and ideals, deeply frustrated by cruel and overpowering historical experiences and finds itself lacking in strong and principled leadership⁽³⁾

On One level, the Egyptian society is trapped in a wholesale system of legal constraints and abuses. Law 32 of 1964 on public associations severely curtails the right of free association. This applies most sharply to associations acting in defense of fundamental political, social, and civil rights.

The prevalence of ideological politics and partisanship is also a cause for weak civic culture. The resulting factionalism has consistently alienated the public from civil associations⁽⁴⁾

The lack of adequate economic resources is a third factor. In fact, the financial and economic foundations of civil society are so shaky that they cast serious doubts over its potential for independence vis a vis the state. This relates not only to the general

conditions of poverty, but also to more complex reasons pertaining to the structure of poverty and its present stage of transformation. On the one hand, bureaucratic tutelage over society since 1952 put a halt on traditions of private funding of civil associations. On the other hand the complete take over the Waqf (Islamic public and private endowments) by the state was not compensated by the setting up a now functional structure for private funding of civil activities and purposes.

The meager supply of gifted institution builders in Egypt seems to be a fourth main reason for the weakness of civil associations. This can be partly attributed to the dominance of bureaucratic mentality. It can also be explained by deeply rooted cultural inclinations, which disfavor risk taking and novel activities. The quest for a secure work environment skews management and administration toward work routines and bureaucratic styles.

The narrow base of gifted administrative and managerial resources entails recycling of gifted administrators in too many public activities. As a general rule, civil associations and public institutions come to achieve higher levels of performance when they are headed by gifted administrators. But higher standards of achievement start to dwindle when those leave for one reason or another. The dominance of ideological politics consolidates this general lack of innovation in management. Ideological rigidities have focused the attention of Egypt's intelligentsia which could have formed a pool of enlightened administrators and managers of civil associations, on what is called "high politics", pushing them away from grass root action. In consequence, it is not strange that the majority of civil associations are dominated by religious purposes and by the Islamist trend in Egyptian politics ⁽⁵⁾

All these factors contribute to erratic internal dynamics in the majority of Egyptian civil associations and public institutions. Certain "typical" patterns emerge. Unfortunately, the most 'successful' associations and public interest institutions are these adopting apolitical roles, and those centering around an overarching figure that is typically in close touch with the state bureaucracy. Patronage is the most likely form of social and political relations in and out of these organizations. Other associations or public interest institutions, which combine efforts of politically motivated personalities either, fail to take off or come occasionally under the severe strains of factionalism, and other ills.

All these problems are even more aggravated for associations and public interest institutions that focus on human rights and civil and political liberties.

State hostility, bureaucratic embargoes and red tape, deprivation of adequate resources, public apathy and intense factionalism are accentuated in the case of associations with political or human rights mandates. This is more than amply shown by the experience of the liberties committee within the Lawyers syndicate, the short lived human rights organization in Alexandria, and hundreds of other associations that have in the fields of environment, public health, urban improvement, and women's issues. It is also demonstrated in the case of a number of political parties

such as the Labor party, Misr El Fatah, El Ahrar, and others. Turmoil and factional strife caused many associations and public interest institutions to perish altogether.

The endeavor to launch the Egyptian Organization for Human Rights had (and still has) to cope with all these problems and many more. The very idea of a civil endeavor to defend human rights in Egypt was not easily born.

The linking, via the mass media of the notion of human rights and the foreign policies of major Western countries, specifically the United States, did a great deal of harm to the former. It can safely be said that this was the most important single factor contributing to the long suppression of the notion of human rights in Egypt and other Arab countries. Struggle for civil and political rights was already smoldering at the end of the 1960s, especially in Egyptian universities. But this struggle was thoroughly couched in the language of democracy. In this sense, the struggle was undeniably political. The result was that nationalists and radicals in Egypt and other Arab countries singled out the notion of human rights as a notorious idea. It was seen as an ideological tool of the United States to undermine nationalism and socialism from within. This apprehension was sharpened during early 1980s when East European Socialist countries were already showing signs of breakdown. While this impressionistic view has started to erode, deep suspicions of the notion of human rights are still harbored by a large portion of the cultural and political elite, especially those on the side of leftist opposition.

Intense nationalist feelings among democratically minded intellectuals continued to incline them to act in the strictly political arena, that is, in the context of party politics rather than give support to the human rights struggle. This meant that when the human rights movement started to emerge in the mid-1980's, it had to rely on a unique mixture of people. Specifically, the movement combined two major sectors: non-politicized idealists, who held strong commitments to the ideas of human rights, and on the other hand, those political activists whose organizations were passing through deep crises. The latter consisted essentially of more or less disoriented Nasserists and Marxists. In brief, it fell upon those highly politicized elements of society. Whose ideological fabric had failed for so long to accommodate the ideals of human rights, to carry out the task of struggle for human rights⁽⁶⁾ These came to show sympathy, and even passion, for human rights. But exceedingly few elements of both the politicized and non-politicized supporters of the human rights movement in Egypt actually knew much about the philosophy, the literature and traditions of the international human rights movement. It was essentially those who were eventually charged with discharging the daily functions of the organization who started a serious endeavor to accumulate knowledge in this specific field.

With this fragile intellectual composition, the Egyptian organization for human rights set on its tortuous road to development. In a matter of few years, the organization proved highly successful in gaining international and domestic respect. But it could have hardly escaped the destructive implications of the environmental problems described above.

The Egyptian Organization for Human Rights did not have a plan of action. Nor did it have a clear strategy for coping with the environmental problems that had suffocated so many associations⁽⁷⁾. It had to develop a more or less pragmatic style of management, taking up issues as they evolved. Its evolution can accordingly best be described by reference to waves of debates, with each wave causing severe strains that pushed the EOHR into disarray a number of times. Given this fact, the real question is why the organization did not (at least not as yet) perish.

The Essential Debates

Each stage in EOHR's evolution was characterized by a wave of debate, which involved elements of intense crisis.

I shall focus the attention below on five fundamental debates:

- The debate over legality
- The debate over professionalism
- The debate over foreign funding
- The debate over emphasis on international networking
- The debate over the future development

In the following, I shall review these debates in terms of the problems at stake, the main trends of conflicting thought and basic arguments and the way controversy was resolved.

The debate over legality

When the Egyptian Organization for Human Rights was launched in 1985, the general consensus favored adopting the form of civil association envisaged by law 32 of 1964. An application for a legal license was forwarded in the name of the founders to the Ministry of Social Affairs. After a long silence, the license was denied. The denial of the right for legal existence caused a great deal of strain on the nascent organization.

The greatest symptom of strain was a sense of despair among members of the organization's Board of Trustees. This severely undermined initial enthusiasm for the organization and it cut very deep at the spirit of commitment to EOHR. In time, discipline within the Board of Trustees declined so badly that it was exceedingly difficult to gather the required quorum for decision-making. The situation in the general assembly was even worse. Very few members paid subscription fees. Fewer still were willing to take on the burden of voluntary work⁽⁸⁾. Many members walked out because EOHR seemed to lack legality. The worst aspect of despair manifested in the failure of the elected leadership of the Board to involve themselves in the learning experience that is necessary for a human rights organization. The overwhelming majority of Board members did not even know what a human rights organization is

really about, apart from the usual promotional activities, such as seminars and symposia in support of the general notion of human rights ⁽⁹⁾

The sense of crisis produced a heated debate between two trends within the Board of Trustees. The majority trend advocated formal dissolution or freezing of the organization in response to the state's denial for legal existence. The main argument for this position was that a human rights organization could not function without legal license. It was not only argued that activities required formal approval but even more fundamentally, also that a human rights organization had to show full respect for the law. An opposing minority view argued that the denial of a formal license according to Law 32 was not an adequate justification for the dissolution of the organization. In the first place, the legal process was not terminated by this administrative denial./ the organization had to take the issue to court at all judicial levels. Until the case was settled in court, the organization should continue functioning. This, incidentally, is what actually happened. EOHR continued to function under the 'under establishment' rubric. More fundamentally still, the majority argued that a human rights organization would not deserve its name if it could not defend its own right to exist. This group was deeply convinced that Law 32 was not in accord with Egypt's obligations of under international human rights law. Law 32 was also seen as clearly against the letter and general spirit of the Constitution of 1971. The argument was that while fighting the battle in court, EOHR should consider itself already legal according to Article 22 of the International Covenant on Civil and Political Rights and moreover, that Law 32 was itself illegal since it violated the Covenant and other international instruments ⁽¹⁰⁾.

The settlement of this particular debate in favor of the latter view represented the essential condition for the true birth of EOHR, which can be dated from the autumn of 1988. The debate ended with Bahey El Din Hassan, a staunch advocate of the winning view and an energetic youthful member of the Board, becoming the new General Secretary of EOHR. A new secretariat was formed by dynamic young members working on voluntary basis under the leadership of the new General Secretary. It was this secretariat that carried out the task of revitalizing the organization and linking it to international standards of achievement in the fields of human rights monitoring and defense. But it was the sympathy and encouragement of the organization's chairman, Mr. Mohamed Ibrahim Kamel that provided the indispensable political condition for the daring and successful work of the new secretariat. In appreciation for the secretariat's remarkable role, the Third General Assembly of EOHR, held in May 1989, elected the majority of the secretariat's members to the fundamentally new Board of Trustees.

The debate over professionalism

The second wave of debate sprang from differences over strategies of institution

building. This debate flared up at various times during the whole period between the EOHR's third and fourth general assemblies ⁽¹¹⁾.

Once a self-conscious decision on continuity, even at the risk of the personal safety and security of the youthful secretariat and the new board was taken, the organization started to develop an organizational shape and a sense of vitality and mission. Work was expanded beyond the usual promotional activities, moving towards human rights monitoring and defense—including the investigation of individual complaints and fact finding missions. The challenge was to fulfill the new tasks effectively. While the fifteen-member Board was certainly capable of decision-making, the group was in the main formed of elite figures in various professional occupations who were involved in more than a single organization. The bulk of work therefore fell on the shoulders of a smaller “Executive Bureau” composed of 5-7 Board members. With the majority of even these members having an extremely hard time adjusting their schedules between career and life commitments, on the one hand, and voluntary work for EOHR on the other, doubts over the adequacy of voluntary work became sharper ⁽¹³⁾. Nonetheless, the work continued unabatedly. EOHR managed to acquire remarkable prestige. This, however, led to new demands and increased the organization’s responsibility to meet the international standards of performance. New human resources were soon urgently needed .

Against this background, there emerged two different, although not necessarily opposed trends. The first, led this time as well by the General Secretary, argued it was necessary to recruit salaried professionals and that a distinction should be made between representative and professional functionaries. Decision making organs—the Board of Trustees and the Executive Bureau – should be maintained as elected representative bodies. An increasingly greater volume of daily work should, however, be carried out by professional employees who would function as a paid secretariat ⁽¹⁴⁾

Another view opposed, and even condemned, this orientation. This trend advocated as an alternative strategy greater reliance on voluntary work. It maintained that EOHR had failed to inspire and harness the existing pool of voluntary work among its own membership. It also argued that voluntary work is intrinsically superior to professional salaried employment, as it is ordinarily more committed and makes for a participatory organization. This trend was also quick to argue that professionalism of EOHR’s work would lead to bureaucratization and to monopoly over the true power within the organization by the general secretary, who would view most work as administrative and as therefore not requiring consultations with the organization’s representative bodies ⁽¹⁵⁾.

In fact, this latter position had powerful appeal. The ethos of voluntary work met severe tests in certain moments of crisis, specifically when EOHR faced the arrest and jailing of members of its Executive Bureau in 1989. Some devoted volunteers courageously advanced to take up EOHR work in a situation of extreme emergency and danger. Nonetheless, the fact was that voluntary work remained far from adequate. It could not meet EOHR’s need for higher standards of performance. It was abundantly clear that these could only be obtained by applying the superior techniques of institutionalization and professionalism. The need for this was

increasingly evident as EOHR expanded its field work activities. Indeed, even the staunchest supporters of voluntarism had to give up in the face of mounting evidence of the need for professionalism.

This debate, familiar to so many human rights organizations worldwide, caused increasing friction within EOHR. It tended to generate broader differences over time and to involve conflicts of personalities and variations in styles of management as well as more fundamental disputes over matters of principle and philosophy. However, this particular debate did not cause an immediate explosion. But it certainly provided the prelude for a major explosion over basic issues, such as the question of foreign funding of EOHR activities.

The Debate over foreign funding

This particular debate can be viewed as having been at the epicenter if the entire body of intellectual clashes that plagued the Egyptian Organization of Human Rights. This is so, because the question of funding stood at the crossroads of theoretical and operational problems faced by the process of institutional building.

There is no doubt that the financial dimension is a vital matter for all modern institutions at almost every stage of their evolution. Even at the highest possible level of cost effectiveness, the development of EOHR and the expansion of its activities necessitated better finances.

For a while the Egyptian Organization for Human Rights could rely on the generous financial support of the Arab organization for Human Rights. This was provided in the form of hosting EOHR in AOHR's premises—one single room in AOHR's flat in Cairo's El Mohandessein district—and access to equipment in addition to the monthly salary of one part-time employee. EOHR long existed (during the whole period 1985-1993) on this support. However, what was barely adequate for this period of birth, or rebirth, eventually soon became far too little to meet real financial needs. Systematic expansion of the number of EOHR's employees in order to professionalism fieldwork, fact-finding, and broadened international networking could not be funded by AOHR subsidies only ⁽¹⁶⁾.

EOHR viewed financial mobilization as a matter of extreme urgency ⁽¹⁷⁾. There was no denying to this even by those who favored voluntarism. Nor was there any controversy over the theory that increased prestige would enable EOHR to tap greater potential funding from within the country. Almost everyone collaborated in a number of campaigns to mobilize financial resources within Egypt, and from Egyptians living abroad. However, these campaigns consistently met dismal failure. It is true that payment of membership fees improved slightly with time. But given limited membership and low fees, the income derived from this source was minimized. Fund-raising campaigns targeted at rich Egyptians produced extremely little. Wealthy non-Egyptian Arabs were even less forthcoming. Many factors contributed to this failure. Minor factors included the lack of specialized competence in fund-raising and the perceptions among many of the rich people who harbored the view that EOHR was composed of Nasserists, whom, as a group, they distrusted. However, the basic reason

for failure in fund-raising was the fact that the country as a whole lacked a specialized structure of funding for charitable and public activities. The low priority given to human rights, and the low level of consciousness of human rights, among the wealthy, made EOHR practically non-existent on the agenda of individual financial contributions.

EOHR had only one option left for significant fund-raising: foreign funding. But even the supporters of this option did not dare to submit this proposition before 1991. The recognition that EOHR was faced by the choice of either drastically curtailing its activities and plans for further expansion or broadening its financial horizon was already clear by the beginning of the Fourth General Assembly⁽¹⁸⁾. Once EOHR's fourth Board of Trustees was elected, the issue was seriously raised⁽¹⁹⁾.

It was clear to all that the political and intellectual environment in Egypt was a true drawback to the option of foreign funding. For the nationalist state that embarked after 1952 on a project of progressive national reconstruction, it was only natural to control all financial flows into the country from abroad. The receipt of funds from foreign institutions, by private Egyptian civil entities or individuals, was long regarded in law and reality as an act of treason, regardless of the purpose. This political and bureaucratic view was greatly relaxed with the inauguration of the political and economic opening, which began in the 1970s. But the bureaucracy continued to view foreign funding of private initiatives with a great deal of suspicion.

Moreover, the intellectual climate was periodically inclined to adopt extremely fanatic positions in regard to foreign funding of research institutions in Egypt or of any other civil activities, including grassroots activism. All radical ideologies developed a special perception of foreign funding; linking it to what they viewed as imperialist machinations against Egypt, Arab national rights, and Arab liberation movements. Research activities, whether directly foreign or foreign financed, were to be characterized as nefarious infiltration. The purpose of foreign funding were, and are often still, seen to include intelligence, cultural dependency and the consolidation of economic and political domination of Egypt. Accepting foreign funding is, then, regarded as collaboration and political betrayal, or at the least misguided opportunism⁽²⁰⁾.

This view of foreign funding is consolidated by many factors. The most important of these is the failure of those who approve and accept foreign funding to present a consistent alternative view. They often fail to establish a principled rational argument. Thus, Egypt as a whole has long missed the opportunity to devise rational approach that could possibly maximize its interest in relation to the foreign funding of private initiatives.

In this climate that the foreign funding issue was approached by some in EOHR's Board of Trustees. Opponents of the proposition had free reference to the stereotyped impressions that pervaded the intellectual climate, as well as some extra arguments specific to the case at hand. For example, given the so-called Western origins of the notion of human rights and its insertion into the foreign policy discourse of major

Western powers, especially that of the U.S., accepting foreign funding was held to automatically condemn the EOHR to be seen as a client of Western imperialism – or at best reduce its moral stature inside Egypt. This extra argument would later be tied to a district controversy over the ‘excessive’ international orientation of EOHR’s work.

It was somewhat awkward that supporters of the foreign funding option had shyly advocated more or less pragmatic rather than principled arguments. This was somewhat understandable for two reasons. First, most of those supporters had a radical stage in their intellectual history. Thus, they were more or less morally blackmailed by the general intellectual climate in the country. Second, the specific context may not have allowed a wholesale discussion of the issue at the national level. People may have just preferred to limit the debate to specific circumstances rather than address the entire logic of the issue at stake.

In a strange way, support of the foreign funding option remained at the subconscious level. It did not rise to a self-conscious level, which possessed a theoretical justification and a principled foundation. This may partly explain why the issue kept lingering on and kept articulating with all other issues of contention within EOHR, as in all other civil society institutions.

Nonetheless, supporters of the foreign funding option, by addressing themselves to a specific problem, implicitly manifested a whole alternative logic—even if they did not grasp it in full. But the more the debate kept going on, the more they had to draw on arguments conducive to this logic. The result was that the depths of the debate came to be expressed more lucidly. In a way, the supporters of foreign funding developed their own consciousness, along with a distinct vision of the world and of Egypt’s place in it.

This alternative view can be summarized as follows. At the most profound level, nationalism is a legitimate and philosophically valid position when it is tied to recognition of the universal unity, universal heritage and universal responsibility of mankind. We may view the real world as not actually corresponding to this principle of universalism. But losing sight of the principle itself will eventually place nationalism, and every other line of identity, in direct opposition to all others; a position that is absolutely barren and self-destructive. A fanatic nationalist position intrinsically carries a view of estrangement from all others as enemies with whom no bridging of gaps is possible. Conversely, an enlightened and moral nationalism has the obligation of seeing diversity in the real world and of extending hands of friendship to all who share the value of equality and justice for all. This understanding is an absolute condition for building a true international alliance for peace and justice in the world. And it furnishes the very core value for the international human rights movement. It is assumed in this understanding that the real world of politics is an arena of struggle in which all kinds of bad intentions and purposes exist. But it is also quite logical that this same real world provides some essential conditions for goodness and progress. Thus, Western imperialist interests may be fought for the interest of universal democracy and peace by creating alliances with social and political forces that stand for these purposes within the Western World. Certainly, real international politics is much more complex than this simplistic portrayal. But well-guided nationalism can never lose sight of this general proposition while tackling real issues in global politics.

The issue of foreign funding can be couched in these same terms. The world of funding agencies is very complex indeed. But the same general rule applies to this world as well. In brief, this world combines the worst and the best of intentions. It witnesses a continuously unfolding struggle between the forces of peace and forces of war, between progressive and humanist factors and others more akin to reaction and imperialism.

Funding in this sense carries varying social, cultural and political content according to the orientations, purposes and policies of different funding agencies. And these are recognizable, as they have developed in terms of specific ethical and scholarly rules in the Western world. An enlightened national position may accordingly accept foreign funding in so far as this signifies a harmony of purposes on moral and material grounds.

The same issue can be tackled from an alternative strategic view on the future development of Egypt's project of national reconstruction. Such a view should start from a profound analysis of why this project was defeated. In fact, the prevalent (until now not really challenged) analysis explains this defeat by reference to factors from without, specifically American imperialist support of Israel ⁽²¹⁾. The impact of this factor is undeniable. But a complete understanding of the national defeat in 1967 should take account of the role of factors from within. We may refer at this juncture to only one of these: the lack of democracy. The denial of the historical link between nationalism and democracy after 1952 did a great deal of harm to Egyptian nationalism. At the very least, the authoritarian character of the Nasserist state so drastically damaged the institutional fabric of society that the nationalist project itself was made vulnerable to hostile forces. Egypt has to search deep for a new articulation for its project of national reconstruction. Elements conducive to this needed articulation have to be nurtured under conditions of democracy, not only as a set of instrumental procedures but more importantly as a system of values; and as a world view. In this context, some of the most fundamental elements of this project pertain to cultural revival, scientific achievement, institutional enrichment and a creative view of the world. All this should be realized through the greatest possible measure of self-reliance. But there always will be a need for external assistance. This need is far more acute at the initial stage of development of the institutional infrastructure of civil society. An intellectually developed community of scholars and grassroots activities could, and should, make full utilization of the potential for external support in so far as this support is conducive the process of the institutional development of civil society.

In this framework, the controversy over the question of foreign funding within EOHR and most other institutions of civil society could be characterized partially as a struggle, more invisible than otherwise, between two opposed images of the project for national reconstruction: one that is democratic, and the other is inherently authoritarian. This is not to say that opponents of foreign funding option are consciously authoritarian. But, their arguments are eventually based on an authoritarian discourse.

The decision reached by EOHR's Board of Trustees in regard to this issue was very much on the right track towards the needed approach. Majority with four abstentions

and one objection took this decision made by the Board in November 1992. It reads as follows:

The Egyptian Organization for Human Rights accepts grants from individuals and non-governmental entities that support human rights and whose goals and means are not in contradiction with the goals and means of EOHR as implied in its constitution in keeping with the following conditions:

1. The grant should not have any impact on the organization's policies or cause any modification of its programs or oblige it to take any particular position.
2. The grant should not give any right whatever to the grantee to influence how the grant is used.
3. No grant can be accepted except by a positive decision by the Board ⁽²²⁾.

The position adopted on this thorny issue by EOHR's Board of Trustees prevented the organization from perishing under mounting financial difficulties ⁽²³⁾. It also led to a remarkable expansion of its activities. But it did not settle the issue for good. In fact, it was later used in all propaganda campaigns against the Executive Bureau and the Secretary General. In the political and intellectual climate prevalent in Egypt, agitation based on foreign funding was the easiest weapon for character assassination and the defamation of individuals and the organization itself ⁽²⁴⁾.

The debate over international orientation

While the issue of foreign funding was forced on EOHR by practical pressures, the debate over international orientation was more a matter of philosophy and the building of traditions.

When EOHR was established, its founders had nearly no international orientation whatever. EOHR's mandate was seen more as educational; perhaps at best legal. Almost none of the members of the Board or Executive Bureau had any reasonable measure of experience with UN instruments of monitoring and protection. Only scanty knowledge of the whole community of non-governmental organizations working in the field of human rights was available ⁽²⁵⁾

But with the process of revitalization that took place after the autumn of 1988 EOHR started a conscious policy of international networking ⁽²⁶⁾. This produced a reservoir of learning and experience which was eventually shown when EOHR pursued a campaign against torture in Egypt through the UN Committee against Torture ⁽²⁷⁾. An extensive international network was formed by EOHR. This won considerable respect for the Egyptian organization.

However, while EOHR came to enjoy a prestigious international recognition, it was not well known inside Egypt itself. The irony was very clear.

Both inside and outside the Board, many people were quick to note this irony, and to explain it from a specific vantage point. Success in the international arena and relative

failure inside Egypt was correlated with disproportionate emphasis. One major trend of thought argued that EOHR did not do much inside Egypt itself. Extensive international networking was in fact no cause for comfort for many. Some also argued that international networking marked a form of clientele and dependency ⁽²⁸⁾.

From a purely nationalistic point of view, there was something truly awkward in the very act of EOHR's international networking. Given the low level of human rights activism inside Egypt, redressing human rights violations in Egypt was approached by means of orchestrating international pressures. This was diametrically opposed to the ethos of nationalism, which is essentially based on resistance to external pressures and foreign meddling in the country's internal affairs. For a nation that has been so deeply wounded by foreign oppression of major Western powers, the call for international pressures on the government of Egypt was indeed intolerable to many people who nonetheless had real concern for human rights. The alternative approach seemed far from more appealing and credible. This alternative was based solely on the promotion of a purely Egyptian struggle that would not invoke external intervention in Egypt's domestic affairs. In this sense, extensive international networking was condemned by this trend of thought.

However, the truth is that EOHR did not overlook any real opportunity for action within Egypt. Educational, cultural, legal and other activities were launched ⁽²⁹⁾. Even a cursory review of annual schedules of events clearly indicates that domestic activities received far more attention than international networking. In fact, even the latter was conducted in hope of domestic returns, whether these were to be purely organizational (such as training or finances), or substantive (such as the use of UN instruments). In this vein, what gave the impression of overriding emphasis on international networking was fundamentally the existence of greater room and potential for development in the external environment than what is factually possible in Egypt itself ⁽³⁰⁾. This harsh conclusion can be only partially explained by a lack of imaginative approaches for work within the country or by a possible lack of full devotion to the cause by Egyptian human rights activists. The major cause behind the relative failure of human rights work within Egypt is found in structural conditions obtaining in Egypt's present stage of national evolution. These conditions simply produce a situation of generalized public apathy!

At a more profound level, an exclusively nationalist view of the world fails to grasp the very nature of human rights doctrine and the human rights struggle. Human rights is no longer simply a domestic affair. National sovereignty is not an acceptable argument against international protection of human rights, in any country. The universal nature of rights entails a universal alliance for their protection. National NGO's, EOHR included, do not have the right to monitor violations and to circulate information to concerned international treaty bodies and the whole community of human rights struggle, but also the moral obligation to do so. Governments, including the government of Egypt, have ratified international conventions to this effect, including the optional protocol attached to the international covenant on civil and political rights. Paradoxically, many of those who argued against EOHR international networking actually teach others of the value of these international instruments. But

teaching is one thing and internalizing the wisdom and values entrenched in this teaching is an entirely different thing. This is why some have gone as far as castigating EOHR practice in this connection as "non-nationalistic" or even treason.

The controversy over international orientation caused severe strains within EOHR and resulted in the resignation of three valuable members of the Board of Trustees in May 1993.

The debate over future development.

Debate over EOHR's future development proved the most complex of all controversies within the organization.

By late 1993, EOHR was gaining a great deal of respect among Egypt's intellectual and political elite, in spite of extensive propaganda and agitation against some members of the Board and Executive Bureau. By then, EOHR had moved to new premises and enlisted new cadres. Indeed, it seemed to be gaining some respect in a number of state agencies, which started for the first time to answer EOHR letters and communiqués. Some observers have even hypothesized that EOHR was gaining *de facto*, if not *de jure*, state recognition ⁽³¹⁾.

Nevertheless, a sense of crisis pervaded the organization in the winter of 1993. The immediate reason behind this was recognition that the domestic influence of EOHR was still far from enough to stop the most flagrant violations of human rights or to restrain the accelerated worsening of the whole human rights environment in Egypt. Some individuals embarked on a wholesale questioning of the overall strategy followed by the organization. In doing so, they drew extensively on arguments pertaining to the debates reviewed above.

By combining aspects of these arguments, it was sometimes possible to produce a mockery of the real picture of EOHR. Thus, the core leadership of the organization was at times portrayed as formed of individuals who had done no more than establish a bureaucracy that served only to interact with the foreign community of human rights activists. Their sincerity was questioned just on the basis of foreign funding, which was touted as by nature corrupting.

All this figured in a propaganda campaign that condemned the core leadership of EOHR as corrupt bureaucrats who monopolized power by controlling salaried employees, and who used this monopoly to limit the organization's work to interaction with the foreign community, thus doing little or nothing for the education and mobilization of public opinion inside Egypt ⁽³²⁾.

This caricature was only worthy of a black comedy and did gross injustice to a clearly selfless leadership. Yet, it furnished the real basis for an alternative (suicidal) philosophy of EOHR activism.

The debate that erupted in the winter of 1993/4 was accordingly far more complex than all previous ones. It opened the way for questioning all essential elements of EOHR's strategic orientation. It ended in a wholesale onslaught on the legitimacy of organization's leaders and their personal integrity.

According to a paper submitted for public discussion for the summer of 1993 by an eminent member of EOHR's Board and Executive Bureau, the future prospects of EOHR rested on a choice of one of three alternatives. The first option was a closed (professional) organization. This choice was recognized as being practically advocated by a majority of the Board simply because, in the view of the writer, it reflected the modality common to Human Rights organizations in the West. The option was not condemned as such. However, the paper rightly noted that strict professionalism would contradict the very nature of EOHR, which from the start was based on open membership. Further noting that while membership was vastly expanded (from a few tens to 1500 members by mid-1993); the writer argued the EOHR's leadership gave only a minimal attention to the question of membership, a matter which in his view should have been a top priority.

The second postulated option was the transformation of EOHR into a front in defense of democracy. In fact, this option, as remarked by the writer would lead to outright politicization of EOHR by making it a platform for opposition parties. These could be expected to seek to make EOHR an outlet for their individual programs instead of making EOHR appeal to democratic sentiments in all parties.

The third option was based on the remarking of EOHR into both a democratic and a popular organization for the defense of human rights. This option would guard EOHR's independence—not by “de-politicization” but rather by the “consolidation” of human rights policy as an effective and influential current within society. In practical terms, the advocacy of this option by the writer, entailed a number of things: spectacular expansion of membership, broadening EOHR's agenda and activities to include social and economic issues so as to correspond to a diversity of popular interests, and granting independence to (local) branches and (functional) committees in addition to the usual monitoring and other technical and “formal” activities⁽³³⁾.

The advocacy of an option based on the transformation of EOHR to a democratic and popular organization led to extensive debate, which testified to the extraordinary richness of human rights thought in Egypt. Unfortunately, what might have been a valuable opportunity to consolidate the unity of EOHR quickly degenerated into an internal strife that immediately provoked a protracted crisis.

The trend view that won the support of an overwhelming majority of participants at the special seminar held in August, 1993 to discuss the paper referred to above emphasized a number of themes. A human rights organization should not be confused with a “democratic” organization, as defined in leftist lexicon. Democracy is an essential condition for the healthy running of human rights organizations. But a democratic organization in the leftist sense is a form of a social/political alliance whose constituent elements are united by their interest in social democratization. A democratic organization in this sense is logically politicized in ways opposite to the very nature of a human rights organization. For example, a democratic organization in the leftist sense is in charge of making its own ideals and program of action. A human rights organization on the other hand is already determined by the ideals embedded in the international human rights law. And its program and methodology

of action are determined by existing international traditions. Such an organization may work out its own priorities, its own strategy of struggle and its own mechanisms of effective action as corresponds with specific national conditions. But all this should not be confused with politicized orientation. A human rights organization, while striving to achieve the highest possible appeal and influence within public opinion, may never be popular since its very mandate and character may come into direct conflict with certain popular beliefs or culturally inherited convictions. The quest for large membership, if taken as a goal in itself, may contradict the quality needed for consistency with principles of human rights. Quality of members and devotion to the cause of human rights is much more important for the competence and credibility of the organization. The democratic and popular option may indeed easily slip into an open politicization. In this sense, the option under discussion was seen as not really different from the option that looked to a national front of all "democratic" forces. Moreover, the true focus on membership should relate to the need for re-education, enlightenment and substantive activation. Democratization of decision-making should not be confused with a loosening of EOHR's structure. While decentralization was not dismissed in principle, it was argued that the current context of national politics might not be the ripe moment for it. The specific level of actual organizational competence might not correspond to the need to guard against dangerous politicization and irresponsible actions ⁽³⁴⁾.

While politicization had been vaguely recognized as a grave danger to EOHR for some time, it was only during this debate that awareness of that danger became acute. It was also on this occasion that purposeful de-politicization became the watchword for a new consciousness in Egypt's human rights movement.

The problem of EOHR's possible polarization had never been absent. Among the organization's leadership were those who had early on seen cause for alarm in the fact that Marxists and Nasserists formed the overwhelming majority of EOHR's founding members⁽³⁵⁾. Eventually, this concern led to a quiet drive to increase the organization's membership in the hope of reducing the influence of the left by attracting liberals. However, this gambit failed and even seemed to backfire in the 1993 General Assembly, when a tacit alliance of Marxists and Nasserists managed to defeat liberal candidates for election to the Board of Trustees.

It was that experience that led some members of the Board of Trustees to question the quality of EOHR members' and the depth of their adherence to human rights principles in comparison to their commitment to political ideologies.

This background explains the Board's resistance to the proposition to greatly expand EOHR's members that was made in August, 1993. On the other hand, the author of that proposition, along with many of his supporters, reacted to the banners of "the politicization" – with some degree of justification – as though it were and ill-intentioned, defamatory slap at the left within EOHR.

What is salient in that level of internal friction within the EOHR rapidly got out of hand, Marxists and Nasserists became even more polarized, "politicization" supporters mistrusted, and we mistrusted by, advocates of an expanded democratic

organizational framework. Marxists charged Nasserists with falsifying membership forms in order to prejudice the upcoming Fifth General Assembly. An independent committee formed to investigate the accusation in effect overlooked the issue⁽³⁶⁾

It was in this climate that the EOHR's Fifth General Assembly convened. That event immediately sparked a new debate – one that was nonetheless organically related to the tense organizational context.

The debate revolved around the Fifth General Assembly itself. EOHR members took two distinct stands on the conclave. The first called for delaying the Fifth Assembly and handling the organization's affairs to a "neutral" committee of public figures, which would be charged with convening the assembly in a later date⁽³⁷⁾ The other demanded that the assembly convene as stipulated by the EOHR's fundamental statute⁽³⁸⁾ The latter proposition was the legally correct stand. But the former was much wiser from a dynamic political point of view. However, adding weight to the legal argument was the fact that members of the Board, the only organ that could have legitimately taken a decision to delay the Assembly, could have hardly done so since they were not only hampered by exhaustion and confusion but also by the extreme difficulty of obtaining the required quorum of members given the illness of some members and the resignation of others⁽³⁹⁾.

In the end, the legal argument won. Thus, the Fifth Assembly met amid near chaotic conditions. As expected the supporters of the democratic/popular option lost elections to the Board⁽⁴⁰⁾. The new board reflected "a Nasserist triumph", not that of the depoliticization view. But the fact of the matter is that the new Board may not be a handicap, as had been expected by many, in light of the accumulated traditions of honest human rights work.

The assets represented by the experience of sincere, professional human rights work within the EOHR are far from lost for good and the situation is more than repairable, presuming the effect of learning and good intentions. The question is how can positive assets be harnessed for the purpose of saving this extraordinarily valuable organization.

EOHR's Future and Civil Institutional Dynamics

The factional infighting that broke out at EOHR's Fifth General Assembly ended with the triumph of one political trend within the assembly's membership (the Nasserists) and the frustration of another (the Marxists). Nevertheless, the performance of the organization during the following months should in full fairness be appreciated. Accomplishments included fact-finding missions and honest professional reporting on violations, in addition to the usual business of training, education and international networking, and were remarkable by any standard.

While certain minor biases may not be ruled out in relation to the mechanisms of work, my own independent assessment¹ is that the organization has sustained a high level of honesty and integrity of reporting, leaving no recognizable room for political

biases in the substance of its work. The new General Secretary has shown a reasonable measure of openness to reconciliation.

One might, of course, even argue that the damage caused by factional infighting may have set certain powerful limits to the possibility of abusing organisational power. Regardless of who is in charge at this moment and possibly in the future. But the main reason for the respectable performance EOHR in the aftermath of the 1993 crisis is the resilience of traditions established by the collective leadership that was produced by the Third General Assembly in 1989.

The fact of the matter is that principles and pragmatic approaches laid down by the majority trends that guided former Boards of Trustees in successive debates have given the EOHR an organisational strength and resilience that cannot be easily crushed by crises. Specifically, the doctrine of professionalism, which, in turn could not have been operated without non-conditional foreign funding. Proved to constitute the main safeguard against organisational breakdown in the context of factional infighting. We may come close to grasping the crucial role of professionalism in protecting the organisation in protecting the organisation from collapse if we imagine for a moment what the situation could have become under the opposite scenario of voluntarism. Simply put. The rank and file would probably have walked out in disgust- something that has marked the experiences of hundreds of other civil associations. On the other hand. Although the principle of de-politicisation was scandalously challenged by factional strife throughout the winter of 1993-94 one cannot in fairness overlook the fact that this principle is currently being sustained at least in relation to the substance of EOHR's work. The objective basis of substantive de-politicisation of EOHR's work is the relative autonomy of the Board of trustees and Executive Bureau, notwithstanding the high level of politicisation of EOHR assembly's membership. This relative autonomy may have been undermined in the course of factional strife within the fifth Assembly. But it is as yet far from being destroyed.

Assets for the continuing success of EOHR do exist. And they exist precisely because certain debates on some fundamental issues crucial to the organisation's survival were fortunately, won by trend that called for a dialectical understanding of the dynamics of civil institution building.

The unique experience of EOHR is shown by the fact that its success rested not on patronage and access to state power, but on collective leadership. Unusual managerial gifts and the devotion to the principles of human rights. All this was possible only through the partial liberation of Egyptian intellectuals from ideological rigidity, a process that is pregnant with confusion. Insecurities and suffering.

It is precisely because of the very nature of this process that EOHR's course of future evolution is far from certain. If assets offering opportunities for success exist, liabilities heralding possible failure or even collapse also exist.

Assuming that professionalism, adequate funding and a high quality of managerial gifts are sustained. Outstanding liabilities include the high level of politicisation of

EOHR's membership, with the associated factionalism that is easily invoked in times of crises, and the problems of legality and general and public apathy.

The politicisation of EOHR's membership is recognised as a more serious danger than the continued denial to EOHR of legal existence. This is because potentially fatal crises will emerge from within the organisation rather than from without.

Politicisation is particularly perilous for EOHR because of two factors. First, the politicisation of EOHR's membership is largely, as explained above, derived from the conditions of the organisation's birth. While this may change over time, politicisation is to a degree self-perpetuating. Secondly, politicisation may prove to be constantly rechargeable if Egyptian intellectual life continues to stagnate.

We may try to probe the dynamics of these problems from two perspectives: the organisational and the national. From the purely organisational point of view, the destiny of EOHR hinges, in the long run, on the balance between pressures on EOHR members to indulge in partisanship and the ability of the EOHR to impart to its membership the principles of human rights. Indeed, we may speak of a race for the soul of EOHR membership between the polarising impact of partisanship and the quest for human rights.

Despair caused by factional strife has occasionally motivated some leading figures within EOHR's Executive Bureau to vacillate on the issue of membership. Thus, consideration has sometimes been given to the possibility of either blocking new membership altogether or starting a new purely professional and closed organisation. Such negative thinking may in fact deepen the problem of politicisation. The only creative and realistic approach to resolving this problem should be based on purposeful re-education of old and new members in traditions of the human rights struggle.

The need for a purposeful and sustained program for education and training in human rights thinking cannot be overstated, even in ordinary circumstances. It is certainly even greater in the present situation. It is in fact the only way out of possible organisational breakdown under pressures of politicisation.

More generally, politicisation cannot be fully overcome in any living civil association. The most potent guard against its destructive consequences for an open-membership human rights organisation is the setting up of a democratic and effective mechanism for dispute resolution. Under an authoritarian legal system, and particularly under conditions of deprivation of legal existence, such a mechanism must depend on full voluntary adherence to the fundamental statute and constitution upon which the organisation is based. It is only the continued success of EOHR in promoting and protecting human rights that will reinforce this voluntary adherence.

At the national level, the reinvigoration of Egypt's intellectual environment as a context of the human rights struggle will require time. The crucial factor in this regard is a learning process.

Reference

- 1 For more information see: The Egyptian Organisation for Human Rights, The Fifth General Assembly: Events and Facts (Cairo: EOHR, 1994) (In Arabic).
- 2 This term is coined by Lutfi El Kholi. See his "Democracy of the One million, Al Ahram, February 1986.
- 3 On the structural roots of this situation see Mohammed El Sayyed Sai'd, " Human Rights and the question of modernity and modernization in Egypt : A general outlook" in the Center on Legal Information and Studies, Human Rights and the underdevelopment of Egypt (Cairo, 1993) (in Arabic).
- 4 See a Joint paper by the Lawyers Committee and EOHR, "Restricting the Human Rights movement in Egypt: Legal Restrictions on Independent Non-governmental Organisations", 16 – 12 – 1991.
Also see Bahey El Din Hassan, "Egyptian NGO's" The Right to Operate Freely". Paper submitted for panel Discussion in The World Conference on Human Rights. Vienna, June 1993.
- 5 On this see: Center for Political and Strategic Studies, The Arab Strategic Report 1992 (Cairo: Al Ahram Foundation, 1993).
- 6 On this see Bahey El Din Hassan, "The Concerns of the Egyptian Human Rights Movement" in EOHR (editor Mohamed El Sayed Said), Deliberations of the First Intellectual Meeting of the Egyptian Organisation for Human Rights December 8-9 1988 (Cairo : Dar El Mostakbal El Arabi, 1990).
- 7 However, thinking in terms of long term planning was not totally absent. For example, the third general assembly endorsed a plan of action drafted by the author of this text. This draft is found in an unpublished paper by Mohamed El Sayed Said on "Thoughts on Long-term horizons for the development of EOHR". However, the plan was based on what proved to be exceedingly optimistic assessment of the national environment for human rights.
- 8 On this see the report by the Board of Trustees to the third general assembly in 19-5-1989. EOHR's archives.
- 9 On the debate over the nature of EOHR – whether it should be an intellectual forum or a monitoring and protection organization—see the report cited in reference No. 8, and the decision by the third general assembly which decided on the issue by opting for the later approach. EOHR's archives.
- 10 On the two sides of this debate see: EOHR's *Bulletin*, No. 16, July 1993. The Editorial.
- 11 the "Plan for the Resumption of EOHR's Activities". August 1988. EOHR's archives.
- 12 On evaluating voluntary work, see the report by the Board of Trustees to the Fourth General Assembly of the Egyptian Organization for Human Rights. May 1991. EOHR's archives.
- 13 On the view of the board in regard to professionalization see "The Working Program" endorsed by the third General Assembly in May 1989. EOHR's archives.
- 14 Until the autumn of 1989, there was only half-time secretary working for EOHR. Before the end of the year, the first salaried lawyer was appointed in EOHR.
- 15 This particular view was expressed by Nader Fergany, a member of the Third and Fourth Board, and an eminent scholar. On this view see Nader Fergany, "On the impediments to the diffusion and sustenance of human rights principles in the Arab homeland", in Center for Legal Information and Studies, Op. Cit., pp. 141-152.

16 Coexistence with the Arab Organization for Human Rights within the same premises caused embarrassing situations for the latter in two ways. First, AOHR had to bear the consequences of clashes between the state and EOHR for which AOHR was not responsible. Second, the remarkable expansion of EOHR activities imposed such a heavy burden on AOHR's facilities and equipment that other country branches of AOHR felt that EOHR was unfairly given advantages. AOHR formally requested that EOHR search for an independent residence and it had to constrain EOHR's access to facilities and equipment within certain ceilings.

17 In response to financial hardships, the Executive Committee had to authorize an austerity plan drafted by the General Secretary on 12-10-1991. EOHR's archives.

18 On the negative implications of financial hardships see the Board report to the Fourth General Assembly. Op. Cit.

19 See proceedings and decisions of the Executive Bureau and the Board of Trustees starting from June 1991, only one month after the Fourth General Assembly. EOHR's archives.

20 See: Nader Fergany, "The West: Employing Human Rights in furtherance of its interests: Violating Human Rights for the Realization of its interests", *El Shaab*, December 10, 1992.

21 On this see, for example, Galal Amin, "External Factors in the Re-orientation of Egypt Economic Policy" in M. Kerr and El S. Yassin, *Rich and Poor States in the Middle East: Egypt and the New Arab Order* (Cairo: American University in Cairo Press, 1982) pp. 285-317.

22 See the decisions of the Board meeting at 21-11-1991. EOHR's archives.

23 On this see the draft project for 1994 budget dated October 1993. EOHR's archives.

24 One interesting observation is that the text of the decision taken by the board is not different from the decision implied in the "working program" endorsed by the Third General Assembly. But EOHR had to wait almost 30 months before actually reaching a similar decision on funding. Reviewing the report on deliberations within the board in November would show some other interesting features. For example while the general secretary was convinced of the urgent need for foreign funding he was in favour of delaying decision on the matter, essentially, for fear of repercussions given the political and intellectual climate in the country. It was also evident that some other Board members might not strongly stand by the decision. His fears quickly proved true. Some Board members who approved the decision were to denounce the policy of accepting foreign funding. See for example letter of resignation by three Board members dated 13 May 1993. EOHR's archives.

25 See EOHR's *Bulletin*, No. 16. Op. cit. Also see EOHR "The Fifth General Assembly: Events and Facts", Op. cit.

26 On this see Bahey El Din Hassan, ed., *In Defense of human rights* (Cairo: EOHR, July 1993).

27 On this see the intervention by EOHR before the Committee against Torture in the UN CAT/C/SR. 162. And in the UN Human Rights Commission document E/C. N. 4./1993/NGO/18.

28 For example see: Mr. Helmy Sha'arawy; member of EOHR's Board, memorandum to the Head of EOHR's board dated May 13, 1993. EOHR's archives.

29 On this see: EOHR's archives. A general view of activities within Egypt would not only show the magnitude of domestic work (as opposed to international networking) but also the uniquely imaginative approach to domestic work. A glimpse of this same facts on the ground can also be gained by reviewing EOHR's archives carrying media coverage of activities.

30 The fact that media coverage easily shows the magnitude of EOHR's activities does not alter the arbitrary and selective pre dispositions of opposition newspapers. EOHR's actions were reported in each of those papers only when a given action is taken to be in favour of the political trend which these papers advocate. For example when EOHR monitors arbitrary detention of Islamists and acts in their defence, this act is covered only by *El Shaab*. *El Ahaly* does the same when actions by EOHR is in defence of leftists, and so on. This constituted an unfavourable environment for the view point of EOHR. On this see for example the report by EOHR's Board to the Fourth Assembly in May 1991. EOHR's archives.

31 On this see EOHR's *Bulletin*, No. 17, November 1993, and No. 18, January 1994.

32 See the picture portrayed of EOHR in Nader Fergany, *Al Shaab*, Op. cit.

33 See Hany Shukrallah, "Strategic Views and Choices before the Egyptian Organization for Human Rights at the Movement". Paper submitted for public discussion in a meeting of the EOHR of August 13, 1993.

34 On this see Bahey El Din Hassan, "Towards the Institutionalization of Human Rights Movement". Paper submitted for discussion in the EOHR's meeting of August 13, 1993.

35 On this see Bahey El Din Hassan, "The Concerns of Human Rights Movement in Egypt", Op. cit.

36 See the exact wording of the decision reached by this committee in EOHR, "The Fifth General Assembly: Events and Facts", Op. cit.

37 See the plea for this in the source above.

38 Ibid.

39 see the inauguration address to the Fifth Assembly by the General Secretary. Ibid.

40 A whole block of Marxists declared their withdrawal from the Assembly after a decision taken by majority to continue the deliberations of the Assembly.

THE EGYPTIAN ORGANIZATION

FOR HUMAN RIGHTS:

THE EXPERIENCE AND

PROSPECTS FOR THE FUTURE

POINTS FOR DEBATE*

*Alaa Qa'oud ***

Introduction

We would like to begin our discussion by asserting a self evident fact, namely, that we couldn't have met here to discuss the Egyptian Organization for Human Rights' experience had it not been for the efforts and perseverance of a group of people who had a grand dream and believed it. Those people strove to transform the organization from a mere hazy fantasy to a living embryo needing care and attention, and nurtured it until it became one of the mature phenomena that illustrate serious endeavor toward the establishment of a rich and vigorous civil society. We should also indicate that the organization would not have reached its present status without having stirred up discussions over its experience and its fate, since the attitudes of its founders reflected a rare level of integrity, courage, and readiness for sacrifice. It was therefore an honest voice, echoing genuine attitudes toward political opposition and government alike. Furthermore, it set a precedent in forsaking the prevalent perception concerning Egypt's relationship with the external world, and established a new perspective in grappling with this world. It also succeeded in imposing itself as a unique phenomenon and was acknowledged as such. It did not collapse under the rejection of authorities, nor was it influenced by opposition pressure; the organization had a strong belief that its sources of legitimacy were rights, principles and performance. However, debates concerning the Egyptian Organization for Human Rights (EOHR), either within workshops like the present one or in other forums and discussions that preceded this one, are quite important, because they highlight EOHR's power to set guidelines for a vigorous civil society. Furthermore, it could play an effective role in advancing the process of genuine democratization, not only in Egypt but in the entire Arab World.

This paper will try to avoid the polarization, confusion, and twisting of facts which

* This paper was presented as a working paper for an EOHR workshop in the context of its 10th anniversary's celebration under the title "the Experience and Future of Prospects" that was convened in Cairo on 25 April 1995.

actually characterized debates and arguments concerning EOHR. This task requires a review of the circumstances that surrounded the birth of the organization because that historical moment had a great impact on the first stages of its life. Then, we will analyze the elements of the debate and arguments concerning EOHR, whether positive or negative, and pause to discuss different scenarios for the future of the organization in light of the perils jeopardizing its action at present. This will be an approach toward devising means for future EOHR action.

First: Birth of EOHR

On Saturday, 20 April 1985, fifty Egyptians met in Cairo. They decided to establish a branch of the Arab Organization for Human Rights (AOHR) in Egypt. Its objectives were as follows:

Advocate respect for human rights and fundamental freedoms in Egypt, based on the Universal Declaration of Human Rights and the two International Covenants on civil and political rights, and on economic, social and cultural rights, as well as rights stipulated in the Egyptian Constitution. The plan for the AOHR offshoot was also to defend all individuals whose rights as determined by international standards were being violated.

- Confront human rights violations in different Arab states. At the international level, this branch should take the necessary measures, in consultation with officials in the mother organization, to shoulder efforts in the field of human rights defense in the Arab region⁽¹⁾.

In the prelude to EOHR's constitutional statement, it was noted that, while perils surround Egypt and the entire Arab region, the Egyptian citizen feels the weight of restrictions imposed on his actions, his freedom of expression, his attempt to emancipate his country from all forms of foreign influence and economic, political, and military dependence. Hence, methods should be enacted to reinforce justice, freedom, and authenticity of the Egyptian/Arab peoples.

On 15 May 1986, the General Assembly of the Egyptian branch met for the first time. The activity report, ratified by this Assembly, reflected a number of tendencies concerning the future evolution of the organization, summarized as follows:

- 1) Circumstances are ripe for advocating support, expanding the scope of defense of human rights in Egypt, and for expanding membership in all parts of the country, including various classes and groups.
- 2) Success of this endeavor requires a serious confrontation of burdens and regular methods of action. It also calls for additional efforts on the part of full-time members as well as volunteers, since expansion of human rights activities and utilization of all voluntary action cannot be implemented without a small "vital" core that organizes this activity and ensures its continuity.
- 3) There is an imminent need to reach a better understanding of the concept of human rights among members and within different circles where the branch would be active, until tangible objectives are set for different agencies of this organization.
- 4) It is necessary to expand activities and cooperate with human rights agencies, or with those agencies that can, due to their nature, play a role in the sphere of human rights.
- 5) It is crucial to support the financial resources of the branch, by increasing subsidies from AOHR, and raising funds on the largest possible scale⁽²⁾.

EOHR was able to achieve some progress during the period that followed the General Assembly meeting in May 1986. It issued the first bulletin and addressed some communications concerning human rights violations, including a message to the Minister of Interior concerning Aboud El Zomor's case. It intervened in the case of railroad workers, and its health committee held a seminar on poisons. Those activities baffled some members of the Board of Trustees, who thought that the organization's role should be restricted to intellectual activities. Meanwhile, EOHR ran into a substantial obstacle, that of the authorities' refusal to register the organization as a professional association. This disappointed many adherents to such an extent that some of them withdrew from the organization, as it was considered an "illegitimate" group. This refusal also had repercussions in the executive council, and it was difficult to achieve the necessary quorum for council meetings.

Opinions within the Board of Trustees over the method of dealing with the regime's refusal to register the organization were split into a majority, which thought that EOHR should be officially dissolved in response to the regime's rejection to grant it a legal status, under the pretext that a human rights association cannot possibly operate without a legal permit, and that any human rights group should exhibit full respect of the law, and a minority, which thought that the absence of a legal permit was not sufficient cause to stop the organization's activities, especially as the legal process did not end with administrative repudiation. They felt that the association should follow the legal case to all judicial levels, and until the courts settled the issue, the organization should proceed with its work normally. This view of a minority of board members held that any human rights organization worthy of its name should be able to defend its right to exist. In the face of this division, a large meeting of EOHR members was called. Members thought that the question of the legal permit should not hinder the organization's activity. They presented a number of suggestions to enhance the effectiveness of the organization. They also emphasized that the organization's activities should not be confined to the "missionary" role. Nevertheless, this course could not be implemented against the prevailing opinion in the EOHR executive council, which favored dissolution of the organization or its merger with another human rights organization enjoying legitimacy, namely, the Egyptian Association for Human Rights. This again perpetuated a "freeze" of the organization's activities, until another large meeting of members was called, in June 1988, to discuss this impasse. Again, members favored the opinion of the minority and stressed that the legal process concerning the legitimacy of the organization should be pursued, on the basis that the right of association is a fundamental human right. In this way, they refused to merge with another organization, and emphasized that EOHR should be fully supported. This meant that the structure of the Board of Trustees should be modified to comply with the opinion of members. Hence, within the Board advocates of EOHR's continuity should carry the burdens and responsibilities of the new phase. This decision was put into effect on 12 June 1988, when Bahey El Din Hassan was elected EOHR Secretary General, with an executive council secretariat composed of Sami El Razzaz, Mostafa Abdel Aal and Negad El Borai. Members of this secretariat enjoyed full rights as Board members, except for the right to vote. Later on Mr. Amir Salem, Dr. Mohammed Mandour and Dr. Mohammed El Sayed Said joined this secretariat⁽³⁾.

Those resolutions represented a starting point, and even inaugurated the real birth of the Egyptian Organization for Human Rights. Later that same year, the first intellectual seminar organized by EOHR was held, on "The Human Rights Movement in Egypt." The organization's circular appeared again, for the first time since the first issue was

published. The organization began to adopt positions vis-à-vis human rights violations, including a statement on the seizure of the Sawt Al Arab journal. A lawyer was appointed to represent the organization in this case. Furthermore, EOHR began to reach out to international human rights organizations, such as Amnesty International and a number of American organizations, to urge them to get involved in the case of engineer, Abdel Kader Helmi⁽⁴⁾.

We have written at length about the birth of the organization in order to understand all the conditions that surrounded this moment, including the ambiguity of the nature and objectives of the organization, and the underlying obscurity of the concept of human rights even in the minds of the founders.

Second : Issues for Discussion

Most issues concerning EOHR were regularly discussed and deliberated, whether internally or in the mass media. However, those discussions intensified during elections for the organization's fifth General Assembly, which again saw sharp polarization. Furthermore, those discussions reflected personal disagreements and vendettas. This paper will attempt to move the discussion of the organization away from politics with all its polarization and personal conflicts, in order to objectively evaluate and foresee the future prospects for the organization in light of the experience of the past ten years.

1) The Nature of the Organization

There was considerable disagreement over the tasks undertaken by EOHR. Some members thought the organization ought to broach all problems in society, including housing, unemployment, pollution, state despotism, corruption, and violence. Hence, the organization was, for this group, a party, association and trade union (in short, the pathway to the utopian Egypt). This in part testifies to the great success achieved by the organization, which is actually stunning by all standards, especially if contrasted with the regression and stagnation in all aspects of our lives. On the other hand, it was the core of the problem. Another group thought EOHR should play the role of human rights "watchdog," through monitoring and resisting any and all violations, disseminating human rights information, studying the cultural problems that hinder the advancement of human rights in our societies, and suggesting alternative laws. This ambitious and holistic perspective is due mostly to the recent introduction of the concept of human rights to Egyptian society⁽⁵⁾.

To deal with this issue, from our point of view, we should first develop a clear and unequivocal definition of EOHR's mission and tasks, which involves reaching consensus on a specific definition of the human rights movement. Obviously, a single organization cannot undertake all the responsibilities required of a human rights "movement."

In fact, this workshop should focus on a discussion of this issue, since EOHR should have well-defined tasks in such a way as to positively propel its performance. Here are several observations:

- a) While it was justifiable to have faith in EOHR's capabilities to undertake all the duties of a human rights "movement," especially at the beginning of its operation, this overload, apart from being impossible, is also now illogical. The period following the birth of the EOHR witnessed the establishment of several other human rights institutions.
- b) Even though the status of human rights cannot be improved except through progress in economic, social, civil and political rights, a suitable climate for the assertion of civil and

political rights represents a safety net that protects all forces, and in turn promotes economic and social rights.

c) The road is still long and tedious, and the shortcomings are numerous in the domain of civil and political rights. This implies that the requirements of monitoring and resisting the violation, for instance, of the right to participate in public affairs alone can represent a colossal burden that EOHR cannot perform.

2) The Question of Membership

We would like first to point out to two important issues:

First, the Egyptian Organization for Human Rights, like any other open-membership group, has a superior authority, in this case the General Assembly. One of the latter's jurisdictions is to amend the organization's objectives and methods of action, and even to modify its theoretical bases. In other words, EOHR's General Assembly has the right to modify the current basis of the organization and adopt instead the Cairo Declaration for Human Rights in Islam, issued by the Islamic Conference Organization in August 1990, for example, or restrict the theoretical bases adopted in some cases, such as freedom of thought and belief. If this happened, we would have a different organization than the EOHR we now have, though bearing the same name.

Second, we should grasp the significance and impact of the novelty of human rights culture in the world community in general and in our society in particular. We should also observe the negative repercussions of the fragility of the culture of civil society on our current situation, and ponder the widespread perceptions of a number of rights (such as the right of citizenship), particularly in light of concepts advocated by Islamic political groups. We should acknowledge our failure to authenticate human rights and make them part of not only intellectual elite circles but also of the populace.

The issue of membership has long bothered many activists within EOHR. There was a permanent aspiration toward expanding the organization's membership. Evidently, no one could turn down the membership of individuals who exhibited full and absolute commitment to the bases of the organization. Disagreement concerning EOHR's membership revolved around the perception that the organization could, and even should, include in its membership "whoever was generally sympathetic with the human rights cause, on the basis of experience or special preoccupation with one or more aspects of human rights."⁽⁶⁾ Before we discuss this point, we will present the general outline of the current membership profile, based on a paper presented by the current EOHR Secretary General, Mr. Negad El Borai. We agree with most of what he says therein concerning this issue. This paper listed three aspects of the question of membership:

First, "The emergence of the organization was due to political elements. The bulk of EOHR membership was composed of politicians, many of whom are still scrupulous about human rights, simply because they are entrenched in Western liberal thought."

Second, "During recent years, the idea of human rights prospered in Egypt, and increasingly attracted new adherents. This was not so much due to belief in the thought and principles of human rights as to the sharp escalation of human rights violations during this period. This was probably an incentive for many intellectuals to forsake their intellectual reservations on the thoughts and principles of human rights, without necessarily exhibiting full belief in those principles."

Third, "Pressures toward politicization are explained again by the fact that the major bloc of EOHR members was logically formed by members of the political opposition, some of

whom failed to find a place in the party configuration and attempted to achieve their political ambitions through a human rights organization. Some of them saw in the organization's success and prosperity a sufficient cause to overburden it with responsibilities that their own parties failed to fulfill."⁽⁷⁾

Without going into excessive theoretical arguments over the membership regulations, we can state that there are credible indications that large segments of EOHR members did not grasp the preliminary and general fundamentals of human rights, spelled out in international documents (charters, covenants, treaties).

What is even more serious is that a segment of members had certain inclinations and opinions that contravened the fundamentals of human rights in many aspects, including international human rights agreements and the organization's major values and method of action. For example, prominent members in EOHR's branches in local districts gave talks and published comments in which they acknowledged the state's right to execute defendants in crimes of violence, or at least deprive them of fundamental rights⁽⁸⁾. They also criticized the organization's protest against torture in such crimes.⁽⁹⁾ Other members have also published opinions claiming that Islamic Shari'a, as they or the political Islamic movement understand and interpret it, should be the source for and basis of human rights⁽¹⁰⁾.

3) EOHR and Civil Society

3.1 Attempts at Politicization The perspective of major political forces within EOHR was influenced by a predominant perception, namely that all institutions are merely means or tools for those political forces to express themselves. Due to the fact that the embryo of the organization was formed by a group of politicians, the atmosphere was ripe for bolstering this perception.

Consequently, the majority of EOHR members looked upon it the organization as a mechanism or tool that should be "nationalized" in favor of those forces, at the pragmatic as well as the theoretical levels. This evidently led to misinterpreting the organization's actions, which were perfectly congruent with human rights values, and transcended any and all political allegiances.

EOHR General Assembly elections testify to this fact. The experiences of the fourth and fifth General Assembly elections are quite indicative. In May 1991, during the fourth elections, nominees for Board of Trustees' membership from the Islamic movement used rhetoric that reflected this state of affairs. Results of the elections themselves⁽¹¹⁾ revealed a hidden coalition between Nasserists and Marxists to defeat nominees from other movements, including liberals. Furthermore, the election campaigns for the latest General Assembly elections are still fresh in our memories; there was a shrewd struggle between Nasserists and Marxists, which was finally settled in favor of the former.

We are not claiming here that EOHR members should not belong to a variety of political movements. However, we assert that the human rights movement should distinguish itself from all contemporary political movements, due to the nature of the values it defends and the core of its philosophy. It should control and supervise all political actions and behavior, which infringe upon the principles it espouses. Hence, its adherents should not only be altruistic, but should also transcend all extremism and radical defense even of the political or intellectual movement to which they belong.

We stress that the issue of membership surpasses the mere establishment of regulations for the admission of new members. It is necessary to design a comprehensive policy to rectify the present situation. We will come back to this point later.

3.2 EOHR and the Institutions of Civil Society The noticeable growth and vigor of civil society during the past few years should enhance the organization's role. We suggest here two axes for organized action:

First: Being the first human rights movement in Egypt, and having contributed to the establishment of almost all human rights institutions, and being highly credible, EOHR can play a major role in coordinating between human rights institutions, and can discuss and search for means to boost the role of the movement at present, and face the responsibilities placed on the shoulders of these institutions.

The second is EOHR's action in monitoring and resisting violations; this creates a shield that can protect all human rights groups. Consequently, it can provide an adequate atmosphere for the promotion of civil society. Hence, EOHR can reactivate civil society. So long as the organization is committed to the principles and values of human rights, it can fulfill its role competently in this domain⁽¹²⁾.

4) EOHR and the Outside World

Two aspects of EOHR's relation with the outside world - foreign finance and action through international agencies - were the most powerful weapons raised against the organization by its opponents. Naturally, with the predominant cultural atmosphere, these weapons have been ferociously abused. We will discuss both aspects of the issue separately.

4.1 Action Through International Human Rights Mechanisms The constitution of EOHR stipulates that it is necessary to act through international and regional mechanisms of human rights. This was reiterated by EOHR's General Assembly in May 1989, which ratified its statutes (Article 7). EOHR has also been keen, since its establishment, to announce in its publications different activities and actions carried out under the auspices of international agencies. Criticism addressed to the organization in this area can be summarized in two arguments:

- a) EOHR's efforts were predominantly at the international level, which negatively affected efforts at the local level.
- b) There is a prevailing concept of national sovereignty. It implies that the mechanisms of action in the field of human rights are manipulated by great foreign powers. Consequently, EOHR's activities abroad could be an alibi for violating national sovereignty.

Undoubtedly, both arguments have their own merits. However, we note that the concept of full sovereignty has been reviewed both theoretically and pragmatically. On the other hand, the shortcomings in EOHR's performance at the local level should be analyzed in isolation from the standards of performance and positive reaction, because we cannot evaluate performance on the basis of social reaction and interaction.

One of the major approaches to improving the status of human rights in Egypt is related to the degree of belief in human rights values. This does not imply though that we should not evoke the national and international conscience to exert material and moral pressure in favor of human rights.

4.2 Foreign Financial Resources The lack of financial resources has always been an insurmountable obstacle to the development of EOHR's action. This can be easily observed in the organization's reports and plans of action in the past. There are two sources that provide financial assistance to EOHR:

- a) The major part comes from the Arab Organization for Human Rights.
- b) All attempts to create autonomous financial resources have failed, whether through the collection of late membership fees or fundraising campaigns. Consequently, the only means out of this predicament was for EOHR to resort to foreign resources.

Naturally, such an intricate issue has provoked controversies. EOHR has been an arena for sharp discussions and disagreements, whereas the degree of polarization went so far beyond any expectations that the Board of Trustees settled the matter through a resolution on 21 November 1991 to accept foreign funds.

However, accepting foreign assistance has not categorically resolved the problem of finance, since the flow of foreign assistance, in addition to its precarious nature, could not be permanently guaranteed. Furthermore, EOHR could, in this manner, be influenced by foreign sources of finance in all its actions. Therefore, it was imperative to gear internal resources in case foreign finance was withdrawn for one reason or another.

Third: Lessons from Prior Experience and Prospects for the Future

Having discussed the major issues concerning EOHR during the past few years, we suggest some mechanisms to deal with internal and external problems and shortcomings.

1) The Problem of Membership The current dilemma of membership represents a life or death issue for EOHR. We suggest that the organization:

- a) Focus in the coming period on extensive socialization of members.
- b) Establish rigid regulations for EOHR membership, in such a way that candidates should only consist of those who can practically demonstrate their commitment to the organization's fundamental mandate to the exclusion of any other source.
- c) Restrict membership to active members. Meanwhile, permanent membership lists should be subjected to periodic review.

2) Institutional Structure EOHR's elected agencies should be distinguished from those responsible for daily work. Hence, we suggest, in conformity with the opinion of the former Secretary General, that a full-time salaried executive director should perform all the Secretary General's executive responsibilities. This system guarantees regularity of work, and enables the elected agencies to fulfill their role of supervision and control⁽¹³⁾.

3) Energize Elected Structures EOHR, like all civil society institutions, suffered from sporadic action of its elected agencies, to such an extent that the legal quorum necessary for its meetings sometimes could not be achieved. This situation was the major cause of the paralysis of several EOHR committees, and of the failure of its campaign against torture in 1990-91. We indicate here that the statutes should be firmly applicable, regardless of any personal favor, so that the Board of Trustees would include only those capable of fulfilling their commitments.

4) Specialized and Local Committees All attempts to improve the performance of specialized EOHR committees were thwarted, even though they could have had several

positive effects on the general action of the organization. Therefore, the structure and membership of those committees should be reviewed, and their shortcomings avoided.

The idea of expanding membership, which has haunted EOHR since its establishment, was reflected in the formation of local committees, especially during 1993. However, the status of membership at present implies several restrictions on the expansion of regional committees.

We can mention the following observations:

- a) The relationship between EOHR and regional committees was quite ambiguous, which has stirred up violent tensions over the past few years.
- b) Performance of such committees was limited.
- c) Those committees were not established according to a well thought out plan ⁽¹⁴⁾.

Conclusion

An observer of the situation within EOHR can appreciate the degree of autonomy enjoyed by the Board of Trustees and its Executive Bureau. Hence, they alone are capable of resolving most aspects of the current dilemma.

As for what the Board of Trustees ought to do, we point to the present Secretary General's perspective. He specified a number of tasks that the Board should undertake, including:

- 1) Reviewing and amending the provisional statutes of the organization.
- 2) Adopting the project of strategic planning.
- 3) Selecting members according to strict regulations.
- 4) Giving special attention to socialization programs⁽¹⁵⁾.

The present Board of Trustees has almost completed its term. It is feared that the remaining time will not be sufficient to implement the major tasks, and that they will be transferred to the next Board, whose attitudes are not yet known. Hence, the main questions concerning the fate of the organization remain open-ended.

References

- 1 Constitutional declaration, Archives of the Cairo Institute for Human Rights Studies.
- 2 Report of the General Assembly, May 1986. CIHRS Archives.
- 3 Review the activity report presented to EOHR's third general assembly in 1989, CIHRS Archives.
- 4 Review the Board of Trustees report, presented to the fourth general assembly, May 1991, CIHRS Archives.
- 5 Review the History of the Regional Committee's plans of action for the second half of 1993, EOHR Archives.
- 6 Hani Shukrallah, discussions paper on the Perceptions and Strategic Options Before EOHR At Present. Paper presented to the EOHR workshop, August 1993.
- 7 Nagad El Borai, "Arab Professional Associations: Reality and Challenges", paper presented to the workshop organized by the Arab Resources Workshop on this topic.

8 EOHR Local Committee in Menoufiya, Published Lecture on "Human Rights between Responsibilities and Challenges".

9 Ibid. See also comments present by the same committee on the provisional statutes, EOHR Archives.

10 Ibid. See also, Hafez Abou Saada, Report on the visit to the regional committee in Assiut, August 1993. EOHR Archives.

11 See election campaign papers of Islamic movement nominees for the fourth General Assembly. For example, review Mr. Montasser El Zayat's speech to General Assembly members.

12 Bahey El Din Hassan, "Toward a Politicization of the Human Rights Movement". Paper presented to the EOHR workshop on the Strategic planning for EOHR, August 1993.

13 Bahey El Din Hassan, op.cit.

14 See files of regional committees, EOHR archives, particularly those of the regional committees of Aswan, Alexandria and Sharkiya, and more particularly the minutes of the meeting of officials responsible for regional communication, 6/1/1994.

15 Nagad El Borai, The New Board of Trustees : A Short Cycle and Great Tasks. EOHR Circular, no 19 April 1994.

TOWARDS A CONSISTENT STRATEGY FOR HUMAN RIGHTS ADVOCACY IN EGYPT*

*Bahey El Din Hassan***

The human rights movement in Egypt has made very evident progress during recent years, to the extent that it has become one of the most obvious realities of the Egyptian daily political life and the haven towards which everyone - political parties, groups and individuals - turns, whenever a gross violation of human rights takes place, waiting for the movement to declare its position. This circle also includes the security apparatuses, which look for press releases condemning political Islamic groups and wait for their publication.

Also, some of the terms of the human rights discourse have found their way into newspaper headlines, both governmental and oppositional.

The human rights movement has also become a home for receiving the complaints of ordinary citizens about the misgivings of everyday life, to the extent that this extended group of complainants includes military police! ⁽¹⁾.

The effects of these developments on the government can be summed up by stating that the government has become more aware of the fact that neglecting human rights considerations has a negative and cumulative impact on its assets inside Egypt, and causes it great embarrassment abroad.

This awareness is manifested in three ways. The first of these is the proliferation of human rights terminology in the political discourse of state officials; the second is the founding of two human rights offices (one in the Ministry of Foreign Affairs and the other at the office of the Attorney General), and the third is teaching Human Rights in

* Paper presented to the Conference on "Reshaping the Agenda: US-Arab Relations and the Challenge of Participation," The Foundation on Democratisation and Political Change in the Middle East, Washington DC, Oct 19 - 21, 1995

** Director of Cairo Institute for Human Rights Studies, and former Secretary General of Egyptian Organization for Human Rights From July 1988- January 1994.

some colleges in conjunction with the removal from curricula of the most conspicuous instances of religious bigotry⁽²⁾.

This developing influence can also be discerned on the societal level. Human rights have become a vital element in evaluating government performance, as well as in the process of revision undertaken by the different political forces - including the Muslim Brothers - whereby they reconsider their views in light of their accordance with the principles of human rights⁽³⁾.

This is a great achievement, no doubt! Especially if we recall the political, social and cultural setting in which this was achieved. Yet, it is definite that much more could have been achieved.

Many factors and historical circumstances have conspired to restrict the range of the audience of the Egyptian Organization for Human Rights (EOHR, the mother organization of the Egyptian human rights movement) and those who might be influenced by it. The most important factors are: EOHR's illegal status resulting from the government's denial of legal recognition - a governmental policy which continued to be applied to subsequently-founded human rights NGOs; the rise of the political Islam trend with its ideological opposition to human rights; the subordinate status of the concept of democracy in the prevailing political culture; the sheer deficiency in the financial resources needed for the movement; and the negative image which the human rights movement acquired because of the double standard policy of some of the super powers as regards human rights. Another factor is the gradual shifting of EOHR into a confrontational policy with the government as a response to the governmental denial of legitimacy to the Organization and governmental disregard of the complaints referred to it by EOHR. This confrontational policy was adopted in the context of EOHR's lack of an integrated comprehensive strategy for dealing with these harsh circumstances and its total immersion in the daily monitoring and publicizing of the flood of rights violations.

This paper divides these factors into two groups: the first are national factors related to the government, society, the prevailing political culture and the human rights movement in Egypt; the second group includes the external factors, i.e., those related to American policy and the international human rights movement. The valid approach for dealing with these factors is to start by surveying the political and cultural environment in which the Egyptian human rights movement was born, and the ways in which this movement interacted with it.

The rise of the human rights movement in Egypt came as a result of several factors⁽⁴⁾:

- 1) The increase in the general awareness of the value of democracy, in light of the dramatic failure of the regimes which tried to present the values of social justice and national liberation as justifications for sacrificing democracy.
- 2) The relatively open stance which the Mubarak regime adopted towards the different intellectual and political trends, in the context of the process of mobilization against political Islam.
- 3) The deterioration of the conditions of human rights in Egypt as manifested in:

- a) The reimposition of martial law after the assassination of President Sadat, which entailed placing the power of the security apparatuses above the law, and conferring implicit protection on the practices of torture and extra-judicial killings⁽⁵⁾.
- b) The escalation of violent acts by political Islam groups to an unprecedented level, and the extension of the scope, surpassing state officials and security personnel to include intellectuals, Copts and tourists, as well as innocent citizens whose lives were utterly disregarded by the plotters of violence⁽⁶⁾.
- 4) The inability of the political parties - especially leftist and pan-Arabist - to comprehend the changes that took place during recent decades, and their inability to express the aspirations of younger generations, or to present an alternative to the policies of the ruling party and create the appropriate frameworks to embody their aspirations for justice and equity.
- 5) The rise of the political Islam movement which advocates new types of restrictions on the freedoms of thought, creativity, opinion and expression. Also, the recent discovery by intellectuals of the human rights movement as a vigorous and outspoken defender of the freedoms of creativity and thought, a defender which does not succumb to blackmail in the name of religion.
- 6) The sensitivity of the current ruling regime towards international public opinion, especially as concerns its image.
- 7) The growth of the human rights movement in the world and the interest it took in Egypt (due to its relative weight in the region), its concern for the conditions of human rights in Egypt, and its interest in cooperating and expressing solidarity with the Egyptian Human Rights movement.
- 8) The frequency of the use of the term "Human Rights" in international politics and the media, and hence the familiarity of the average layman with it.

A Restricted Pluralistic Political System

The Egyptian political system has been based, since the seventies, on restricted political pluralism; that is, a system for the management of the authoritarian regime's crisis. Or to put it more accurately, of its crises: of legitimacy, participation and distribution. It is usually the case that when an authoritarian regime fails to retain its legitimacy (usually revolutionary legitimacy), or to renew it, and at the same time is unable to suppress pluralism, the regime resorts to partial political openness, usually accompanied by partial economic openness as well⁽⁷⁾.

A pluralistic system admits the right of all political and social forces to organize themselves in the form of parties, associations and trade unions, and admits the right of these organizations to equal chances for communication with the wider audience, of access to the media, and of running for elected office. These rights in a pluralistic system are legally and constitutionally safeguarded, which presupposes the separation of powers and independence of the judiciary. A pluralistic system also guarantees the right of the transfer of power⁽⁸⁾.

The absence of the transfer of power principle is the most important characteristic of a restricted pluralistic system, in addition to the subjection of the abovementioned three rights to severe legal and constitutional constraints, which ensure the hegemony of the executive over the other powers and limit the independence of the judiciary (particularly by means of establishing several forms of exceptional courts). These constraints also ensure the control of the government and its party over the media and the electoral system, and in most cases all of this is accompanied by a central role for the military and near absolute powers for the head of state⁽⁹⁾.

This is the case in Egypt, where the Constitution stipulates that the head of state is the High Commander of the armed forces, who reaches office through a referendum without a competitor and enjoys the right of staying in office for life through subsequent renewals. Furthermore, the Constitution does not contain any article that allows the head of state to be questioned. In addition, he has the constitutional right to appoint and depose the Cabinet, to issue orders with the force of law in the absence of the Parliament, and to undertake any "exceptional" decisions (including dissolving the Parliament) when necessary and then ask the people's opinion through a referendum⁽¹⁰⁾.

The President, furthermore, has the right to appoint several of the many judicial positions, such as the Attorney General and the Chief Justice of the Higher Constitutional Court. In the same regard, it is in the President's jurisdiction to form State Security Courts, which can contain both civilian and military personnel. The rulings of such courts cannot be challenged nor appealed, and only the President has the right to ratify or amend them⁽¹¹⁾.

On the other hand, the government controls the Committee for Political Party Affairs, which has the power to license political parties, to suspend their activities and papers, and to recommend dissolution before the courts⁽¹²⁾.

The government also controls the main media channels, monopolizes radio and television, and controls the electoral process. Only during general elections (every five years) are the political parties allowed access to radio and television to explain their programs, with a maximum time limit of forty minutes.

Establishing of non-governmental organizations (NGOs) is subjected to even harsher constraints through the Associations Law, which was issued in the Nasserist era 31 years ago. This law gives the government absolute authority regarding NGOs: the government can refuse the establishment of an organization, dissolve it, confiscate its assets, merge it with any other organization, and can dissolve its Board and appoint another Board or manager⁽¹³⁾.

It should be noted that the relative openness of restricted pluralism was not reflected in any way concerning NGOs⁽¹⁴⁾. This led some to wonder whether the government thinks of the NGOs as "competitors," because the roles they play in helping the poor, in development, education, health, human rights, and vocational rehabilitation may seem to be substituting for the central government. One of the factors that help such an understanding is that a great proportion of those organizations has a religious orientation⁽¹⁵⁾.

Furthermore, the role of NGOs in Egypt is not limited to providing services to the community: they have another role which is no less important, namely providing channels for the creation of participatory structures and mechanisms in the absence of democratic and open institutions at the national level ⁽¹⁶⁾.

This might seem an irony to those who know that there are more than ten political parties in Egypt, and many opposition papers some times employ a harsh tone in criticizing governmental policies. This is a very different situation than in most neighboring countries (Iraq, Saudi Arabia, Syria, Libya and Sudan), ruled by authoritarian or totalitarian regimes of the obsolete type. Egypt, in comparison, could be considered an oasis of democracy, and that is indeed true.

Yet the foundations of the pluralistic system in Egypt are closely tied to legislative, structural and legal control tools that can change the situation swiftly, as happened this year with the press and as some observers expect to happen with NGOs in the next few weeks. Legal recognition of the activities of NGOs - whether Islamic, Coptic, capitalist, feminist or human rights - relies on the state, and all are subservient to it if it decides to turn against them, as was the case of the Arab Women Solidarity Association in 1990, EOHR, or the associations under the auspices of the Muslim Brothers ⁽¹⁷⁾.

Into this political picture the human rights movement in Egypt was born: a guest unwelcomed by the political regime, legally rejected, and besieged by an octopus-like executive authority. The question is, however, did the human rights movement find in society the direly needed protection and nourishment?

A Culture in Crisis

Arab society in general, and Egyptian society in particular, have been passing through a unique and overwhelming cultural situation, characterized by a psychology of insecurity and humiliation, which constitutes a serious obstacle to development of the culture of human rights ⁽¹⁸⁾.

Since 1948, the Arab-Israeli conflict has constituted the main modern source of this insecurity and humiliation, which reached its apex after the 1967 defeat. This situation was further exacerbated by the success of Israel in harvesting the fruit of its victories at the negotiating table, by the American destruction of Iraq, and by racial cleansing in Bosnia ⁽¹⁹⁾.

Under the influence of this insecurity and humiliation, the intellectual elite has held to a working agenda focused on identity, which took the shape of bitter enmity towards the West. Thus settling accounts with the "other" - the foe - takes priority over any other internal tasks ⁽²⁰⁾, including democracy and human rights ⁽²¹⁾, especially since the latter is considered an offspring of Western culture. Some go further, to say that the goals of human rights dovetail with the aggressive goals of the West or even of Israel; both could be summed up as the breaking up of Arab societies under the banner of propagating human rights and democracy ⁽²²⁾. This is even reiterated by some leaders of the Egyptian and Arab human rights movements, and some eminent Coptic intellectuals ⁽²³⁾.

At best, propagating human rights may be perceived as a non-urgent task, and could be postponed to the benefit of the necessary mobilization in a confrontation with the West and Israel⁽²⁴⁾.

This last factor helps explain the narrow scope of influence of the human rights movement, which contracted further after the ascendance of the political Islamic movement, whose political and ideological program opposes human rights. This has made it impossible for the human rights movement to extend its scope of influence unless it renounces what could be termed "unpopular rights"⁽²⁵⁾, especially women's rights, religious freedom and the freedom of belief.

In this environment the human rights movement was born - lacking in political, legal, cultural and social legitimacy. In such circumstances the movement might never have been born, or might have been stillborn. That is why, from its inception, the human rights movement had to grapple with difficulties⁽²⁶⁾.

Yet, a closer look at the circumstances of the movement's formation shows that some of them played a role in supporting the movement in the short term, albeit hindering it in the long term.

For example, the fact that political Islam groups are the most conspicuous victims of political and security repression led their papers to be the most interested in publicizing information about the activities of human rights organizations, which in turn ruptured the media blackout on those organizations - the blackout which had made the BBC /Arabic Service the best channel for information about those activities.

Furthermore, the failure of the leftist and pan-Arabist parties - in the context of restricted pluralism - to express the aspirations of younger generations, spurred many in these generations to look to human rights organizations for a platform for their dreams of justice⁽²⁷⁾ and liberty; these people became the largest constituent membership of EOHR⁽²⁸⁾.

Likewise, the three political trends - Islamic, pan-Arabist, and Leftist - found in human rights organizations a more efficient and influential framework for defending human rights than the committees for the defense of civil liberties in the syndicates and political parties, in view of the international networking that these organizations enjoy. This international link helps balance against a regime that is keen on its image abroad but does not care about it locally, which is the only available arena for the influence of the political parties, an arena further burdened with dozens of constraints.

Yet, all of that comprised - as has been mentioned - seeds for heightening the crisis of initiation⁽²⁹⁾. For it meant that the burdens of the task of struggling for human rights were laid on the shoulders of those same highly politicized elements whose ideologies have failed, for a long time, to embrace the ideals of human rights⁽³⁰⁾. Consequently, these currents took with them the tendency to politicize human rights and human rights organizations on the basis of cultural or religious relativism to confront the foundations of human rights, or of giving priority to social and economic rights⁽³¹⁾, or

the endeavor to use human rights organizations as forums for local political strife⁽³²⁾, or for settling historic and current accounts with the West.

Needless to say, this excessive keenness does not indicate greater popular awareness of human rights, because the manipulation of an existing entity may not necessarily mean popular awareness of the importance of that entity in ways that lead to material, moral, and human support for these organization⁽³³⁾.

Some might explain the absence of this support as a problem specific to Arab culture. This might be true in the relative sense, yet we find the same problem in central and eastern European societies, where NGOs face the problem of the lack of societal appreciation of their role⁽³⁴⁾, in the absence of Islam and Arab culture.

It is a problem of the novelty of the culture of human rights, the dissolution of the old societal structures, and the transitional stage of building new structures which is moving at a deadly pace in Arab societies⁽³⁵⁾, especially in view of the absence of a driving force towards democracy on the side of civil society itself, including the intellectual and political elite⁽³⁶⁾.

The Suspended Agenda

In such a society, the task of propagating a human rights culture and tackling the human rights problematic in Arab culture should have been assigned its proper place as an eminent priority, since the founding of EOHR in 1985. Moreover, under a relatively open political system, the dialogue with authorities should have been perceived as an indispensable means for that organization to achieve its goals, namely improving the condition of human rights in Egypt.

It could be said that EOHR went along this route most visibly throughout its first year of activity (1985-86), when the government used to reply to its correspondence, and had not yet challenged its legal position. Also at the time, EOHR lacked any experience in the techniques of monitoring and fact-finding, and the conducting of international relations of the human rights movement in particular⁽³⁷⁾.

However, with the general retreat away from the already restricted margin of democracy starting in the mid-eighties, and the alteration of the government stance towards Egyptian and Arab human rights organizations, which accompanied the coming to office of a new and fierce Minister of the Interior, the channels of dialogue were closed and the legitimacy of EOHR itself was challenged.

As a result, another sort of transformation started gathering momentum inside EOHR: the radical elements (leftist and pan-Arabist) came gradually to the forefront, while most of the other founding members either silently quit or receded to the background. Those latter elements found EOHR outlawed and considered it inappropriate to continue work without legal cover or be drawn into an unwanted confrontation with the government. The radical elements, meanwhile, thought that the initiative to dissolve EOHR would be tantamount to issuing a certificate of bankruptcy for the human rights movement in Egypt, from which it would never recover⁽³⁸⁾. As a compromise, the traditional trend suggested that EOHR relinquish its

role in monitoring human rights violations and restrict its activities to promoting human rights principles⁽³⁹⁾.

Such an option meant in essence issuing a death certificate for EOHR. Thus it did not survive the first test in EOHR's next General Assembly, which underlined the importance of the monitoring, fact-finding and publicizing activities of the organization. In that context, the task of popularizing human rights culture receded to the background. More importantly, the General Assembly elected the representatives of the radical trend to hold most of the seats of the Board of Trustees⁽⁴⁰⁾.

Three months later, the Ministry of the Interior inadvertently secured the newly acquired eminent position of the radicals, when it arrested two members of the Board of Trustees and subjected them to torture⁽⁴¹⁾. This brought the activities of monitoring, observing and publicizing rights violations to the top of EOHR's agenda, at the expense of the dissemination of human rights culture.

In fact, the behavior of the government strongly exacerbated such tendencies, especially the inclination to target international public opinion, for while the government welcomed meeting with the representatives of international human rights organizations and answering their questions, they categorically refused to respond to EOHR. The single written reply to anything that EOHR issued was sent to the (American) Lawyers Committee for Human Rights, which had previously passed EOHR's report to the Ministry of the Interior!

However, EOHR did not shut the doors of dialogue. When a new Minister of the Interior came to office EOHR gave him a chance for six months, during which it did not confront his policies and tried many new avenues, all to no avail.

The aforementioned factors played a great role in restricting the scope of influence of EOHR, after the government had determined that the organization's main characteristics were that of an illegal confrontational organization. In such an organization, it would be natural to find that most of the membership is of the confrontational type, a fact ensured by the next General Assembly (which took place immediately after the American destruction of Iraq in May 1991). Most of the independent and liberal elements running for the Board of Trustees were turned down⁽⁴²⁾, which shifted the internal conflict to new issues.

In the midst of the daily struggle against the danger of politicization, which could obliterate the specific features of human rights organizations and append them to different political forums, a nucleus was being formed for a group of people who sought the independence of the human rights movement and persisted in developing its own traditions. This group was constituted from those who could distinguish between their different political backgrounds and the requirements and specific nature of human rights work.

Thanks to this group and its ability to develop its awareness regarding the specific problematics of the human rights movement in Egypt, the movement did influence the agendas of both the government and civil society, though in a limited way, in spite of

the negative repercussions of this internal conflict in the organization's circle of influence.

In the face of escalating confrontation between the government and armed Islamic groups, governmental disregard for the complaints of EOHR, and the government's implicit protection of torture and extra-judicial killings, EOHR started gradually to abandon its traditions of giving the government enough time before publicizing complaints⁽⁴³⁾, and of paying tribute to the positive steps taken by the government⁽⁴⁴⁾ no matter how limited they might be.

The Organization continued further in that course of action during the last two years, as a reaction to the immoral slander campaign carried out by a section of the Left, who spread rumors that EOHR had made a deal with the government.

The abandonment of a formalistic, unimportant tradition seemed in the beginning to be merely dropping an issue of little value, yet in practice it was tantamount to abandoning one of the few remaining symbols of EOHR's desire for opening channels of dialogue with the government. The organization's mission became more characterized by a policy of confrontation more akin to political parties, despite the fact that the content of its positions remained strictly consistent with the requirements of political neutrality.

This whole process limited EOHR's work in the fields of attempting to improve the conditions of human rights in Egypt, working to abolish the most flagrant violations, and promoting the culture and principles of human rights in society (which would make it more capable of combating the rights violations), and reduced its role to the task of exposing governmental performance regarding human rights⁽⁴⁵⁾.

It was then natural that this course of action did not lead to enhancing prospects for influencing the government's agenda, nor to widening the social base of EOHR and its influence in society⁽⁴⁶⁾.

The Negative Implications of U,S Policies

The great majority of the countries in the world have come to accept the role of international organizations (in particular the Specialized Agencies of the UN) in the arena of human rights, and in undertaking action to stop certain human rights violations in a certain country, including even taking comprehensive retributive measures. Yet, the role of the judge of other countries' human rights, which is assumed by some countries, does not enjoy international recognition, especially when this role is assumed by one of the superpowers.

The difference between the two approaches is clear. International organizations generally express international public opinion or represent the conscience of humanity. However, it is very hard to perceive that a certain state could disengage itself from its national interests, and issue purely moral judgments which could enjoy the recognition of the whole international community⁽⁴⁷⁾.

This reservation can best be applied to the United States, with its national interests all over the globe. Furthermore, if there are certain countries which are unsuitable for

monitoring the human rights records of other countries, the US would have to be put at the top of the list, since it has not yet ratified the Optional Protocol to the International Covenant on Civil and Political Rights which allows others to monitor its record⁽⁴⁸⁾.

Guiding foreign policy by moral standards means recognizing that sacrifices of self-interest are often required, something the United States has rarely done. Thus, the question then becomes, how do American policy makers reconcile economic and security interests with often conflicting human rights considerations⁽⁴⁹⁾?

The answer is quite simple: national interests come first. Thus, political convenience has been the determining force behind action on human rights violations⁽⁵⁰⁾.

This dissociation between American national interests and human rights considerations is most evident in the US State Department Report on Human Rights Practices in the World, where a great gap can be discerned between the moralistic discourse employed by the report (despite its relative indulgence of friendly states and allies), and the direction of US policy towards countries harshly criticized in the report, to the extent that they cannot possibly be reconciled⁽⁵¹⁾. This fact spurred one of the leading American human rights organizations to wonder whether the function of such reports is to gather dust on congressional and executive branch bookshelves⁽⁵²⁾.

The American policy towards the Arab world is no exception. Its priorities in the region - as noted by National Security advisor Anthony Lake - are "the security and well-being of Israel, the stability of friendly Arab states and the need to contain the reactionary backlash states"⁽⁵³⁾. Those priorities are accurately represented in the US Security Programs and Foreign Assistance⁽⁵⁴⁾.

There is no evidence of the high priority of human rights in American rhetoric, even in terms of bilateral relations, not only with friendly states such as Saudi Arabia or Bahrain or Israel, but even with a country like Syria⁽⁵⁵⁾. As for Egypt, the American administration considers human rights a second rate issue, which is not pursued as an immediate goal nor required because of its intrinsic value. Human rights in Egypt are required either for the political stability of an allied regime or as a secondary by-product of the process of economic liberalization which receives all the emphasis of the US⁽⁵⁶⁾.

If there is a human rights achievement that can be noted in American policy in the Arab world in the last three years, it would be the granting of the right of movement to Syrian Jews! This is an indicative achievement indeed, yet what really shows its meaning is the subsequent American indifference towards the international human rights campaign for the release of the leaders of the Syrian human rights movement!

The question can be raised that, if it is true that the hypocritical discourse of American policy is not useful, is it necessarily harmful? The answer - without any hesitation - is yes.

It is doubly detrimental. First, because of the harm it does to the human rights movement, and second, when in practice it leads to the opposite of what it verbally

seeks, i.e., leads some Third World governments to more obstinacy in preserving their immoral human rights practices.

Regarding the first aspect, we find that the connection in the media between human rights and American policies has led to great losses for human rights as a movement and a principle, and its suppression in the Arab world for a long time⁽⁵⁷⁾. How easy it is to picture the losses of the human rights movement if considered synonymous with American policy, when the latter is represented by statements like, "the absolute bias for Israel and protecting its black record in human rights in the Security Council and in the UN Commission on Human Rights," the "destruction of Iraq," "suffocating Libya," and so forth.

This prevailing perception about the harm which American policies do to the idea of human rights is not limited to the Arab world. It can be observed in different parts of the world, especially during international NGO meetings, the foremost of which was the World Conference on Human Rights in Vienna two years ago. This impression is also concretely observed by American human rights NGOs⁽⁵⁸⁾.

Regarding the second type of harm, we should note that nobody is taking the American discourse on human rights seriously anymore, especially after it knelt before the Chinese obduracy last year, and after the adoption by the Clinton administration of the same justifications employed by the Bush administration for granting China most-favored-nation trading status, in total disregard of human rights considerations.

Since the early nineties, China has replaced the USSR as the leader of the Third World countries in the UN Commission on Human Rights, in a period of deep changes on the international level. During the period of Chinese leadership, the human rights discourse of Third World countries crystallized into two main constituents. The first obstinately defends their poor record concerning civil and political rights. The second attacks the West regarding social and economic rights, after reducing these rights to mean the right of those countries to more developmental aid, and the rights of their governments to autocratically manage the national economies, as indispensable prerequisites for any discussion of civil and political rights.

Yet the real baptism of China as the leader of the Third World only came about after its success in bringing the American human rights discourse to its knees, which has renewed the credibility of Mao Tse Tung's well known statement that America is nothing but "a paper tiger"⁽⁵⁹⁾.

In fact, there is widespread fascination with the Chinese model among many of the ruling elite in the Arab world, because of its ability to combine the systematic transformation to a liberal market economy integrated in the world market with the preservation of the totalitarian authoritarian regime and under its leadership, and because of the Chinese ability to pay the price of their confrontation with the Western superpowers concerning human rights, while at the same time presenting this attitude as a patriotic stance despite their complete consistency with Western interests in most of the important international issues⁽⁶⁰⁾.

The later developments in Egypt constitute the most visible indications of an Arab attempt to imitate the Chinese model. Since 1992 at least, Egypt has been putting into practice a more vigorous policy of integration in the world market, while having certain conflicts - in the context of an intimate relation - with the US, and presents this confrontation as a message that friendship is different than dependency. Meanwhile, the state has been tightening its grip on all aspects of political life, including the syndicates and civil society, to ensure the hegemony of the ruling party and perhaps the return to the political system of the fifties and sixties⁽⁶¹⁾.

To conclude, dropping human rights considerations from the official American discourse would make it more moral and consistent, and less harmful to the Third World and the human rights movement.

The Punishment for Cooperation

The American policy towards China has led Third World governments to believe that they have nothing to lose if they show more intransigence in opposing the pressures to monitor human rights conditions in their countries. On the contrary, they might be granted the most-favored-nation trading status! At the same time, some American human rights organizations adopt a policy by which they punish those who cooperate with them and who open their penal institutions for inspection and monitoring. Both policies converge in pushing governments towards more inflexibility.

This is exactly what happened with the Egyptian government. It started with allowing international NGOs to undertake fact-finding missions, and to move around the whole country, speaking to anybody and holding press conferences. It even allowed Human Rights Watch to inspect six prisons - an opportunity never offered by any other Arab country. In the end, and for this very reason, the Egyptian human rights records were more in circulation and much more criticized than other countries which have immeasurably worse records, such as Saudi Arabia and Libya, etc., and this because of Egypt's cooperation with international human rights organizations.

As a result, the government reviewed this policy last year, declared its total rejection of any new inspection of its prisons, and started a new, cautious policy as regards cooperation with American human rights organizations.

At the same time, the government started harassing local human rights NGOs, and even challenging the legality of those which are legally registered; this may be explained by the fact that the government considers EOHR the main source of information about human rights⁽⁶²⁾ publicized by international organizations in general and American organizations in particular.

Analyzing official discourse during this last year, it seems that the Egyptian decision makers have become convinced that American human rights NGOs work closely with the American administration or even work as an arm of the administration. And that EOHR is either unconsciously part of this (i.e., being used as a data collector about the bad conditions of human rights), or consciously, due to its need for foreign financial support. This is being widely propagated by some writers who are closely related to

government circles, making use of public opinion's great sensitivity with regard to anything related to the West in general and the US in particular.

This whole argument is absolutely mistaken, and perhaps it needs no effort to controvert. It might be enough to recall EOHR's refusal in July 1992 to host a press conference for the Middle East Watch to announce its report "Behind Closed Doors - Torture and Detention in Egypt," after EOHR discovered that the recommendations of the report regarding suspension of American and European aid to Egypt had not been recommended by Middle East Watch regarding Israel, despite its poor record in the occupied territories.

With positions like these, some of the international human rights NGOs - albeit indirectly - adversely affect the effectiveness of the Egyptian human rights movement and its influence on the government agenda and on civil society.

Certainly, this does not summarize the role of international and American human rights organizations. The international human rights movement had played a decisive role in keeping EOHR alive, after it was outlawed and after some of its leaders were arrested and tortured. It can be said that, without the swift and dynamic response of those organizations - particularly the Lawyers Committee for Human Rights - at that time in 1989, EOHR would not have been able to survive, and to subsequently usher into the world five other human rights institutions which form the framework of the movement in Egypt today.

Also, several international organizations have played an exceptional role in extending moral and material support for EOHR; they assisted it by offering experience and altruistic advice, and showing their solidarity in the critical moments of EOHR's life, in essence its ten years of existence. In the context of discussing American human rights organizations, it should be noted that the Lawyers Committee for Human Rights has embodied all those noble ideas, which are consistent with the ideals of human rights in its relation with EOHR and later with the Egyptian human rights movement.

However, it seems that what the Egyptian and the international organizations (including the Lawyers Committee for Human Rights) lack most is an integrated strategy for dealing not only with Egypt, but with the whole category in which Egypt falls in the international classification of governmental performance as regards human rights, and which at the same time allows international and local human rights organizations to operate relatively freely⁽⁶³⁾.

I think there is an immediate task that imposes itself forcefully on the agenda of the international human rights movement, including American and Egyptian organizations. And that is to review the movement's strategy in light of its declared goal of improving the conditions of human rights, and in the light of the achievements secured in that regard. Furthermore, according to the above-mentioned considerations, the international movement should develop a suitable strategy for enhancing its role and augmenting its positive influence on the agendas of both governments and civil society concerning human rights.

I am not in a position to suggest such a strategy. Yet, it still might be appropriate to shed light on some considerations that are taken for granted by those who work in the field of human rights, yet are often marginalized due to the daily struggle to follow the flood of rights violations.

1) One of the most valuable pieces of advice for local human rights organizations is independence from both the government and political opposition. And although I do not belong to those who have suspicions about the American NGOs' independence from the American administration, those NGOs should not allow for any equivocalness - however natural it might seem - which could jeopardize their credibility, including the nature and form of their relations both with the American administration in Washington and in the capitals of the countries in which they undertake fact-finding missions. Moreover, they should shun those practices that give the impression that they view the American administration as an instrument for implementing their recommendations concerning other countries.

2) The main goal of human rights NGOs is trying to improve the conditions of human rights using all the recognized tools of the human rights movement. It is important that every organization reconsider its means when dealing with any particular issue, and whether its actions would contribute to achieving its noble goals or produce adverse effects.

In this context, it is important to reflect on the conduct of Human Rights Watch in dealing with the Egyptian government. Human Rights Watch bases its strategy on continuous media confrontation, and especially focuses on Egypt as opposed to other - better or worse - countries in the region, irrespective of their human rights records. In addition, during his visits to the US, Human Rights Watch hounds the Egyptian president with this record through the media, and calls for the suspension of American and European aid to Egypt, while at the same time applying different standards for Israel.

The natural way to evaluate all of this is to question whether it helped improve the conditions of human rights, and maintain dialogue with the government in Egypt - an indispensable prerequisite for any improvement - and whether this added to or impaired the credibility of Human Rights Watch in Egypt.

I do not suppose that the point of view expressed here is new to those in charge of the Middle East Watch, for I have previously informed them of it on more than one occasion, and particularly when they asked for my opinion in the context of their strategic planning and revision process.

3) The needed strategy should answer the question of the ideal means to propel countries to improve their human rights records and raise themselves to a higher level of performance, not to plunge to a lower level, reasoning that they have little to lose with respect to their present level of performance.

It is also important to note that those countries constitute the domain for the really productive work of the international human rights NGOs⁽⁶⁴⁾. For it is the case that in the lower level, it would most probably require a coup or a revolution to improve

respect for human rights, and this is - needless to say - not a task for human rights NGOs. On the other hand, working to improve human rights conditions in countries that respect human rights does not have great significance.

In this context, the message of the human rights organizations to the governments should be that the governments would gain from improving their records in human rights, and that they would concretely lose if they did not improve, or worsened, their records.

This message should replace the single-toned one which only carries warnings about losses, regardless of the level of response or cooperation, especially since many governments have developed special expertise in dealing with international media campaigns, and in enduring them for long periods.

4) The human rights discourse should skillfully combine avoiding the language of political confrontation and taking into consideration the social and cultural facts of the society being addressed.

The universality of human rights does not in any way mean addressing all societies in the same manner. Nor does the unity of the content of the discourse mean that there is a blueprint ready to be applied to all societies in all times and places, without regard for the political, economic, social and cultural facts.

Without studying and understanding these facts, and carefully considering them in order to deduce a suitable strategy, the call for human rights will reach a dead end, both with governments and civil societies.

Conclusion

The time has come, at the close of the second decade since the birth of the Arab human rights movement, to pause and reflect on its course.

Much water has passed under the bridge. And I think it is time to study and evaluate the new position of the movement, and to develop a long-range strategy to deal with new factors. The appropriate framework for undertaking these tasks is probably a special conference, which should be convened with the participation of the most prominent international human rights NGOs. It would be a great honor for the Cairo Institute for Human Rights Studies to undertake the necessary preparation and coordination for such a vital conference.

The problematic of human rights advocacy in the Arab world, especially in Egypt, is much more complicated than many perceive. Introducing the notorious thesis of Samuel Huntington about "The Clash of Civilizations" in that regard leads only to oversimplification and reductionism; I fear it is done by some to wash their hands of their previous responsibility for the deterioration of human rights conditions and for hindering efforts to improve them, and also their subsequent responsibility to rectify this situation.

There are two aspects to the human rights problematic in Arab culture. One is related to the prevailing conservative interpretation of Islam, which forecloses independent legal thinking ("Ijtihad"). The other is related to the prevailing political culture, in

which humiliation by the West of the Arab world constitutes one of the most important driving forces, hence forming an obstacle to the dissemination of human rights thought and culture.

In that latter regard, some Western countries bear an unrenounceable historical responsibility, both because of their long-standing antagonistic attitudes towards Arab interests and causes, and because of the harm their double-standard policies have inflicted on human rights as an idea and as a movement. Thus, there are certain responsibilities, which those countries - especially the US - should assume in that regard.

If it is indeed an illusion to expect that a country such as the US would subordinate its national interests all over the globe to human rights considerations, then the best it can do is to cease employing those considerations in its political discourse. This should be done not only for consistency with its actual practices, but primarily to restrict the harms inflicted by such a discourse on the idea and movement of human rights in general, and in the Arab world in particular.

References

- 1- Bahey El Din Hassan, "Towards the Institutionalization of the Human Rights Movement", Paper submitted for discussion in EOHR's workshop, August 13, 1993.
- 2- "The impact of the Human Rights Movement on the Government and Civil Society", a report on CIHRS round table discussion, Sep. 26, 1995.
- 3- On this see "Sawasiah" # 1, 2, 3 & 5, a bimonthly bulletin of CIHRS. These issues covered CIHRS debates with the Islamists, Leftists and Pan-Arabists on renewing those political trends in the context of democracy and human rights.
- 4- On this see Bahey El Din Hassan, "The concerns of the Egyptian Human Rights Movement", E.O.H.R., ed. Mohammed El Sayed Said, "Deliberations of the first Intellectual Meeting of E.O.H.R, 1988" (Cairo: Dar El Mostakbal, 1990).
- 5- On this see "A Crime without Punishment: Torture in Egypt", E.O.H.R., Cairo, 1993.
- 6- On this see Bahey El Din Hassan, ed. "In Defending Human Rights", Chapter 2, "Violating the right to life and the bloody and sectarian violence", E.O.H.R, Cairo, 1993.
- 7- Waheed Abdel Maguid "Restricted Pluralism: How Does It Differ From Authoritarianism", Civic forum, September 1995, Cairo.
- 8- Iman Mohamed Hassan, "The Functions of Political Parties in Restricted Pluralistic Systems - A Case Study: The Tagamu' Party in Egypt, 1976 - 86". M.A thesis in political science, Cairo University, 1993.
- 9- Iman Mohamed Hassan, Ibid.
- 10- Iman Mohamed Hassan, Ibid.
- 11- "Face to Face, the comment of E.O.H.R on the 2nd periodic report of the Egyptian Government to the U.N Human Rights Committee", E.O.H.R, Cairo, 1993
- 12- Ibid.
- 13- Ibid. See also Manar El Shorbagy, "Civil Action in a Disaster Situation - The Experience of the Egyptian Civil Society in the Flood Disaster, 1994", CIHRS Paper to the World Conference on Social Development, Copenhagen, March, 1995.

- 14- Amani Kandil and Sarah Ben Nafisa, "NGO's in Egypt", Ahram Center for Political and Strategic Studies, 1995.
- 15- Denis J. Sullivan, "Private Voluntary Organizations in Egypt", University Press of Florida, 1994.
- 16- Barbara Ibrahim in Denis J. Sullivan, Ibid.
- 17- Denis. J. Sullivan. Ibid.
- 18- Mohamed El Sayed Said, "Human Rights Advocacy in the Context of the Contemporary Cultural Status in the Arab World". CIHRS paper to the workshop "Towards a Professional, Independent and Effective Arab Human Rights Movement", Amman, January 1994.
- 19- Mohamed El Sayed Said, Ibid.
- 20- Mohamed El Sayed Said, Ibid.
- 21- Bahey El Din Hassan, "The Current Crisis for the Freedom of Thought, Expression and Belief" in "Freedom of Opinion and Belief- Restrictions and Problematics", EOHR, 1994.
- 22- Mohamed El Sayed Said, op. cit. See also his article "Minorities in the Arab World", Al Hayat, May 24 & 25, 1994.
- 23- On this see Mohamed Fayek, Secretary General of the Arab Organization for Human Rights (AOHR) in an interview published in "Al Hayat", Feb. 16, 1995; Nour Farahat, Board member of the Arab Institute for Human Rights (Tunis), "Human Rights in Egypt", Al Mosawar, a series of 5 Articles, February 24- March 24, 1995, Cairo; Nader Fergani, ex-member of the Boards of AOHR and EOHR, "The West: Employing Human Rights in Furtherance of its Interests: Violating Human Rights for the Realization of its Interests", El Shaab, Dec. 10, 1992; Samir Morcos, Director of the Coptic Center for Social Studies of the Orthodox Church, "The Subjunction and Partitioning of the Arab Region", Al Qahira, July 1994.
- 24- Mohamed El Sayed Said, op.cit.
- 25- Bahey El Din Hassan, "Towards the Institutionalization of the Human Rights Movement", op.cit.
- 26- Bahey El Din Hassan, "The Potential for Restructuring the Arab Human Rights Movement", CIHRS Paper to the workshop "Towards a Professional, Independent and Effective Arab Human Rights Movement", Amman, January 1994.
- 27- Bahey El Din Hassan, "The Concerns of the Egyptian Human Rights Movement", op.cit.
- 28- Bahey El Din Hassan, "The Potential for Restructuring the Arab Human Rights Movement", op.cit.
- 29- Bahey El Din Hassan, ibid.
- 30- Mohamed El Sayed Said, "The Roots of Turmoil in the Egyptian Organization for Human Rights: Dynamics of Civil Institution-Building in Egypt", (CIHRS paper), Cairo Papers in Social Science, Vol. 17, American University, Cairo, 1994.
- 31- Bahey El Din Hassan, "A Human Rights Reply", Al Ahali, September 1, 1993.
- 32- Bahey El Din Hassan, "Towards the Institutionalization of the Human Rights Movement", op. cit.
- 33- Pitor Konozewski, "Building the Institutions of Civil Society" in "The Role of Voluntary Organizations in Emerging Democracies", The Danish Center for Human Rights, 1993.
- 34- Pitor Konozewski, ibid.
- 35- Mohamed El Sayed Said, "Human Rights Advocacy in the Context of the Contemporary Cultural Status in the Arab World", op. cit.

- 36- Mohamed El Sayed Said, "Roots of Turmoil in the Egyptian Organizations for Human Rights", op.cit.
- 37- Ibid.
- 38- Ibid.
- 39- Ibid.
- 40- Ibid.
- 41- On this see Bahey El Din Hassan, "In Defending Human Rights", op.cit.
- 42- Bahey El Din Hassan, "Towards the Institutionalization of the Human Rights Movement", op.cit.43- "The Impact, of Human Rights Movement on the Government and Civil Society", op.cit.
- 44- On this see Brian Currin, "Summing Up: Civil Society Organizations in Emerging Democracies", in "The Role of Voluntary Organizations in Emerging Democracies", op. cit.
- 45- "The Impact of Human Rights Movement on the Government and the Civil Society", op.cit.
- 46- On this see Brian Currin, op.cit.
- 47- Mustafa Kamel El Sayed, "Human Rights and the International Community", El Siassa El Dawlya, April, 1989.
- 48- Stephanie Ann Mulica, "U.S Foreign Policy and Human Rights in Egypt", Cairo Papers in Social Science, Vol. 17, American University, Cairo, 1994.
- 49- Ibid.
- 50- Ibid.
- 51- Lawyers Committee for Human Rights, "Critique 1994", A Review of the U.S. Department of State Country Reports on Human Rights Practices, 1995.
- 52- Lawyers Committee for Human Rights, "Critique 1992", 1993.
- 53- On this see Amnesty International USA, "Human Rights & US Security Assistance," 1995.
- 54- Ibid.
- 55- Neil Hicks, "Human Rights and the Peace Process in the Middle East - Opportunities and Constraints", Unpublished article, 1995.
- 56- Stephanie Ann Mulica, op. cit.
- 57-Mohamed El Sayed Said, "The Roots of Turmoil in the E.O.H.R", op. cit.
- 58- Neil Hicks, op. cit.
- 59- Hana'a Ebeid, "American-Chinese Relations Between Trade Balance and Human Rights", Al Siassa Al Dawlya, July, 1994.
- 60- Mohamed El Sayed Said, "Is it Possible to Apply the Chinese Model in the Arab World?", Al Hayat, March 8, 1995.
- 61- Ibid.
- 62- Response of the Egyptian Foreign Ministry to the Middle East Watch Report, June 9, 1993.
- 63- Mohamed El Sayed Said, "International Human Rights NGO's - How do they operate? How do we deal with them?", Al Hayat, Feb. 21, 1995.
- 64- Ibid

PART 3

PROBLEMATC OF HUMAN RIGHTS MOVEMENT IN ARAB MAGHREB

HUMAN RIGHTS ORGANIZATIONS: THE DIFFICULT TASK? THE TUNISIAN EXPERIENCE*

MONCEF EL MARZOUQI**

It is not easy to describe the experience of the Tunisian League for the Defense of Human Rights. Its history, particularly in recent years, is full of bitter struggle and conflicts between friends and opponents, and even among friends themselves. This state of affairs inflicted deep wounds in the minds and souls of those concerned, some of which have not yet healed. Consequently there are risks of subjective analysis. Nevertheless I will attempt to present the following reflections.

While I do not claim to be objective, I would uphold intellectual integrity as steadfastly as I can. This is the most I can pledge to do. A review of the "epic" and downfall of the Tunisian League reveals several lessons and enlightening

Experiences, especially during this stage where all Arab human rights organizations are seeking equilibrium and a role and omnipresence among political and ideological/religious parties.

The League was quite a distinctive part of a general phenomenon. By the end of the seventies and beginning of the eighties, several organizations had entered the political arena in the Arab World. Those organizations and groups, which are the product of civil societies, are unprecedented. These are human rights organizations, now numbering 25 local and three regional organizations⁽¹⁾.

* This study was published in "Rowq Arabi" Quarterly Issued by CIHRS, July 1996 Issue.

** Former President of the Tunisian Association for Human Rights.

Undoubtedly, future historians will comment on the significance of this phenomenon and evaluate its consequences, such as its impact on the political and cultural environment in Arab societies at the end of this century, and, consequently, their role in bolstering modern civil society. Furthermore, the Tunisian League of Human Rights will attract more attention than other organizations, and its experience will be put under the researchers' microscope for several reasons:

- * It is the first Arab organization to be established (1977). It served as a model for the Algerian, Moroccan, Egyptian, and Mauritanian human rights organizations, and the Arab Organization For Human Rights, which emerged in the 1980s.

- * Within the League, all problems inherent in the nature of such organizations began to emerge, including issues of organization, equilibrium between activism and professionalism, etc.

- * This organization survived the sharpest internal crises, particular on the eve of the Gulf War, when attitudes and ideologies collided and it became quite difficult to differentiate between the political and the human rights dimensions of issues.

- * The League has waged the most ferocious wars to defend its principles and autonomy against the attack of the totalitarian state. The confrontation between the two sides was the main political event in Tunisia in the 1990s. This conflict has clearly demonstrated the limits of the totalitarian state in dealing with this kind of organization, and the limitations of such organizations in their ability to withstand pressure and maintain their own autonomous existence.

A question arises: How can we establish and orient human rights organizations to undertake their main objectives, namely, to disseminate human rights ideas, oppose violations, and play a positive role in democratizing the state and society through peaceful and legal means?

We must evaluate our experience in this area and be capable of formulating guidelines, free from preconceived ideas.

The League has been an historical experience in the academic and scientific sense of the term because it emanated from several organizational and political assumptions that, in reality, proved to be erroneous and unfounded. Herein lies the importance of this experience, not only in the mistakes it highlighted, but also the stunning impact it produced throughout the 1980s on Tunisian society and the Arab human rights movement.

A short paper like this one cannot be exhaustive, especially as many details only concern those interested in the Tunisian context. Our objective is to present a collection of events and facts which can provide a better understanding of the difficulties that any human rights organization might encounter. We can probably draw some lessons to extend the life span of the Arab human rights movement.

I suggest to the reader several facts and illustrations concerning the three major crises experienced by the Tunisian League. However, we should always keep in mind the

major question: How can this rich experience benefit existing organizations and improve the quality of their action, or how can it be used to establish a more resilient and more effective organization in future? (This does not mean that they would not run into difficulties, but perhaps of a different kind.)

Between Expansion and Ebb

The League was born in May 1977, five years after the presentation of the first petition by a group of independents, moderate opposition members who were close to the state and the ruling party. To pay allegiance to historical integrity, we should appreciate all the founders of the League, who made its terminology and principles a model for all political classes, including the ruling elite.

This plea came amidst political action within the civil society throughout the seventies, represented in the demand for individual freedoms put forth by the suppressed Left, and the eruption of a conflict within the ruling party itself (the Constitutional "Destour" Party) between advocates of democratic openness and proponents of the traditional line, who turned down all democratic reforms under the pretext that Tunisian society was "immature," "unripe" and even ineligible for democracy. Furthermore, we should focus on the importance of the trade union movement then, and the ascending political role of the Islamic movement. All those phenomena indicated the opposition of the entire society to the detestable absolutism that the regime had imposed by coercion on the country since independence.

The state refused to yield to the request at first; then it lingered and postponed it, and finally sanctioned the League, but with unfair conditions, such as the presence of Destour Party members within the organization. Hence, the League was established out of necessity rather than by choice, because the authorities were compelled to accept it as a result of the pressure exerted by the American President Carter. This President's administration made human rights a major pillar of its policies and a basis for alleviating the great turmoil within Tunisian society, which was anxious for pluralism and democracy.

According to the authorities, tolerating the Tunisian League for Human Rights was less harmful than sanctioning an opposition political party that could break the ruling party's monopoly of political power. However, the regime did not estimate the seriousness of its mistake until it was too late.

As it happened, therefore, the League was born as a substitute for a Democratic Party that the regime insisted on rejecting until the beginning of the eighties. Consequently, all the abundant vital power and energy of Tunisian society poured into the League, which soon became a shelter and asylum for all unrecognized opposition movements, such as democrats, liberals, leftists, nationalists and Islamists.

It was imperative to organize this diverse multitude under the umbrella of human rights. Those members that had different intellectual identities, different, and

sometimes contradictory, starting points, shared one thing: the desire to put an end to the manipulation of the single party, the single ruler and the autocratic opinion.

At the beginning, and for several years, the League was constrained by its role as a substitute for a Democratic Party. This situation overburdened it with a weighty task, which surpassed its capabilities. It was not easy for this group to become the parliament of civil society, a confederation for both declared and clandestine opposition parties, and at the same time a human rights organization whose role and functions were not specified, especially as it was the first of its kind.

Nevertheless, the League was able throughout the eighties, with lots of moderation, courage, low-key discourse, and tactical wit, to "assemble" its bits and pieces, to overcome its internal contradictions, to impose its existence, attitude and discourse, to disseminate human rights language and concepts, and to confront the authorities in more than one crisis, imposing respect and setting a precedent for other independent associations which often turned to the League for assistance and support.

Hence, it became a center of attraction within Tunisian society, and membership in the League became a great honor for the elite.

Its unexpected sweeping success throughout the eighties had more than one cause, the most important being the weakness and subsequent collapse of opposition democratic parties, and suppression of the trade union movement. In this way, the League became the sole refuge for democrats and the fortress that defends the values of freedom, especially in the nineties when the totalitarian state began to recover from the losses of the eighties brought about by President Bourguiba's senility of old age, the weakness of the ruling party, popularity of democratic organizations and movements, and the ascendancy of the Islamic wave.

The period of expansion launched in 1977 reached its climax in 1991-92, when the last bastion of freedom in the country was brutally struggling against all state attempts to subdue it. This stage ended in 1994, when the well-established organization became so weak and incapacitated that it was prohibited from publishing its rare statements and from all tangible activities. The League lost its prestige within state circles, and its credibility within society waned. Most of its branches vanished, and at least half of its members joined the human rights movement as agents of the government in order to pacify the organization.

The great success scored internally and externally was due to sincere struggle and colossal sacrifices. The downfall of the League came as a result of state pressures, as well as structural defects within the League, which came to the fore during the three major crises it experienced.

The Crisis in the Frame Of Reference

It is an historical irony, as Hegel contends, that the Universal Declaration of Human Rights was formulated by an agency of imperialist/despotic states, so that the major

intellectual and ethical frames of reference of national and international movements against oppression and imperialism were led by non-governmental organizations, i.e., those seeking to be beyond state control⁽²⁾.

This was crucial to unite activists within the organization, link them with the international human rights movement, and boost their standing within the local political arena vis-à-vis authority and classical opposition parties.

From its establishment, the managing agency upheld the principles of the Universal Declaration. However, this could not conceal the weak formation of an overwhelming number of human rights activists. This was due to the intensive penetration of the field of human rights by political activists who did not distinguish between purely political struggle and human rights activism. Moreover, some opportunists penetrated the movement and made the League a facade for social prestige, while they actually harmed it tremendously.

Clearly, it is difficult for a human rights movement to pick and choose all its members meticulously and accurately. However, accepting into membership various party members who had nothing in common except a denunciation of the regime was a grave mistake. Membership standards and criteria were quite "elastic," and were only controlled by membership in this or that party, under the pretext that a balance should be maintained among all parties, so that no single force could overtake the League.

This fragile framework for the selection of adherents was illustrated in a cartoon-like charade during the League's Third Assembly in 1985, when one of the representatives of the League's branch in the town of Qafsa stood up to protest the nomination of a Jew for the League's managing agency, within an organization supposedly based on the elimination of all forms of racism. I remember having replied by saying that I was proud of being an Arab because our Arab World was the only nation that represents in its classical history a Negro as a symbol of courage (Antara), a Christian as a symbol of generosity (Hatem El Ta'i) and a Jew as a symbol of fidelity (Al Samaw'al).

A provisional charter was suggested and ratified in 1985, eight years after the establishment of the League. During discussion, thorough disagreements came to the fore. This charter ran into staunch opposition on the part of Islamists within and outside the League. Disagreement centered around four key items in the Universal Declaration, namely, full equality between men and women, freedom of belief, Islamic punishments and the right to adopt children⁽³⁾.

Hence, an intense debate was launched in the political arena over theoretical problems, such as: Do we accept the right of a Muslim to repudiate his faith in Islam? Can we sanction the marriage of a Muslim female to a non-Muslim male? Should we abstain from applying capital punishment to those who rape children? Should we accept illegitimate children as equal to other children?

I suggested a preamble to the Charter, stipulating that the League derive its concepts from three sources: liberal values in our Arab-Islamic legacy, the Constitution of the

Republic, and the Universal Declaration of Human Rights, provided they do not contradict one another. The preamble was reluctantly passed.

Despite the fact that a majority ratified the charter, whose style and formulation were closest to the Universal Declaration,, several "fissures" remained in the body of the League. This state of affairs stressed the existence of undercurrents with superfluous belief in, ill knowledge of, and hesitant recognition of, the "a-b-c's" of human rights thought.

The Gulf crisis of 1990-1991 came as an earthquake. For the first time in its history, the League was on the edge of explosion and discord, which reflected the fragile belief in and interpretation of its frame of reference⁽⁴⁾.

On 4 August 1990, the League hastened to denounce the invasion of Kuwait, on the basis of the right of all nations to self-determination. This contravened the general emotional orientation within Tunisia, which tended to support Iraq's president. Despite the fact that the League asserted clear-cut attitudes in all its declarations, rejected the logic of war, condemned this war upon its eruption, and repudiated the double-standard of Western policy, especially in the boycott imposed on the Iraqi people, the regime, which supported Iraq from the beginning, never forgave the League for having distinguished between Iraq's ruler and the Iraqi people, nor did it accept the League's condemnation of human rights violations committed by the Kuwaiti regime later on.

Theoretical conflicts over the relationship between human rights and peoples' rights, whether the double-standard policy meant that we should forsake human rights, etc., could have been an element of intellectual enlightenment. On the contrary though, these conflicts brought the League to new lows. The Vice President of the League unequivocally declared full endorsement of the Iraqi regime's positions, and candidly advocated the legitimacy of using chemical weapons⁽⁵⁾. He even called for my resignation because I used my personal name (and not a pseudonym) in an article where I called for distinguishing between the Iraqi dictator and the Iraqi people, and rejected the unacceptable comparison between so-called national and non-national dictatorship, or the contrast of human rights with peoples' rights, as if a people deprived of freedoms like the Iraqi people could not have collective peoples' rights.

This crisis again highlighted the fragility of the top leadership's commitment to human rights, let alone the lower levels, which mostly supported Iraq's invasion of Kuwait. Those leaders embarked on a double-standard evaluation of human rights, while criticizing the double-standard policy practiced by others.

It became quite clear during this crisis that a Baathist vice president of a league which supposedly endorsed peace and did not differentiate between the rights of human beings and of nations could easily support a dictator simply because he is a "Baathist." Furthermore, activists defending freedom of opinion and of expression could go to extremes and silence the opposition because it did not conform with their political preferences.

Few activists have been able to read the Gulf crisis from a human rights perspective. They considered it a crisis of serious and mutual violations, one that should be dealt with objectively, i.e., by condemning human rights violations inside Iraq, the transgression of the rights of the Kuwaiti people - a nation acknowledged at the Arab and international levels - by the Baghdad regime, violation of the rights of Iraqi and Palestinian peoples by Western states, and the violation of the rights of Palestinian, Yemeni and Egyptian workers by the Kuwaiti and Saudi regimes.

Those successive crises revealed that, for many, human rights are restricted to the critique of regime violations. For those, it was difficult to go deeper than that, due to the fragility and even impossibility of merging new values with traditional intellectual stereotypes at three major levels:

- It was difficult to grapple with international declarations, charters and covenants as documents formulated by all civilizations, rather than as another facet of Western imperialism.
- It was difficult to merge some values with the pillars of the Islamic intellectual-spiritual framework, as was clear in the crisis of the provisional charter.
- It was also difficult to distinguish the human rights from the political aspects. In any serious political crisis, violations of the rights of one's side are highlighted, while violations committed by their own side are overlooked.

This crisis radically shook the League. I found myself involved in conflicts and disagreements with my closest friends and most sincere colleagues. The League was almost shattered, had it not been for violations which were resumed at the local level. This brought the League together at the superficial level, and concealed deeper disagreements.

The Political Crisis

The role of any local human rights organization revolves around three tasks:

- Definition and advocacy of human rights ideas and values within a specific country.
- Monitoring violations of those rights.
- Striving, using legal and peaceful procedures, to rectify state practices to conform with and respect those rights.

Those tasks put the organization constantly in jeopardy of colliding with the regime. Paradoxically, the regime itself is the main sponsor of those rights, by providing security, education, and health services. However, it is the first to violate them through transgressions, prohibition of freedoms, etc.

Those three tasks are primarily political. In fact, politics are inevitable, because the dissemination of new values means challenging and confronting the regime's values,

and this is politics, pure and simple. Condemning torture, unfair trials, etc., is a critique of the regime, and again this is politics. Striving to modify state practices is also politics.

However, the human rights organization is not a political group per se; it is rather a new kind of political organization⁽⁶⁾.

The major characteristic of a human rights organization (worthy of its name), which distinguishes it from an opposition party, is that the former does not seek to change the regime but to change what's inside the regime. In other words, it does not consider itself a substitute for the existing regime but rather as one of the reformist forces.

This means that its objective is not to wield power, but to influence state policies. This absolutely requires full autonomy from the state on one hand, avoidance of any claim to power, condemning state violation of freedoms, and shying away from cover ups for or justification of those violations on the other.

Unfortunately, in Tunisia acceptance of cabinet appointments defeated the first principle and the acceptance of the Law of (Civil) Associations exposed the failure of the second principle.

After the ascendancy of Mr. Zein El Abidin Ben Ali to power in 1987, the authorities vowed to fulfill democratic demands advocated by the League and other civil society organizations for more than two decades. The government then took some positive measures, formerly advanced by the League, such as limiting the term of detention by the police and ratifying the agreement against torture. Hence, it began to gather around it key opposition figures from the Bourguiba era, to such an extent that four prominent members of the League (two presidents and two general secretaries) were appointed as cabinet ministers, in a clear attempt to polarize the human rights movement and tame it for the benefit of the state.

The matter was received with a silent objection and legitimate concern that the confusion and interests should weaken the League's authority as a moral opposition and bolster the regime as an executive authority that could appoint even presidents of the League as ministers. What further accentuated the situation is that none of those prominent leaders resigned in protest against escalating human rights violations, or the blows dealt to the League at the beginning of the nineties. Not only this, but Mr. Mohammed Al Sharfi went so far as to justify the execution of some Islamists.

Upon my election, I promptly issued a public statement declaring my "ineptitude to become minister." This statement stirred up the anger of the regime, which understood the implication that no attempt to contain me could succeed.

Some may claim that it is more effective to seek power in order to achieve one's objectives. This is quite logical, provided that institutions and functions are not mixed up and that the person continues his struggle for human rights while in power, rather than renouncing it upon reaching the seat of government. The League has experienced this confusion and contradiction, and consequently an internal turmoil took place,

which eventually made it lose credibility within Tunisian public opinion circles when other appointments followed, hence stimulating the appetite of some League cadres".

The second characteristic of the political aspects of the work of any human rights organization is that it should have a firm stand vis-à-vis the authorities, without antagonizing them, if they violate rights, and should support them, without excessive endorsement, whenever they respect those rights.

Objectivity and integrity are the two main features that help the organization fulfill its mission.

The political crisis emerges when the human rights organization becomes a disguised party that supports the regime, or a concealed opposition party that has no purpose except to strike at the system. That the Tunisian League successfully avoided this pitfall for many years was its most impressive achievement.

The serious political crisis experienced by the League from 1991 came as a result of the League's commitment to this moderate attitude, which did not at all satisfy a regime that wanted only full allegiance. Furthermore, the balance of powers within the League was reversed in favor of the regime during the combat concerning the Law of (Civil) Associations.

A review of the League's declarations during this crisis, which reflected a more general political crisis, is proof of the soundness of its political methodology. Following this crisis, the regime withdrew all its promises to establish democracy, and embarked on a rejuvenation of the totalitarian system and the Bourguiba era of the sixties, under the pretext that those measures were meant to resist the Islamic fundamentalist peril and the intense confrontation between the regime and the Islamic Revival Movement. This process began with the legislative elections in 1989, and reached its peak in 1991, when the Movement was accused of attempting to topple the regime.

During this critical period, when individual and public freedoms were circumvented in an unprecedented way, the League did not deviate from a policy reflected in its slogan: "We neither antagonize nor yield"⁽⁷⁾.

In the 7 June 1989 declaration, the League focused on the right of peaceful association, and did not exclude the "Revival" from this right, because human rights are not suitable for some human beings and not others. Furthermore, it firmly denounced in several declarations, particularly those of 26 July 1990, 14 June 1991, and 12 December 1991, the circumstances of arrest and detention, and more particularly torture (which had been the League's main concern since the launching of the anti-Islamist campaign), as well as capital punishment.

It has been clear from the outset that the League was not defending Islamists in their ideological capacity as Islamists, but as citizens whose political rights should be respected: their right of personal integrity, right to humane conditions of arrest, and to fair trials. Put differently, the League had basic and principled, rather than political, positions, rather than supporting one group against the other. The League

condemned transgressions committed by Islamists themselves in the University (in December 1989), the assaults on security forces and judges (November 1990), the burning of the headquarters of the ruling party, which resulted in many casualties (February 1991), and also clearly denounced any attempt to overthrow the existing regime by force in the 14 October 1991 proclamation⁽⁸⁾.

Furthermore, the League praised all the positive measures adopted by the state, such as the ratification of the Covenant on the Rights of the Child, etc. It monitored all positive steps and recorded them with utmost accuracy exactly as it did violations, to ensure full objectivity.

The regime did not accept the League's moderate stand, especially since the latter was the only independent social institution that could evade state hegemony in its decisions. Hence, the state attempted to dissuade the League, to no avail. Consequently, the regime began to implement several procedures to stifle and subdue the League. A ferocious war was waged against it at three levels:

- 1) Media black-out. The League's proclamations were banned from the Tunisian press, and all its activities were prohibited.
- 2) Taking necessary steps to "invade" the League, by amending the famous Law of (Civil) Associations of 1992 to prevent opposition leaders from occupying key positions in the League, and opening it by force of law to members loyal to the ruling party⁽⁹⁾.
- 3) Destroying its unity from within, through extensive press campaigns to allege that the state is not against the League but against its president and some "extremist" members within it who reject the law. This led to conflicts between those and moderate members who claimed that the law should be accepted and that the people condemned by the state should be purged to save what could be saved within the League.

Because the National Council of the League refused to abide by the arbitrary law, authorities ordered the dissolution of the League on 14 June 1992.

Hence, Tunisia remained without a human rights institution for almost a year. Then the state was compelled, under pressure of public opinion, to tolerate the League's activities, after making sure that "tamed" elements within the managing agency would do their best to approve the Law of Associations through a "fabricated" assembly, and to eliminate all the "hard-liners." This actually happened in the fourth assembly of February 1994.

In his book, "Kalila and Demna," Ibn Al Muqafa' described in a story a parallel behavior which resembled the process that led to the League's decline from a highly esteemed civil institution which had shaped the course of events, into a weak and subdued organization. Ibn Al Muqafa's story went as follows: A lion went to three bulls wanting to kill one of them. Instead of facing the assault through joint defense, the two "moderates" decided to sacrifice the "intransigent" bull in the hope of saving

their necks. After a while, the lion came back to take another bull. The stronger bull pushed the weaker one forward in the hope of saving himself. Later on, the lion came back and devoured the last bull.

Some of the League's leadership figures accepted the government's claim that it had a problem only with the "hard-liners," and that they conceded its demand for the League to accept the Law of (Civil) Associations, and to open the door for membership of state supporters, who were charged with "invading" the League. Some adherents considered this a blunder, while others condemned it as a planned treason (they were penalized for this, as we shall see later).

The deep strategic mistake became clear when moderates who ruled the League discovered that the state did not change its policy after its purported "victory," proclaimed in an assembly in which half of its members joined the League according to state directives. The League's declarations were still prohibited, the state continued its attempt to manipulate the remaining independent half of the membership. Furthermore, the authorities refused to deal with the new leadership because its moderate attitudes stirred up the regime's wrath. The regime's objective was, and would continue to be, full integration with the general political framework, i.e., that the League become part of the regime.

The League would not have collapsed so easily, however, had it not been for structural weaknesses that made it easy prey for the government plots.

Organizational Crisis

The success of any social organization, irrespective of its objective, is primarily related to the quality of its adherents, its internal organization, the decision-making body and the nature of the decision-making process. Since the League was established, all those areas had suffered from chronic defects, and one of them was the major cause of its failure.

Membership

As we have already mentioned, there was an absence of autonomous political and social entities in the seventies, except for the League, which championed bold attitudes in defense of freedom and human rights. As a result, a great many people applied for membership in the promising organization. The League was content with four thousand members, but it could have absorbed many more. It is quite difficult for a nascent human rights organization to set accurate and objective rules for the selection of its members. There is no effective indicator to differentiate between a genuine activist who believes in human rights and a person seeking mere prestige, or one seeking recognition for his party and ideology.

The complexity of the human being does not prevent the three characteristics from co-existing within the same person at the same time. However, we know from experience that, during serious crises, the predominant and most deep-rooted aspects of the personality come to the surface.

When the serious crisis with the authorities emerged in the nineties, it was revealed that the real number of solid fighters for human rights was not four thousand, and not even four hundred.

Membership, which the managing agency alone controlled, was a function of the necessity of preserving political equilibrium under the pretext of safeguarding the League's autonomy, and preventing any party from manipulating it.

In this way, membership was distributed among independent members and democratic parties (particularly the Socialist Democratic movement, which appropriated the lion's share until the end of the eighties), the Left (especially the Labor Communist Party) and the ruling party. These proportions were allocated according to a process of extremely difficult balance.

Those delicate balances were constantly threatened, especially by the state, which had understood since the mid-eighties that it made a terrible mistake by not controlling the League. The latter became the major institution within civil society to condemn violations and advocate individual and public freedoms. In 1986, the state attempted to establish a subsidiary institution, which soon collapsed. Then, it was decided to "invade" the League and control it from within. This process was launched during the rule of Bourguiba, and was intensified in the era of President Ben Ali.

Preserving those balances, and consequently, alliances, friendships and positions, made one branch an "abode" for this party, and another branch a friend of that person in the managing agency. This individual and personalized style was the fundamental problem within the League, which became more explicit every three years during preparation for the General Assembly, and was a source of sharp conflicts. At these times, human rights became a secondary issue.

The Structure of the Managing Agency

For electoral reasons, the number of leaders increased from one assembly to the next one, to reach 25 members. Psychologists and sociologists stress that the ideal number of any action team should be seven, nine or eleven at most. Any leading team that exceeds this number will eventually split into two hostile groups. The League's leading agency, which far exceeded this number, split into two or even more splinter groups. Decision-making became a difficult, if not impossible, process after recurrent crises.

What was even more serious was the nature of the agency itself. Despite the fact that each leading member was asked to represent only himself, in most cases - and this was the source of problems, except for a minority that fortunately placed principles above all other considerations - he represented his party, if he belonged to one, or a political

movement in alliance with one or another party if he was independent. We have seen the critical role played by the two representatives of the ruling party within the managing agency between 1989 and 1994. The aim was to introduce the greatest possible number of "Constitutionalists," i.e., members of the ruling party, within the League's governing authority. Moreover, the balance of power within this authority shifted when the Socialist Democratic movement was transformed from an opposition group to a "critical supporter" of the regime. This was reflected within the League in the form of a coalition between the regime and representatives of official opposition.

To give an example: the managing agency (which has always been presided over by an independent member according to customary rules) was divided between 1989 and 1994 into an independent majority which was close to the regime and party members - three from the socialist democrats, two from the extreme left, two constitutionalists from the ruling party, two Baathists, two Islamists (not belonging to the Revival Movement), and one female member from the Progressive Socialist Bloc.

Under normal circumstances, this was a positive structure. One of its advantages was that it maintained the League's general line due to balances and mutual pressure. However, during severe crises, its effectiveness was quite limited. The shift of coalitions outside the League automatically modified coalitions within it. This structure of the leading agency facilitated the "suicide" mission, led by representatives of the regime within the agency. This step consisted of accepting insincere members who joined to serve the interests of the government. Consequently, the League's doors were wide open, and the regime had full freedom to manipulate and control half the membership, as a prelude to overtaking the remaining half and disposing of even the "moderates" who actually helped the regime gain footing within the League under the pretext of pacification.

Organization of the Branches

The League had forty local branches covering the entire country. It was the sole civil institution, which could, exactly like the ruling party, be omnipresent throughout the whole Republic. The problem was that the branches were themselves microcosms of the League. The hundred members (the average membership of a branch) were divided among various sects, political groups and factions, irrespective of members' belief in human rights. The ruling agency of the branch was also an arena in which to contest power. Therefore, the branches differed in their scope and method of action and activities, as well as their real presence, especially as they were not entrusted with specific tasks or asked to present periodic reports. Hence, the League had two types of branches: active branches, most of which were politicized, and "phantoms," which only appeared or were heard of during general assemblies. These latter represented the majority.

Add to this the fact that action within active branches was limited to a minority of members, mostly those belonging to the branch. The rank-and-file member was

satisfied with a membership card. In this way, the League was closest to the model of the ruling party, which claimed a membership of one million, while in reality it had "sold" one million ID cards, which is quite different.

Lack of Professionalism

Despite the numerous branches and the large number of members the League never had an Executive Director to supervise decisions. All members feared that this director might become a puppet in the hands of one group, and be used against other groups within the League. Hence, the day-to-day work was left to the initiatives of members and volunteers from the managing agency. The minimum level of efficiency was lacking, and the League constantly failed even to issue periodic circulars on a regular basis.

All those factors culminated in the problem of the last assembly: who could step in to take over the League? As for human rights, only God could save and protect them!

Conclusion

The possibility of error is unavoidable if we wish to exercise our freedom: it accompanies us in everything we say or do. It might be a blessing and a curse. It is a curse when we refuse to acknowledge it, or evade it through what is called self-criticism. This Catholic-Freudian-Maoist device is not, fortunately, rooted in our history, because it considers mistakes as sins, and makes admitting them some kind of self-persecution which might conceal unlimited arrogance.

I personally prefer the concept of "self evaluation," in which the person wonders and rethinks without any sense of guilt: what can I learn now? How can I make this experience an opportunity to think over things and become more effective in achieving the objectives I have set for my life?

Accordingly, and after having assumed full responsibility for the success of the League and for the mistakes and deficiencies I have known (without feigned humbleness or concealed arrogance) I believe there is no ready-made "recipe" for the structure of human rights organizations.

The organization is the product of historical circumstances. It is not set up as an architectural project drawn on paper and then executed according to accurate scientific rules to conform with the blueprint. Furthermore, it includes all sorts of human beings, some of them benevolent, some of them evil, some possessing positive features and others having huge faults. The nobleness of objectives in this case is insufficient because, had it been the denominator of the structure of organizations, then all members of religious movements would have been only saints.

Any human organization is a living entity that learns from its own mistakes, and develops itself according to the evolution of its experience. There are some general observations, which can be considered rules to be totally or partially adopted in order to prolong the life cycle of an organization and promote its efficiency. Some of those rules, which can be useful in restructuring the Tunisian League in the future, or in establishing any other similar organization in the Arab World, are as follows:

1) Specify the frame of reference to human rights quite clearly from the outset, leaving no ambiguities, especially concerning the universality of human rights, and the rejection of cultural specificity regarding some rights such as full equality between men and women, capital punishment, and Islamic punishments. More importantly, the relationship between the "political" and the "human" within the organization should be clearly specified. All conditions of independent decision-making within the concerned organization should be provided to prepare for any inevitable political crisis.

2) Avoid being a coalition of political parties. A human rights group on such a scale should encompass national figures belonging to different trends of thought and political orientations, but representing only themselves.

3) Consider the value of the human rights organization in its moral power, derived from the nobleness of its objectives, and also from the status of its members, who should be prominent personalities having acquired distinct positions and merit within society and among the people, each in his field of specialization. They should not represent political ambitions, because the human rights organization is primarily an elite group in its structure, and populist in its objectives and aims. In other words, its elitist nature should not be a reason for superiority over the public, but should be a resource for the highest quality of public service.

4) Strive to make the number of members of the institution equal to the number of activists. The organization should not try to imitate parties in attracting the greatest number of adherents, because value here lies in quality and not in quantity. Those members should be divided into small specialized working groups for whom the central leadership provides technical training and socialization. They would undertake specific tasks, such as supervising cases of violations, providing legal defense committees (in the case of lawyers), rehabilitation for victims of torture (for doctors), education and socialization inside and outside the institution (for teachers), etc.

The selection of members should be slow and should be based on recommendation by trustworthy members. New branches should have a probationary period.

5) Clearly spell out the issues of leadership and authority within the organization in such a way that the leadership be relatively small in number, not exceeding nine persons. The President should serve only one two-year term, and not be eligible for re-election. General assemblies and conferences should be devoted to vital issues rather than elections.

6) Provide a politically neutral technical team, and self-contained financial resources, in order to limit any unfair but serious allegations of reliance on foreign resources.

7) Merge action with civil society, through joint committees such as journalists, women's organizations, lawyers' syndicates, etc.

These features, which were adopted decades ago in organizations such as Amnesty International⁽¹⁰⁾, enhance an organization's success. It is high time we take these as examples to follow, lest Arab human rights organizations remain as parties in the process of formation, or a nearly-explosive confederation of parties.

The problem for activist members is to promote the competence of Arab human rights organizations because their fate is unknown and surrounded by perils. They would constantly be caught between the "rock" of the regime and the "hard place" of traditions and socio-political backwardness. We cannot know for sure whether this human rights movement will bear fruit, whether it will play a decisive role in democratizing the state and society, or whether it will be merely an ephemeral phenomenon, some kind of cloud over the desert that fades away without raining and watering the arid land.

To paraphrase Edgard Maurin, we do not know whether history has already taken a path that we do not like, while we are still under the illusion that we can change its course, or if it is still undecided, and we are still able to push it in this or that direction. It is the predicament of every time and place. We have no choice in this difficult stage of our history except to champion our principles and choices, and to search for the best means to achieve competence on the basis that, if it is foolish to attempt to change history, it would be a crime not to do so.

Reference

1 Bahey El Din Hassan, Challenges to Human Rights Movement in the Arab World. Rowaq Arabi, pp. 91-93, no 1, Year one, CIHRS.

2 About the circumstances of the birth of the declaration and the conflict of states around it see : John Humphrey: My Great Adventure: Que-Montreal-Guerin Litbec, 1989.

3- For the theoretical dimensions of this general problem see:

Mohammed El Sayed Said: Islam and Human Rights. Rowaq Arabi, 14-31, no 1, Year one op. cit., and see also: Dr. Haitham Manna': Human Rights in Arab Islamic Culture. CIHRS Publications. Cairo, 1995.

4 Moncef El Marzouqi: "There is Suffering after the Suffering". Haqa'iq, 189, March 1993, Tunis.

5 Al Maidani Ben Saleh: "Idha Ataka Hadithul ghashiyah". Haqa'iq, no 290, March 1990, Tunis.

6 Concerning this intricate problem, see the chapter on politics in our book:

Human Rights, New perspective. Dar Aqwas Lil Nashr, Tunis, 1993. See also:

Suzanne Walter, *The Politics of Human Rights*, University of California Press, 1995.

7 The League's declarations have been published ; between 1989 and 1994, 90 declarations were issued. They represent an accurate record of the deterioration of freedoms in the country during this period.

** My nomination to the League presidency in 1994 did not contradict this position, because it took place after the end of my task, i.e., after my resignation from the fourth assembly, because I refused to contribute to an assembly supervised by the authorities, whose sole objective, as actually happened, was to ratify the Law of (Civil) Associations, in addition to denial of the right to nominate, thereby undermining the existence of the League itself.

8 Haqa'iq Journal, Tunis no 292 - 341 - 353 - 354 - 372 -. "Le Temps 2" 23/7/90. "La Presse", 20/5/92. "Le Monde" (18/12/91), (17/6/91), (6/12/91).

9 For theoretical problems on the restriction of the right of peaceful assembly, see Amir Salem: *In Defense of the Right to Form Associations: A Critical Study of the Associations Law*. Cairo: Center of Information and Legal Studies of Human Rights, 1991.

Fateh Samih Azam: *Guarantees of Civil and Political Rights in Arab Constitutions*. CIHRS Publications, 1996.

10 Amnesty International: *A Handbook*. A.I. Publications, 1993.

The Moroccan Human Rights Movement: Struggle for the Rule of Law and Professional Independence^{*}

Abdel Aziz Banani^{**}

Introduction

The Moroccan movement for basic freedoms was accompanied by initial attempts to reform the "Makhzan" at the start of the twentieth century before and during the protectorate. Thus a group of intellectuals who had prepared the 11th of October 1908 constitution demanded freedom of expression, and abolishment of whipping, torture, forced labor and hard labor ⁽¹⁾. The first body to defend human rights in Morocco was established in December 1933 as a branch of the Spanish League, which in turn was affiliated with the newly formed International Human Rights Federation. This branch did not last long and was established by nationalists, some who later played a fundamental role in the nationalist movement ⁽²⁾. It demanded that the National Action Committee - established at the beginning of the 1930s, within the framework of the plan for political, economic and social reform, and freedom of expression and opinion - stop beatings with sticks and corporal punishment. It also demanded reform of the legal system whereby "legal proceedings, accusations, detentions and

^{*} The paper was originally presented in French in a conference in the U.S in 1996

^{**} The author is a founding member of the Moroccan Organization for Human Rights and its current President.

judgment" were only meted out in accordance with the law and measures defined therein.⁽³⁾

The document demanded independence on January 11, 1944, as well as internal reforms including the establishment of a "Shura" system and protection of the rights of every individual and all classes. In fact, the protectorate system was based on discrimination between nationals and French citizens in matters that contradicted the French Declaration of Human Rights of 1789, and prompted the Moroccan citizens' need for political liberation. Consequently it was only natural that the first laws enacted by governments during the early years of independence in 1957, 1958, and 1959 respectively were devoted to unionist pluralism, freedom to congregate, freedom to establish associations, freedom of the press, criminal procedures and status of the law. All these were inspired by the French legal system.

However, indications of reforming the political system that began with the establishment of the Consultative Association in 1956 have not been accompanied by structural changes in governance in the past four decades despite the stipulation of four constitutions (1962, 1970, 1972, 1992) and ratification of international conventions as well as the liberal nature of the laws governing individual and collective freedoms.

The status of human rights in the Middle East and Africa has long been, and continues to be, characterized by a repressive legal system imposed by a military regime, a one-party system, or a monarchy. Yet Morocco's specificity lies in the contradiction on the one hand between suppressive laws, some of which are remnants from the French protectorate, and the traditional "Makhzan" system which is not based on any written text. On the other hand, it is a facade for the rule of law. The first is based on the concept of subjection fueled by fear and coercion while the facade represents the constitution and endorsement of international conventions and legislation. Unlimited detention⁽⁴⁾ exercised for a long time and justified by two decisions of the Supreme Council, and forced disappearance and torture as well as other excesses perpetrated in rural areas constitute one aspect of the Makhzan system. Constitutional principles and legal requisites were merely theoretical in every issue of a political nature. In fact, sometimes in general issues the central authority was part of it. In such political circumstances the issue of freedom was coupled with political struggle waged first by the parties that inherited the national movement in the sixties and seventies, followed by Marxist movements and finally Islamic movements. Therefore, the human rights movement that encompasses Moroccan organizations inside and outside Morocco was closely linked for a long time with political party activities. In other words the struggle for power had first priority and the issue of freedoms occupied a secondary position. At the end of the eighties, a somewhat independent human rights organization emerged, which included persons affiliated with political parties and others who were independent. This was the Moroccan Organization for Human Rights. This new experience affected the national movement for human rights as well as government policies on human rights.

This study has three parts:

- I- The first generation of the human rights movement in Morocco.
- II- The birth of the Moroccan Organization for Human Rights.
- III- Towards the emergence of an independent human rights movement.

I. The first generation of the human rights movement in Morocco.

Since the end of the fifties, the opposition newspapers have represented the major counter authority, after having been an instrument of struggle against colonialism. Although subjected to censorship for a long time as well as confiscation, closure and prohibition, they played an important role in denouncing the exercises of civil servants and human rights violations.

The numerous political trials against dissidents provided occasions for strong criticism of the government, particularly with regard to acts of torture, grave procedural contraventions and opinion crimes. Moreover, journalists and lawyers always spearheaded the opposition and primarily played the role entrusted to a parliament. They were at the vanguard with respect to political opposition waged by opposition parties and associations. The nucleus of the movement in defense of human rights was basically formed by certain associations who were active in different fields. In the wake of the failure to establish a front against suppression in 1972, two partisan associations emerged, namely the Moroccan League for the Defense of Human Rights (LMDDH) and the Moroccan Association for Human Rights (AMDH), in 1962 and 1979 respectively. Both were supported by the two most important opposition parties: The first by the Istiklal party and the second by the Socialist Union of Popular Forces.

A- The first nucleus of the movement for the defense of human rights after independence: Associations activated by opposition parties

1- The National Union of Moroccan Students (UNEM) The Union was established in 1957. It was controlled by the Federation of Moroccan Students in France. As of 1958 Leftist students spurred its activities, particularly the wing that later established the National Union of Popular Forces. Its activities were basically of a unionist nature and focused on political problems and the issue of individual and collective freedoms. The conference of the National Union of Moroccan Students held in Agadir in 1959 condemned the military suppression of the uprising and the restrictions imposed on the movements of Moroccan Jews (passport problems). Other conferences held in the sixties dealt with the institutional issue by demanding the election of a constituent association ⁽⁵⁾ as well as noting numerous violations of general freedoms. The activities of the National Union of Moroccan Students were suspended. Its activities were effectively prohibited on 24 January 1973 ⁽⁶⁾. At present, Islamic groups, especially the Justice and Charity Association, dominate the students' Union

2- The Association of Lawyers Societies in Morocco: Since its inception, this group has focused on vocational problems. Beginning in the seventies, under pressure from lawyers in opposition parties, it played an important role in the protection of fundamental freedoms. Its annual conferences were occasions for the discussion of criminal procedures, provisional detention, and the relationship of democracy, the legal system, independence of the judiciary, the rights of defendants, and priority of the law. On the occasion of the 1976 conference held in Marrakesh, the Association focused on analyzing the shortcomings in the legal system as well as general freedoms. This issue will be developed in addition to the rights of defendants and independence of the legal system during further conferences held by the Association. The conference held in Fez in June 1983 concentrated on human rights. The seminar organized by the Association in Buwagda in December 1986 on this subject reverberated inside and outside Morocco. The opposition paper published the most important human rights recommendations of the Seminar. This was also mentioned in the international press. It is worth noting that, owing to the negative situation of the legal profession, the role of the Lawyers' Association in Morocco declined with respect to protection of freedoms and fundamental rights⁽⁷⁾

3- The National Union of the Moroccan Press: This Union was established in 1963 and was basically concerned with press issues. At first it included the major Moroccan newspapers, then expanded to include representatives of elected journalists. The Union is activated by elements from the Socialist Union and the Istiklal party and, since its establishment, has worked to protect freedom of the press.

4- The National Union for Combating Suppression: In 1972 numerous members of the Moroccan Writers Union, the National Union of Moroccan Students, the National Union of Architects, the Education Union and the Young Lawyers Union formed a national committee to combat suppression. This initiative came as the result of a situation characterized by suppression and political instability in the wake of the military coup attempt in Sukheirat. However, this initiative failed due to the hegemony of elements in the Istiklal party and differences in the objectives of the committee. Only two meetings were held by the committee, which were considered the first attempts of a concerted activity in this field.

5- The Movement of the Families of Political Detainees: This movement was established in 1972 following the first arrest of Marxist-Leninists. This association is basically composed of women from families of detainees (wives, mothers, sisters) and was formed during their encounter at the prison gates. The long wait for visiting permits was an opportunity for families to exchange information regarding torture perpetrated against their sons, husbands or brothers. Moreover, they discussed administrative problems facing them and were certain that their relatives were unjustly victimized⁽⁸⁾ as a result of the hunger strike endured by the detainees themselves. This movement developed during the seventies and was expressed in demonstrations, sit-ins at prisons and administrative offices, and participation in marches on 1 May as well as hunger strikes. It was a means that forced the system to improve the conditions of detainees.

6- Women's associations: The women's movement within political parties was very limited for a long time. Women's sectors were established in major national parties and later developed into associations: the Independent Women's Organization, the Democratic Association of Moroccan Women closely related to the Socialist Progressive party, Women's Labor Union related to the Popular Democratic Labor Union. ⁽⁹⁾ All these sectors and organizations expressed the need to improve women's status. However, this did not lead to a true women's movement until the beginning of the nineties.

7- Organizations based outside the country: Many persons who were expelled from the country, and were affiliated with leftist groups, were supported by Europeans sympathetic to their cause. They moved in various organizations, particularly in France, against suppression in Morocco. The Committee Combating Suppression in Morocco (1972), The Human Rights Association in Morocco established during the crisis of Moroccan Human Rights Association (1984) and the Fathers Association of Abducted Persons in Morocco, all acted effectively with agencies affiliated with the United Nations and the European Parliament.

B: The First National Organization for Human Rights:

1-- The Moroccan League in Defense of Human Rights:

On May 11, 1972 an association of a national affiliation was established: the Moroccan League in Defense of Human Rights. After the five year state of emergency that extended from the demonstration of March 1965 to the first military coup attempt in July 1971, when there was no dialogue between national movement parties and the king; following several trials, particularly the Marrakesh trial, labor strikes and censorship of the press; after the confirmation of the third constitution (March 1972), intensive negotiations between the "national bloc" (alliance of the Istiklal party, the National Union of Popular Forces with the Unionist sector of the Moroccan Labor Union) and the palace failed to form a government with the participation of the opposition.

2- The Close Relationship with the Istiklal Party:

The League was comprised of members of the Istiklal Party with the exception of leftist elements who were members of the committee for combating suppression. The League's regulations enabled it to be open to anyone concerned with the human rights movement. Moreover it was always led by leaders from the Istiklal Party. Its current leader (since 1980) is a member of the Party's Executive Committee ⁽¹⁰⁾ and its authority is related to Islam in its entirety before any mention of the Universal Declaration of Human Rights.

3- The Activity of the League: The League's activity always focused on political issues. But at the beginning of the eighties, it ceased to demand the release of political detainees and was concerned from time to time with their conditions. It adopted stances in favor of extending financial assistance to political parties, international struggles and Moroccan citizens in Septa and Melila, Saharaweyeen in the camps of Tendouf, and the Palestinian and Iraqi peoples. Following the League's last conference in 1980, the Secretary-General, who is also a member of the Istiklal Party, tendered his resignation. The League currently is quasi-hereditary ⁽¹¹⁾. Its activity slowed from 1988 until July 1993 (its president is represented in meetings held with other organizations by his son, who was not elected by the bureau of the league) in the committee working with the Moroccan Association for Human Rights owing to its commitment to prepare for the establishment of the Moroccan Organization for Human Rights.

4. This Moroccan Association for Human Rights was formed on 24 June 1979 in an international climate supportive of human rights, a few weeks after Morocco had ratified two international conventions, one on civil and political rights, and one on social, economic and cultural rights. At that time, only one partisan association existed in Morocco, kept at a distance by leftist leadership, by the dominance of the Sahara issue in the political arena, and union strikes mounted by the Democratic Confederation of Labor closely related to the Socialist Union of Popular Forces. Moreover, the establishment of the Moroccan Association for Human Rights was the result of pressure by international non-governmental organizations following conviction of members of the leftist movement in a trial in 1977. At the international level, the human rights issue was an important political factor in relations between East and West as well as in the Security and Cooperation Conference in Europe. Parallel to the evolution of mechanisms for the protection of human rights within the United Nations framework, the new American policy had its impact on countries in the South. (Refer to Khaled El Nasser, "Moroccan Organization in Defense of Human Rights"; Idris El Basari, Michel Rossi, George Fudel in "Morocco and Human Rights: Positions, Achievements, and Perspectives" (Paris, Lamartin).)

5- Close relationship with the Socialist Union of Popular Forces: The initiative for the establishment of the Moroccan Association for Human Rights came from the Socialist Union of Popular Forces. The hegemony of this party's militants was prominent in the Association's political conference as well as its leadership. The minority was represented by militants from the Socialist Progressive Party, formerly the Communist party, and some non-partisan members.

6- Problems stemming from the partisan nature of the Association: During the first nine years of its life, the Moroccan Association for Human Rights passed through three successive stages ⁽¹²⁾. Until the beginning of the eighties, the Association endeavored to restructure itself at the sector level. It published a number of statements on grave human rights violations and the issue of political detainees. In the wake of the split within the Socialist Union of Popular Forces in May 1983, a crisis broke out between members of the association who were loyal to the leadership of the Socialist Union of

Popular Forces and other members who formed a central nucleus to oppose this leadership. This nucleus would later form a new political party, namely the Socialist Avant-Garde Democratic Party (PAGDS). The withdrawal of the Socialist Federation supporters and arrest of their opponents halted the activities of the Moroccan Association for Human Rights. The Association held its second conference on 11 March 1989.

The alliance between militants from PAGDS and elements from the Marxist movement which included former political detainees formed the basis of the Association. The leadership was assumed by an independent personality from both groups before entrusting it to the leader of PAGDS.⁽¹³⁾

7- Objectives and structures

The objectives of the Moroccan Association for Human Rights are respect for general and individual human freedoms; increasing sensitivity and awareness of human rights as contained in international mechanisms; and denunciation of all human rights violations and support of all victims. Apart from its structure, the Association is closely involved with political activity.

It speaks about human rights in order to condemn the suppressive political system. Moreover, the language used by most of its leaders, as well as statements, have militant leftist tones and are basically focused on the excesses of the administrative authority, unjust detentions, torture, the issue of political detainees, social problems such as unemployment, the high cost of living, housing, health, etc.

The legal consecration of individual freedoms in the wake of independence has not changed the nature of the relationship between the State and society. Associations formed within a vocational framework under the umbrella of opposition parties and inheritors of the national movements gave priority to the issue of general freedoms and democratization of political life. With the Moroccan League in Defense of Human Rights and the Moroccan Association for Human Rights, parties directed their attentions to private organizations. However, the defense of human rights in Morocco receded during the eighties due to internal and external conflicts. This situation culminated in the gradual independence of the human rights movement.

II- The Birth of the Moroccan Organization for Human Rights.

The eighties were characterized by more concern for human rights issues, whether at the level of specialized UN agencies or within the framework of relations between countries. The Arab Organization for Human Rights was established in Cyprus in 1983, since no Arab country would host its first conference. In Algeria, two leagues were formed in 1985 and 1987, the first by tribal intellectuals who opposed the system;⁽¹⁴⁾ the second included members of the National Liberation Front and some independent personalities. It was approved by President Chazli Ben Jedd

In Mauritania a pluralistic league was formed in 1987 and was supported by President Moaweya Weld El Taye. In Tunisia, the Tunisian league, which was at the

vanguard of pluralistic organizations in Africa and the Arab world (established in 1977) found itself facing a "medical" coup on 7 November 1987, after President Ben Aly had officially pledged to revive human rights in his country.⁽¹⁵⁾ In Nouakchott, a Maghrebi meeting was held at the end of March 1988 on human rights at the initiation of the Mauritanian League.

In Morocco, the alliance between the king and national movement parties for the protection of territorial integrity failed to mitigate social and political conflicts. Following the 1981 events (Casablanca) in the wake of the call by the Democratic Confederation of Labor for a general strike,⁽¹⁶⁾ the leaders of this union were arrested. After the events witnessed in several cities in 1984 and the development of the Islamic Movement, scores were arrested and placed on trial, a matter that undermined the movement.

The two parliaments formed after the 1977 and 1987 elections had no significant impact on the management of general affairs and human rights status. On the other hand, and due to the feeble activities of the League and Association, the grave human rights violations related to political conflicts, forced disappearance, unlimited observation, torture, and political detention were brought up by international organizations including Amnesty International. In view of the apparent regional and international changes, and as Moroccan civil society was relatively more developed and had witnessed the birth of the first league in the Arab Maghreb in 1972, Morocco found itself without active national organizations to revive and protect human rights organizations and were aware of this shortcoming. They were certain that this was due to several factors, such as the partisan nature of the two oldest national human rights associations. In the light of such circumstances, preparations to establish the Moroccan Organization for Human Rights came at different levels in two successive years. It was established in a general meeting on 10 December 1988 after having been rejected three times.

A- Establishment of a new form of association in Morocco

1- The role of the Freedoms Committee in the Socialist Union of Popular Forces: This committee was more theoretical than practical and was revived in 1985 under the chairmanship of Abdel Rahman El Youssefi⁽¹⁷⁾. It was composed of jurists who were mostly lawyers and the majority were members of this committee. Some of them were responsible in the Moroccan Association for Human Rights. The matter is basically related to creating a new organization to compensate for the loss of the Socialist Federation of said Association. As for the others⁽¹⁸⁾ who wish to see a new type of judicial activity, they believe that they should be supported by partisan organizations and the participation of political militants.

The committee decided to prepare a report on the status of civil and political rights in Morocco. From the outset, members of the committee decided to create a new non-partisan and pluralistic association, in which the founding members would be persons interested in the human rights issue, with or without political affiliations. The presidency of the association was to be assumed by an independent person. The

members of the committee had their party's approval to work in this field. Research in this respect was undertaken by some of the responsible persons from the Progressive and Socialist Party, The Popular Democratic Labor Organization (leftist parties), the Istiklal party and a number of liberal academics.

2- The formation of a preparatory committee on a pluralistic basis: A small committee was formed, composed of the most important members of the Freedoms Committee in the Socialist Federation of Popular Forces and persons selected individually from the Istiklal Party, the Socialist Progressive party, and the Popular Democratic Labor Organization⁽¹⁹⁾ Academics from Rabat and Casablanca without political affiliations were invited to join the founding group, including Omer Aziman and Mohamed Aly Mekwan, professors of law in Rabat and Casablanca, and Fatma El Mernisi, professor and well-known writer in the Moroccan women's movement.

The preparatory committee met in the spring of 1987 and was later expanded to include 37 members. Prof. Mehdi El Mangara, known for his participation in the Club of Rome and Futurology Association, and founder of the "Researchers" association, was contacted in February 1988. He abstained until discussing this matter with his friends in the political field. In fact, the founders believed that due to his reputation at the international level and his independence, he will be a credible president of the new organization⁽²⁰⁾. A political official believed that El Mangara would be the vehicle for the new generation. Some founders without any partisan affiliation indicated their independence and noted that such a leader would, if the need arose, stand before political parties.

For many months and before fixing the date of 28 May 1988 to convene the constituent assembly of the Moroccan Organization for Human Rights, the preparatory committee devoted itself to three tasks: To prepare for the forthcoming constituent assembly was difficult. The reconfirmation of its independence before the general authorities and political parties was the common denominator for the founders. Three meetings were devoted to the problem of the organization's authority.

It was agreed to have human values such as pride, justice, freedom and equality as consecrated by Islam on the one hand and the Universal Declaration of Human Rights and international mechanisms related to human rights on the other.

Objectives were focused on the protection and promotion of human rights, and were undertaken by understanding legal studies, by proposals for necessary reform, and by general reports and condemnation of human rights violations. Others would be geared to reviving human rights and preparing a national charter for human rights, dialoguing with the general authorities, and studying the relationship between the protection of human rights and democracy and development.

Many efforts were exerted to create a unified association. Initiatives were presented to the president of the League and the deputy president of the Moroccan Association for Human Rights on the occasion of convening of the human rights seminar in Wejda. An initiative was made by the Lawyers Association beginning in December 1987

during meetings held on the premises of the "El Elm" newspaper, organ of the Istiklal Party. One leader of the Istiklal suggested that differences between the Moroccan associations should be surmounted by establishing a branch of the Arab Organization for Human Rights⁽²¹⁾. This formula was not accepted owing to the constraints associated with forming branches of foreign organizations. As for the responsible person in the Moroccan League for the Defense of Human Rights (Abdel Karim, director of "El Elm," who supported the creation of the Arab Organization for Human Rights) and the Moroccan Association for Human Rights, they rejected the proposal for the establishment of a unified party and did not consult their organizations' bureaus. Nearly the preparatory committee bearing in mind their concern with the human rights issue and their independence from the system selected 270 founding members. Half of them were independent, and all were intellectuals who represented numerous categories: jurists, academics, lawyers, doctors, professors of literature, medicine and science, writers, artists, painters, theater and cinema artists and other professionals.

One-third of the founders were women. Militants from the Progressive and Socialist Party and Popular Democratic Labor Organization who feared the hegemony of the Socialist Union of Popular Forces from the outset had the same number of seats as this party in leading bodies, and a member of the National Liberals' Group joined the preparatory committee at the proposal of El Mahdi El Mangara⁽²²⁾.

Some were of the view that the latter needed to be recommended by the leader of the National Liberals' Group who, in some of his speeches, focused on strengthening the rule of law. This would make him an important ally against the "fanatics" in the system. This presence strove to strengthen the pluralistic nature of the Organization and intended to accomplish two aims: 1) that the revival and protection of human rights should not be "monopolized" by leftist parties; and 2) that the organization created not be a framework for opposing the system. The proposal was endorsed. The conditional nature of the Moroccan Organization for Human Rights was clear. In addition to participation in social and vocational categories, the women's quota was acceptable, as well as the need for ideological and political pluralism in order to safeguard the independence of the Organization.

3- Political maneuvers, prohibition and pressures: The preparatory committee decided to hold the constituent assembly on 28 May 1988. A legal permit from the authorities was obtained with respect to two founders, one of them being independent. A few days before this date, the police contacted the head of the Moroccan Organization in Defense of Human Rights; to the founders of the Moroccan Organization for Human Rights this meant that the League was dissolved. The president of the latter requested the Istiklal Party's leadership to demand the withdrawal of its members. The leader of the party demanded the members who participated in the establishment of Moroccan Organization for Human Rights to abandon their participation or at least refrain from any activity in the new organization.

Although the authorities had authorized the meeting of the constituent assembly, the Ministry of the Interior, after consultations, proposed to the spokespersons of the preparatory committee that the meeting to elect the steering committee be postponed to a later date.

However, at midnight, the representatives of the preparatory committee were called by the governor of Rabat who asked the organizers to postpone the meeting until further notice. In a threatening tone, he stated that "dangerous" elements among the founding members threatened the security of the State. In fact, due to this sudden change by the authority, hundreds of founders, half of whom had never participated in any political activity, broke up after waiting for two hours⁽²³⁾

Before its official establishment, the Organization found itself involved in a conflict, namely the respect of a freedom emphasized by law, the freedom to congregate. The idea proposed by certain founding members to establish the association in a private meeting was considered improbable. For six months, the authorities prohibited the constituent assembly three times. Finally, the preparatory committee decided to hold the meeting on 10 December, a date that was symbolic [International Human Rights Day, the anniversary of the signing of the International Declaration of Human Rights - Ed.].

The palace, semi-officially, had its reservations on El Mahdi El Mangara, who was expected to assume the leadership of the new organization. A number of independent members in the preparatory committee were summoned by the intelligence bureau⁽²⁴⁾

Threats increased, owing to the presence of the secret police near the premises of the committee. To overcome the independents' suspicions towards partisan members, one of the founders proposed forming steering committees on an equal basis between the groups.

The committee's awareness as well as the solidarity gained by the Organization in national and international public opinion circles forced back the regime. In an answer to the international French radio, the king of Morocco spoke of "human rights" for the first time. He emphasized that they were respected in Morocco and that it was possible to have an organization. During a meeting with El Mangara, in the presence of Ahmed Osman who supported the initiative until the end, as well as Idris El Basri, the king informed him that it was possible to establish the Organization on the date set. He met Idris El Basri⁽²⁵⁾ at his request and in the presence of his assistants, representatives of the preparatory committee, to review the objectives of the new association. This did not hinder El Basri from informing El Mangara, two days before 10 December, of the palace's demand to drop his nomination for president of the Moroccan Organization for Human Rights. El Mangara stepped down and accepted membership in the National Bureau, with the honorary title of "founding president."⁽²⁶⁾ Under these circumstances, the leadership was proposed to Omer Aziman, who was nominated to assume the position of deputy president. Abdel Aziz Banani assumed the position of Secretary-General.

In a comment on the decision to permit the establishment of the organization, the Minister of the Interior stated before Parliament that, "The leaders of the Moroccan Organization for Human Rights expressed their desire to cooperate with the authorities in order to reinforce government activity with a view to stopping the campaign launched by certain elements known for their hostility toward Morocco and who act from certain capitals." It was evident that these allegations were intended to minimize the victory achieved by the preparatory committee.

4- The crisis: On the day of the opening of the conference, El Mahdi El Mangara made a resounding statement to *Le Monde* with respect to the specificity of human rights in countries of the South. This position was greatly commended by international NGOs and the majority of founders of the Moroccan Organization for Human Rights.

The Authority did not approve the presence of independent persons in the Organization. These usually were at the service of the authority or were to remain far from public life.

Such a situation was considered a challenge to the "Makhzan." When the spokespersons of the preparatory committee met in the wake of the prevention of the constituent assembly, an official of the Ministry of the Interior asked political "intruders" what their intentions were. He believed that the "independents" concealed ulterior political motives towards the system. As for the members who were politically active, they disregarded official circles. When tasks were assigned to members of the bureau, the atmosphere became tense. Members and non-members of political parties were confused and cautious. The reasons were not obvious. Was there any doubt about the objectives of some members who were affiliated to parties? Was it the result of pressure from the ruling authority? However, the independents deemed that members affiliated with political parties should not be involved with fundamental tasks in the bureau. The atmosphere became more tense during the meeting of the Morocco leagues in Algeria before the summit conference held in Casablanca on 13 February 1989. The concepts of members of the organization's delegation on the relationship between the Tunisian, Algerian (established in 1987), and Mauritanian leagues and the Moroccan Organization for Human Rights were different.⁽²⁷⁾

At the beginning of March, the president of the Organization asked the Secretary-General to resign or else he would himself tender his resignation. He did not justify the reason either before the Bureau or the National Council.

The Secretary-General agreed to withdraw in order to preserve the unity of the Organization. Despite this offer the president refused to maintain his position. He resigned from the Bureau and the National Council and was followed by six independent members.⁽²⁸⁾

5- Continuing pressure from the authorities: During the first months of 1989, maneuvers to pressure El Mahdi El Mangara continued. On 13 June, he was once again summoned by the Minister of the Interior. He was ordered to withdraw from

the National Bureau. He officially withdrew to protest against the Moroccan Organization for Human Rights for joining the International Federation, a matter requested by the Organization since February. ⁽²⁹⁾ Before his actual withdrawal, he met Aziman and leaders of the Moroccan League in Defense of Human Rights and the Moroccan Association for Human Rights, representing the Prime Minister and Minister of the Interior in September 1989, following the rally held in Spain in support of political detainees on the occasion of the royal visit. The report prepared in July by the Moroccan Organization for Human Rights on political detainees and the three associations in support of those on a hunger strike was not approved by the ruling authority. Threats were directed against the future president. Indirect pressures were brought to bear on the Organization during the summer of 1990. A list of names of persons accused of "cooperating with the enemies of the State" was submitted to the leaders of the political parties. It included names of the most important founders of the Organization. ⁽³⁰⁾

6- Intervention of political parties: During the crisis experienced by the Organization in 1989, the outgoing president said before the National Bureau that the Socialist Union was bent on "resolving the problems of the Secretary-General," whose resignation was demanded. The 1989 dispute broke out again in June 1991 when the members of the Popular Democratic Labor Organization who supported the independents and those who were secretly backed by some members of the Socialist Union pledged their participation in the Bureau provided that Banani left it. He did. Was this the result of differences in the political process between the founders and their concepts of societal activity or the role of the organization? Was it only the result of indirect pressure by the ruling authorities aimed at splitting the group and getting rid of undesirable elements?

The withdrawal of independents had a bad effect the Organization, slowed down its activity, and highlighted internal disputes between the members who were affiliated with political parties. The members of the Labor Organization and certain members of the Socialist Union, who orchestrated this crisis for several months, aggravated the situation. In April 1990 a formula for compromise was reached as proposed by an arbitration committee ⁽³¹⁾ representing various trends. The Socialist Progressive Party charged Khaled El Nasser with the leadership of the Organization, and the position of Secretary-General was occupied by an independent. Abdel Aziz Banani became deputy president. This solution was temporary and a means for overcoming the crisis and preparing for the first conference. In fact, the conference was convened before organizing the branches and only included founding members. Despite reservations of the Socialist Progressive Party and particularly the Popular Democratic Labor Organization, Aly Meli, who was closely related to the Socialist Union and who was the leader of the Moroccan Human Rights Association during its inception, was elected president of the Organization. ⁽³²⁾ The presence of the parties was strengthened after amending the statute. Five deputy presidents were appointed according to a proposal that was rejected by the independents during the Organization's establishment.

III. Towards the emergence of an independent human rights movement

A. Relationship of outside pressure to the movement of non-governmental organizations:

The pressure on the ruling authority by international NGOs and the mass media did not decrease during the sixties. In fact it increased due to changes in the world. However, this pressure was based on sound criticism and its effectiveness increased with the development of the activities of the Moroccan Human Rights Association. Moreover, this was strengthened due to outside pressure. The first prohibition of the constituent assembly in May 1988 of the Moroccan Organization for Human Rights was widely reported in the international press. The international Federation for Human Rights raised this issue before the human rights committee in its session in August 1988. Furthermore, statements and reports published by national organizations related to human rights violations were channeled through international news agencies or correspondence received by international NGOs. The qualitative development of reports made by Amnesty International between the eighties and nineties as well as reports of the US State Department directly contributed to the activities of the national human rights organizations.

The latter participated in general discussions of the American reports. The Moroccan Organization for Human Rights, which gradually developed its cooperation relations, participated with international NGOs in the activities of protection mechanisms affiliated with the UN. Hence it was possible to present reports in answer to those submitted by governments to the committee concerned with civil and political rights for 1990, 1991, 1994 and before the committee combating torture in November 1994. It also enabled the Moroccan Organization for Human Rights to give precise details about the law and internal practices, and the State's neglect in the implementation of commitments related to ratified covenants and conventions. Thus the Moroccan Organization became the source for disseminating information on the status of human rights to international NGOs, foreign governments and international protection mechanisms. The International Jurists Committee, which was joined by the Organization, supported the positions of the latter with respect to unfair administration of justice. The Supervisory committee of international covenants and conventions based their recommendations on the observations forwarded by the Organization.

This interaction between internal activity of Moroccan organizations and outside pressure explains the reforms carried out by the ruling authority and the relative opening of the latter since 1990.

1- Expansion and development of collective action in the human rights field:
Societal action for the protection and revival of humankind witnessed significant development at the end of the eighties and during the past six years.

The second part of this study is devoted to the emergence of a pluralistic organization: The Moroccan Organization for Human Rights. The birth and development of this organization has tangibly affected the entire human rights movement.

2-- A new societal initiative in the national movement for human rights - the Moroccan Organization for Human Rights experience to avoid hegemony by a certain trend or a party⁽³³⁾ and to safeguard pluralism and consequently the Organization's independence from the system and from ideological and political currents, the recommendation of three members was required for membership. One of these three had to be a member of the National Council, the body elected by the conference. The statute differentiates between an active member and an affiliated member.

3- A new language: The Organization, managed by competent lawyers and some law professors, has adhered to clear and relevant language in its statements, similar to the language of UN experts and major international NGOs. Such language differs from the sterile and partisan style that has so far marked the positions of partisan associations. In fact the language expressed in reports by the Moroccan Organization for Human Rights is remarkably less technical and simpler. Such a change is guided by the need to guarantee more continuity with public opinion as well as the utilization of both the Arab and French languages.

4- Continuity and publications⁽³⁴⁾ : The Organization endeavors to publish as many statements and reports as possible in national opposition newspapers, National Liberals Group newspapers and some independent magazines published in Arabic and French. (During the operation of the preparatory committee and the first months of the Organization the latter benefited from the experience of El Mangara in the fields of mass media and communications, his having formerly been the director of the national broadcasting service. A member of the Organization's national bureau has been in charge of information since 1993 and deputy of the president Mustafa Yazbini, a journalist.) The Organization uses the fax intensively in its communications with the international press and NGOs. The official Arab Maghreb news agency has continually declined to transmit the positions of the Organization.

The same is true of government newspapers. On the other hand, international news agencies (the French, Reuters, and Evi, the Spanish agency) devoted considerable space to the Organization's positions. The latter publishes circulars that include its news. It also publishes leaflets related to reports presented by the Moroccan government within the framework of international covenants or conventions ratified by Morocco and the comments of the Moroccan Organization for Human Rights in this area. In 1995 the Organization prepared a study on the mass media and its legal status, with the cooperation of the international Centre against Censorship "Article 19," based in London.

5- Work methods in the field of protection: Any complaint of a human rights violation is studied by a permanent committee. The Organization also investigates certain violations reported by the press in general, and complaints or press reports are usually addressed to the appropriate authorities (workers, mayors, central

administrators, ministers). Although these are usually ignored, the Organization continues to contact the appropriate authorities to get them to follow up on these complaints and to stimulate their reaction.

In some dangerous cases, open letters are addressed to a minister or the prime minister. Usually reports and statements are publicized after a reasonable period. Facts related to a violation are checked, and the legal grounds of the complaint are clarified, whether by consulting local law or international standards defined by international covenants and conventions. The task of addressing complaints demanded an expert level and the need to maintain a subjective attitude. Moreover, monitoring trials and their unjust nature in most cases is not only done with political issues but also in a number of matters concerning general rights. Reports of the trials are published⁽³⁵⁾. In the case of extreme violations (torture) the Moroccan organization offers legal and psychiatric aid⁽³⁶⁾. Funding for a project to create a rehabilitation center for torture victims was sought from certain international organizations. (At the beginning of 1993, the Organization prepared a report of an explosive trial that attracted the media and was related to an official in the intelligence department who was accused of an immoral offense.)

In 1995 a commercial dispute between a banking institution and a large international company was influenced by the interference of the system. Finally, the Organization condemned the violence and damages to the rights of the defense during their campaign to combat smuggling and drug trafficking.

6- Ending of some prohibitions: The case of those abducted in Tazamamart was only given extensive coverage abroad. It was first reported by Le Monde on the basis of a letter that one of the detainees managed to send. Amnesty International also raised the issue several times. After the crisis that the Organization overcame during its preparation for its first conference in April 1991, The Morocco raised the case of the Tazamamart detainees who were abducted from the central prison in August 1973. At the start of the eighties, the Moroccan Association for Human Rights demanded that the authorities give information to their families.

As for the Western Sahara issue, the Moroccan Organization for Human Rights was questioned for the first time during an international meeting in France in May 1990, within the framework of the International Federation of Human Rights. Following the visit of a delegation to Tandouf, the Federation decided to publish the report of the committee, in which there were indications of human rights violations by the Moroccan authorities. Wanting to be pragmatic, the Moroccan Organization, as a member of the Federation, requested that a similar delegation be sent to Morocco to gather information of violations perpetrated by the Polisario. It also criticized statements made by some members of the delegations who sympathized with the Saharan Republic. They emphasized that such a position was political and that they had overstepped the bounds of investigating the status of human rights in the area.

Furthermore, the Moroccan Organization for Human Rights did not hesitate to condemn the summary trial in which a number of Saharaoui Youth were given long

sentences for having demonstrated in favor of the Polisario in June 1995.⁽³⁷⁾ It also expressed its adherence to the concept of self-determination in the report submitted to the human rights committee in October 1994. However, the Organization refused to adopt any position with respect to the organization of the referendum procedures and considered that it was basically a political issue.

7. Reinforcing ties with international protection instruments. During the first months of its creation and owing to the support gained by the prohibition of the meeting of the constituent assembly, the Moroccan Organization for Human Rights joined the Arab Organization for Human Rights, and later the International Federation based in Paris. In October 1990, its comments on the government's report that was presented within the framework of the covenant on civil and political rights, were sent to the human rights committee in Geneva. It was the first Arab and African NGO to reply to a report presented to the international organization by its country's government. The Egyptian Organization for Human Rights took the same initiative in 1993, inspired by the Moroccan Organization. The latter also commented on other reports within the framework of the covenant and the convention against torture in October and November 1994. Owing to its credibility, the Organization strengthened its international relations and played an important role in the World Conference on Human Rights in Vienna in June 1993.⁽³⁸⁾

The Organization has friendly relations with Amnesty International as well as American and Canadian human rights organizations. Its request to join the International Jurists Committee in October 1995 was accepted. The deputy president was selected by the American organization, Human Rights Watch, from eight people in the world to receive the award for championing human rights in 1995.⁽³⁹⁾

8- Training The Organization's training efforts involve its members in training programs in Europe, America and the Arab Institute for Human Rights in Tunisia. A training seminar was organized in cooperation with international experts in March 1995, with the participation of 50 cadres. However, the development of members and those responsible in the Organization is a priority.

9- Efforts to strengthen the Organization Moroccan associations active in the human rights field, like others, depend on volunteers. This is a concern where people have family and vocational commitments. Absence, non-execution of tasks assigned to most of the responsible persons, and lack of experience are weak points that hinder any implementation with respect to the protection and stimulation of human rights. Also, social, cultural and political differences of the members and their outlook on collective work obstruct the harmony of the group.⁽⁴⁰⁾ Under the pressure of numerous Arabs concerned with protecting human rights, the Moroccan Organization devoted itself to reinforcing its organizational structure at the central level by employing a bilingual secretariat and permanent responsible employees, including a director of the premises (see Jilan Donu and Lauren Ghato, *The Rise of Association in Morocco: In Search of Citizenship?* The Arab World East and West, Issue 150, October/November 1995, pp. 19-39). The documents on human rights (UN, NGO documents, books, etc.) constitute

the core of the documentation center serving researchers and various associations. However, the officials of the Organization realized that professionals were needed to achieve progress in any activity. During the preparatory period for the establishment of the Organization, even inside the freedom committee of the Socialist Union of Popular Forces, the objectives of the members varied. This has had a direct impact on the organization's activities up to now. There were two conflicting theories in the Organization: 1) Members involved in partisan political activity who give more attention to partisan political action than to the objective of protection and revival of human rights⁽⁴¹⁾ and its presence within the association, serve the individual's political reputation and empower his party⁽⁴²⁾. 2) Members who were or were not involved in political parties for several months during municipal council and legislative elections in 1993 (one of the members of the Organization's National Bureau did not attend meetings for almost a year) or those frustrated by party politics who wish to act according to the principles of the Organization and to ensure its independence.

Political pluralism⁽⁴³⁾ and the basic principles of action adopted by the Moroccan Organization for Human Rights have preserved its independence until now, whether in terms of the ruling authority or opposition parties. If this independence was apparent in its impartiality or criticism of the opposition, particularly concerning reforming the law related to freedom of the press, it would remain vulnerable owing to the procedures for appointing the officials of the organization. The quota system for members of different organizations adopted outside any stipulations of the statutes during the establishment of the Moroccan Organization for Human Rights has led to the grouping of party members who play a decisive role in the selection of officials. This practice was also strengthened in the margin of the statute for the formation of a nomination committee during conferences.

Under such conditions, the election of officials becomes hypothetical as it actually passes into the hands of the parties. At the second conference, held in June 1994, in accordance with the formation of eleven branches of the Organization in major cities, there was a confrontation between the supporters of the existing situation and minority members who demanded more independence with respect to partisan political action. The latter proposed canceling the quota system between militants of the three leftist parties and numerous deputy president positions aimed at representing various currents. The reformists also demanded the approval of the principle of effectiveness and readiness to act during the election of responsible members of the organization. These proposals were intended to hasten the institutionalization of the Organization and to reinforce its independence.

They were not accepted during the conference due to the position adopted by members of the Socialist Union and the Labor Organization in particular. However, during discussions in the National Council, the latter dropped their demand for the quota system during the session held in December 1995, as this practice that was not supported by the statute and was meaningless owing to the inconsistency and ineffectiveness of members of these parties.

B - Development Parallel to Components of the Human Rights Movement

1- Coordinating Committee Between the Moroccan League in Defense of Human Rights and the Moroccan Association for Human Rights: After the failure of negotiations between the founders of the Moroccan Organization for Human Rights and representatives of the Moroccan League and Moroccan Association, which began in December 1987 and continued until the beginning of 1988, both organizations decided to coordinate their future activities in the committee. Although this committee was not completely formed, it played an important role from 1989 until 1993. The committee was created in March 1988, and disseminated a document to Arab and international organizations which contained the joint objectives of both organizations as follows: "To defend political, economic, social and cultural human rights, and to guarantee fundamental freedoms and honor and spread human rights principles as ordained by Islam as well as Arab and international declarations and covenants." The committee was later characterized by a number of statements on the rights to life and physical well-being, general and individual freedoms, rights of workers, women and immigrants.

2- The National Human Rights Charter: The idea of a national charter was raised in 1987 within the framework of the Lawyers Association in Morocco. Simultaneously the preparatory committee of the Moroccan Organization for Human Rights endorsed this proposal as a means of strengthening protection and reviving human rights. In December 1989 the Lawyers Association initiated the organization of a meeting about this among the different components of the human rights movement⁽⁴⁴⁾ The Lawyers Association, the Moroccan League for the Defense of Human Rights, the Moroccan Association for Human Rights, the Moroccan Organization for Human Rights, and the Moroccan Jurists Association⁽⁴⁵⁾ all drafted a proposal inspired by the program of Moroccan Organization for Human Rights. This proposal reviewed the problems in the field of human rights and defined the objectives of the movement in the short- and medium-term. The proposal was published in February 1990, and was officially approved on 10 December 1990. This event had strong repercussions inside and outside the country.

The prospect of unity in the human rights movement was not viewed favorably by the ruling authority.

On the basis of the charter, joint activities were undertaken by the three associations. Hence lists of political detainees were compiled, and, along with files on victims of forced disappearance, were published on 2 February 1994, one week before the general amnesty. The publication of the proposal in February 1990 was an important factor which influenced events in the human rights consultative council on the part of the king.

3- Committee for the Defense of Human Rights: After the dispute with the Moroccan Association for Human Rights in 1991 as a result of its partisan nature and its refusal to participate in the consultative council, in 1992 the members of the Association's branch in Marrakesh initiated the establishment of a Committee for the Defense of

Human Rights. This committee, formed by independent persons from parties, some of whom were former political detainees, adopted a methodology similar to the Moroccan Organization for Human Rights, that deals mostly with violations perpetrated in Marrakesh and writes about this to the authorities. The Committee is located in its chairman's office ⁽⁴⁶⁾. In reaction to the Moroccan Association's partisan nature, the Committee refuses to accept members who are affiliated with any party ⁽⁴⁷⁾.

4- Development of the Moroccan Association for Human Rights: The Association received a significant number of Marxist members who were involved in political trials. From 1989 to 1991, under an independent chairman, they continued to co-exist with members who broke away from the Socialist Union in 1983. The latter had called for close coordination among the three human rights organizations in order to surmount international divisions. From July 1993, the actual situation of the coordinating committee's activities with the "League" diminished the Moroccan Association's action. During the conference held in December 1994, discussions took place about the Association's course in an internal bulletin in which two different positions were apparent.

The first was inclined to maintain the association as a popular organization with a progressive nature. It is noteworthy that some leaders, including the current president, stated in 1990 during rallies held to promote the National Charter for Human Rights, that any human rights association had the same competence as a political party in addition to protection of human rights ⁽⁴⁸⁾.

The second concept called for the elimination of the attribute "progressive" and the popular nature of the association, so that the association could move towards more professionalism and effectiveness ⁽⁴⁹⁾.

Ultimately, the first concept was accepted. It was supported by members of the Socialist Democratic Talia Party and a number of old Marxists. In fact, the Association endeavored to be professional, similar to the Moroccan Organization for Human Rights. The Association benefited from informatics equipment donated by an international organization. Members joined from the Ministry of Education as permanent staff and were supported by the ministry in charge of human rights. The style used in reports changed according to international standards, and positive efforts were exerted to upgrade members. (This proposal was supported by Fouad Abdel Momeni, former member of the "Ela El Amam" movement and a former political detainee.)

C- Changes in the political system and development of civil society:

1- At the international level: Parallel to the changes in the world and international pressure, the development of the human rights movement influenced the ruling authority in many ways.

2- The consultative council for human rights: The "institutionalization of human rights," with the establishment of the council, has enabled the ruling authority to monopolize the discourse as well as the activity in the human rights field. Both

international pressures and internal action will lead to reform. These reforms will be declared by the king at the initiation of a consultative body and formally approved by parliament. All 37 members of the council were selected by the king either directly with respect to the majority or at the proposal of parties, unions and concerned associations. The last were asked to propose three persons, one of whom would be chosen. The ministers of Justice, Interior, Islamic affairs and Human Rights are all official members of the council. The Moroccan League for the Defense of Human Rights and the Moroccan Organization for Human Rights both agreed to participate in the council after the leaders of the Organization had managed to reach a temporary solution to the crisis that undermined it from 1989 to 1990. As the Moroccan Association for Human Rights, it rejected the proposal despite the Minister of the Interior's persistence with its president, who was an independent at the time.

As for the Moroccan Organization for Human Rights, its dialogue with the State since its establishment was the means to protect and revive human rights. It was difficult to refuse the offer. However, it kept this body at a distance by refusing the proposal made by members who assumed basic tasks (president, deputy president or secretary-general) to represent it in its consultative institution: this means diminishing symbolic participation. The Organization made a statement mentioning the role entrusted to a national consultative institution, in accordance with UN recommendations in this respect and related to criteria for independence and effective members. In this regard it criticized the formation of the council in which members were not qualified in the human rights area. Moreover, their independence towards the authority was in question. The council was not even free to confront human rights issues that initially fell within its domain.

Finally, the Organization abided by its critical view of the consultative council and even condemned the position adopted by its president ⁽⁵⁰⁾.

The Organization suggested that it would withdraw if the council was transformed into an instrument in defense of the policy of the State without tangibly contributing to the improvement of human rights. The participation of the Moroccan Organization in the consultative council was criticized by certain international NGOs and associations and within the Organization itself. The amount of work by the council was inadequate. If it did contribute to a partial reform of criminal law procedures, its other recommendations concerning a comprehensive review of this law and legislation with respect to prisons had no effect. In terms of addressing violations, the council prepared a list of those who benefited from the amnesty granted to detainees in cases of a political nature in July 1994. Only 11 out of 424 were considered prisoners of conscience (the Organization criticized the statement in which the council's Secretary-General adopted a political position vis-à-vis political detainees which denied their existence). Nearly 40 eligible Islamic detainees related to several groups were denied this royal amnesty. Furthermore, the council's commitment in April 1995 to give priority to solving the issue of missing victims registered by the Moroccan Organization for Human Rights, was not implemented. In general the council exerted

no efforts to protect against excesses, whether the matter was torture or violations perpetrated by civil servants.

3- Other means undertaken by the State with respect to human rights. At the societal level, a review of the constitution took place for the first time in December 1992, on the occasion of a general dialogue on societal guarantees for the protection of human rights. The Organization expressed its comments and demands in this area in a statement before the review. After this was approved, the Organization succeeded in including this text in the constitution. However, it raised the need for human rights guarantees, the principle of the separation of authorities and the independence of the legal system. At the level of international commitments, beginning in 1990 the government submitted regular reports in accordance with the international covenant and charters. On the occasion of the International Human Rights Conference in Vienna, Morocco ratified four international conventions related to human rights: the Convention for Elimination of all Forms of Discrimination Against Women (CEDAW)⁽⁵¹⁾, the Rights of the Child, the Convention Against Torture, and Protection of the Rights of Workers and their families, which has not yet been implemented at the international level. Yet none of these conventions was published in the official paper

The establishment in 1992 of a sector in the Ministry of the Interior for general freedoms was aimed at respecting freedoms. In reality, this sector only moved to justify procedures for prohibiting mass rallies mounted by some workers against legal measures. Moreover, the creation of a ministry for human rights affiliated with the prime minister is another way of "adding a functional nature to human rights."

The appointment of Omer Aziman, former president of the Moroccan Organization for Human Rights, to this post has two implications: first, it gives credibility to this ministry, and second, it was on the occasion of choosing a former official of the Organization. In fact, in 1988 Shazli Ben Jedid in Algeria created a ministry for human rights, and President Ben Aly in Tunisia himself, at the outset, to uphold human rights appointed a number of former leaders of the Tunisian League for Human Rights as ministers or ambassadors. Therefore, the ruling authority did not improve in this field. True, the person charged with this task was known for his enthusiastic defense of human rights issues, yet he had conceded to authority on many occasions, particularly with respect to the discourse. His attempts to improve protection were futile due to the power of the Ministry of the Interior. He was not reappointed in February 1995, and was replaced by a member from the majority in Parliament, whose election was questionable and, of course, not surprising. This appointment was to indicate the limit of "Makhzan's" opening. As for the Moroccan Association, which refused to join the consultative council, it accepted a dialogue with the new minister.⁽⁵²⁾ Thus the Ministry of Human Rights rapidly lost its credibility. The criticisms expressed by the Moroccan Organization to this ministry at its creation were to the point. For the institutionalization of human rights by means of forming a consultative council and a Ministry for Human Rights was quickly exhausted and its limitations self-evident.

4- Change of official discourse: The mention of human rights was long considered a form of provocation. International NGOs raised the issues of human rights violations, as well as torture and defense of prisoners of conscience. An official in the Ministry of the Interior asked some members of the Moroccan Organization's preparatory committee, who had contacted him on the occasion of preparing for a meeting of the constituent assembly which was prohibited, a simple and direct question: "Do you have any contracts with the British?" He wished to speak about Amnesty International forgetting that, due to the latter's structure, the new organization could have no relation with it.

Ever since the king publicly mentioned human rights in an interview with the international French radio, particularly after his statement on the occasion of the convening of the consultative council, all speeches from the throne and those addressed on numerous occasions specifically included human rights. Moreover, ministers responsible for violations, namely ministers of the Interior and Justice, made statements or answered questions about respecting human rights within the framework of the campaign against trafficking. These speeches were in answer to the issue of violations, raised by the Moroccan Organization for Human Rights and the Moroccan Lawyers Association. It is noteworthy that the changes at the state level did not change its relationship with national human rights organizations. The Moroccan Organization for Human Rights demanded in vain a dialogue with the general authorities concerning the violations reported to it. All correspondence with certain administrations, particularly the ministers of the Interior and Justice, were futile.⁽⁵³⁾ On the other hand, the State gave particular importance to any dialogue with international NGOs. (The Minister of Justice in the government formed in October 1993, Idris Mishishi El Elmi, professor of law and renowned for his integrity, answered several correspondences sent by the organization. He tried to rectify the Justice administration but failed. The same applies to Omer Aziman, who was not reappointed in the government of February 1995.)

5-- At the level of political parties: The parties created by the ruling authority adopted human rights discourse in their statements and newspapers. As for opposition parties who always raised the issue of fundamental human rights violations, this issue was always at the forefront. Opposition newspapers continually published information and statements by human rights associations, particularly those of the Moroccan Organization, thus contributing to the sensitization of public opinion. A law proposed by the opposition with respect to reviewing the press law provoked the reaction of the Organization. These members of the opposition called for jamming transmissions and consulting religious councils under the pretext of undermining Islamic general security, a proposal contrary to freedom of the press and information.

On the occasion of the international day of the freedom of the press, the Organization addressed a statement on 3 May 1994 demanding the withdrawal of this proposal. It was actually withdrawn due to the request of the Socialist Union. It was the first time that the Organization criticized opposition parties in public. This was a reconfirmation of the Organization's independence in the face of the opposition.

Moreover, the Organization condemned the decision of eliminating former Iraqi officials upon their return from exile. However, the Socialist Union's paper published this statement incorrectly, although it usually published all statements and communiqués from the Organization.

6- At the level of civil society:

A Emergence of the women's movement: Existing organizations, that is "the Independence Women's Movement,"⁽⁵⁴⁾ the Democratic Association of Moroccan Women, and the Women's Labor Union, have been very active since 1990 and jointly demanded review of the civil status laws of 1957. New organizations were formed, and many petitions were signed in this regard.

Before such mobilization, the king intervened and promised reform after consulting women's organizations. A partial amendment was initiated in September 1993.⁽⁵⁵⁾ Women's organization as well as human rights organizations recorded the shortcomings of this reform. Since 1994, at seminars and round table meetings, symbolic trials have been held on the legal status of laws concerning divorce and violence against women as well as discrimination in the work place.

B- Development of the Amazigheya Cultural Movement: Several associations were formed in the 1960s and 70s and others appeared later on. Lately, cooperation between these associations has increased. A charter was endorsed in August 1991 in Agadir, and a national coordination council was formed in February 1994, consisting of the signatories to the charter. Demands for cultural rights resulted in many arrests. However, due to the solidarity movement, the detainees were released. The Moroccan Organization for Human Rights was always in the forefront of adopting clear positions in support of the Amazigheya movement based on international human rights criteria. In his speech delivered in August 1994, the king declared that the three Amazigheya dialects would be taught and television started to transmit news bulletins in these dialects. Recently, the movement demanded that the Amazigheya language be considered a national language and be stipulated in the constitution. Moreover, the Movement made appeals for the support of political parties, unions and human rights associations.

C Establishment of new associations of a political nature During the past five years, particularly since 1994, a number of relatively independent associations were formed from political parties and the ruling authority. Civil society witnessed new vitality. Associations such as "Afak" (citizenship and development), "Ofuk 2020," an association concerned with education problematics and formation, and "Transparency El Maghreb," concerned with bribery, were formed. The "Badael" association, of a political nature, was formed in January 1996 and included some members of the Socialist Progressive Party, Popular and Democratic Labor Organization and others who sympathized with the Marxist movement but had no political affiliation. This association considers itself a medium for discussing social, economic and cultural problems and endeavors to influence political action.

The Socialist Union and Istiklal Party prohibited their militants' joining the new association, which they considered a new party. However, it is certain that the current prosperity in civil society indicates the emergence of the concept of citizenship along with the progress lately achieved in the field of human rights.

D Legal, administrative and financial constraints: The relative opening of the ruling authority did influence the condition of associations. In accordance with the revision of the general freedoms' law in April 1973, it was possible to suspend any association for an unlimited period by royal decree. The administration interprets this by delaying or refusing to give permits to establish an association or organization of opposition groups or independent persons. By doing so, the authority maintains its grip on societal activities.

Furthermore, associations independent of the ruling authority usually have insufficient financial means to undertake any activity and only survive on the subscriptions of members, as defined in 1958⁽⁵⁶⁾. Any donation was categorically refused. Thus the activities of those associations are limited due to the legal, administrative, and financial constraints imposed by the State.

Conclusion

Since the 1980s, societal activity aimed at the protection and promotion of human rights has significantly grown, owing to the fledgling "democratic process" that began in 1975 and positive international developments. The human rights movement is slowly developing more professionalism and seeks to change the nature of the relationship of the individual to the ruling authority. So the objective is to change the basis of the political game and to gradually steer the "Makhzan" towards a true rule of law.⁽⁵⁷⁾ That is to say that "Makhzan" should adhere to its words and implement constitutional principles and obligations enshrined in the human rights conventions that it ratified. The authority's control over human rights and its institutionalization in 1990 (Tunisia has followed the same course since 1987) constitutes the means to dominate internal and external pressures in order to delay radical reform of the system.

The authority's vague attitude towards human rights discourse makes the task of NGOs more difficult and necessitates greater diligence to expose this new game; the same applies to politicians. Mixing human rights action and political partisan objection has undermined the credibility of the Moroccan League of the Defense of Human Rights and isolated it, and still threatens the unity of the Moroccan Association for Human Rights and the Moroccan Organization for Human Rights and impedes their effectiveness and structure⁽⁵⁸⁾.

Backwardness and social conditions are other challenges reflected in periodic demonstrations (1965, 1981, 1984, 1990) based on belief in the principle of indivisible civil and political rights and economic, social and cultural rights enshrined in the Universal Declaration and international covenants of 1966. The human rights

organizations are paralyzed by "complaints" related to labor, housing⁽⁵⁹⁾ and health. Activity in these areas is limited to supporting the demands of unions, associations and the unemployed and reinforcing legal guarantees for the protection of workers.

The growth of the Islamic trend raises questions about the human rights movement and divides it into two positions: One calls for secularism and the other adopts Islamic values and their interpretation with respect to human rights. The problem was strongly addressed during the formulation of the National Charter for Human Rights in 1990, when the League's representative accepted with reservations the demands related to the ratification of the Convention on the Elimination of All Forms of Discrimination against Women and the abolishment of the death penalty. Later two members of the organization expressed similar reservations. Although discussion of this issue was limited, the second position predominated in the League and the Moroccan Organization, even in women's organizations. During the past years there has been suppression of members of the Islamic current and their leaders⁽⁶⁰⁾

The condemnation of such measures by the human rights movement has halted any confrontation between this movement and Islamic groups. However, the Moroccan Organization and the Moroccan Association have kept their position clear in terms of intolerance and violence in the university. Nevertheless, some of the responsible persons in the Organization were asked by Islamic students to participate in lectures and seminars on human rights. In general, human rights organizations have not yet defined a clear harmonious strategy towards political religious movements.

Human rights organizations that are confronting enormous challenges are trying to reinforce their structure and move from being popular charismatic associations to real institutions. To accomplish this transformation and gain more effectiveness in the quest for the protection and revival of human rights, they should surmount the administrative, financial and cultural obstacles to their development. Changing the relationship of the State and the individual through the radical reform of institutions and true political will for change, will all create better conditions for community activity and the decisive emergence of civil society.

Nevertheless, Moroccan human rights organizations will only be strong if they are capable of ridding themselves of political partisan hegemony in order to be free in terms of attaining their objectives, proceeding forth wisely and contributing to the promotion of societal culture.

NOTES

1. The traditional rule in Morocco is patriarchal and based on an unwritten system of principles and oral instructions. It is regulated according to the direct administration of the French protectorate and developments that have occurred since the end of colonialism (in

1956). The system continued operating parallel to the existing one, based on the constitution and a general legal basis.

2. Moroccan documents, magazines specialized in publishing the documents of the Moroccan national movement, Tetwan issue NO. 2 June 1988.

3. Gamal Eldin El Nagi - reform plan 1994 - Chapter 5 p. 279.

4. Detention by the police under the pretext of investigation

5. The National Union of Popular Forces was conceived as a result of the split in the Istiklal party. It demanded that the constitution be endorsed by a constituent association elected by general and direct elections. Actually the Talia party was established as a result of the split between the Socialist Union Popular Forces and the Marxist movement by election of a constituent association. The Moroccan Association for Human Rights adopt such a stance. Owing to intervention of leaders of the old students' association, the king lifted the ban in 1981. The 17th and final conference of this organization in 1981 was characterized by the withdrawal of the students of the Socialist Union of Popular Forces as a result of the pressure brought to bear by Marxist currents. Since then, the National Union of Moroccan Students has been totally paralyzed.

6. Due to the interference of the old leaders of the student's association, the king ordered lifting the ban in 1978. The 17th and last conference in 1981 was distinguished by the withdrawal of a large portion of leftists.

7. As of the seventies, a change in the law for practicing the legal profession was not haphazard. Hundred of youth with degrees were permitted to enter this profession without entrance exams or competition. This led to a decline in performance standards and respect of its principles. Moreover, attention with respect to issues outside the profession waned.

8. Presentation prepared by Constantin Bellal on political science entitled "The Moroccan Human Rights Movement" 1993.

9. The Socialist Progressive party replaced the outlawed Moroccan Communist Party in 1959. The Popular Democratic Labor Organization sprang from the covert 23 March Movement established in the second half of sixties.

10. Mohamed Abdel -Hadi Lekbab was also the president of the Lawyers Society in Rabat as well as the Lawyers Association in Morocco.

11. It's head is represented in the meeting by his son who was never elected in the executive bureau in the first place.

12. Look at Khaled El Nasseri's "Moroccan Organization for the Defense of Human Rights". Look also at Idris El Basri, Michelle Rossi, George Fodil in "Morocco And Human Rights" Stands, achievements, and prospects" Paris Larmatin press 1994 PP 449/472.

13. The matter is related to Mohamed El Heedi, member of the National Federation Forces-leftist party - which was banned from partisan activity, and Abdel Rahman Benamr, former

head of the Lawyers' Society in Rabat and current president of the Moroccan Association for Human Rights.

14. The Algerian League for Defending Human Rights headed by Yehia Abdel Nour, a former minister.

15. The nineties are witnessing an ongoing crisis between the Tunisian system that alleges to "nationalize" the human rights issue and the League.

16. The confederation is closely related to the Socialist Union of Popular Forces.

17. Abdel Rahman El Youssefi is one of the founders of the National Federation of Popular Forces. He was banished for twenty years after his detention during the so-called conspiracy of 1963 being Deputy Secretary-General of the Arab Lawyers Union in the Executive Council of the International Jurists Committee. He was active in international human rights organizations before succeeding Abdel Rahim Bou Ebeid as head of the Socialist Union of Popular Forces in 1992.

18. This concerns the author of this study, a lawyer who assumed responsibilities in the National Federation of Moroccan Students. He then entered the National Federation of Popular Forces and was a member of the defense team in numerous political trials. He was active in international lawyers' organizations. He abandoned all partisan responsibility in the conference for the establishment of the Socialist Union of Popular Forces in 1975. The other members of the Freedoms committee are Fahm Abdel Rahman El Kaderi, Professor of Constitutional Law; Mohamed El Sidki, former leader currently representing the Moroccan Organization for Human Rights in the Consultative Council for Human Rights; Mohamed Bouzube, lawyer and former deputy, representing the Socialist Union in the Consultative Council; Mohamed El Wadi El Assafi, former militant and poet; Mohamed Karam, lawyer (both were formerly responsible in the Moroccan Association for Human Rights); Abdulla El Weladi, lawyer.

19. This began with Khaled El Nasser, professor of law and a lawyer (Socialist Progressive Party); Mohamed El Marini, a lawyer (Popular Democratic Organization) and Abdel Gabar El Sehami, a writer and journalist (Istiklal Party).

20. Mangara commended Ahmed Reda Kadir, the king's counselor; Ahmed Osman, the king's relative by marriage and leader of the National Liberation Group; and Abdel Rahman Bou Ebeid, leader of the Socialist Federation of Popular Forces. During a Maghrebi meeting in Nouakchott in March 1988 where Abdel Aziz Banani was called by one of the founders of the organization, El Mangara stated that he had reached no decision, however, he agreed to be president at the meeting, and to be affiliated with the organization's preparatory committee a few weeks before the date fixed for the convening of the constituent assembly. These details are intended to clarify the circumstances surrounding the establishment of the new organization and the crisis in 1989 and 1990.

21. Abdel Karim Ghalab Director of the Newspaper "El Ilm" and advocate of the founding of the Arab Organization for Human Rights.

22. This matter concerns Mohamed Ogar, a journalist close to Ahmed Osman who is currently a member of the National Council of the Moroccan Organization for Human Rights.

23. Some of them were representatives of the national and international press, and political leaders such as Ahmed Osman, head of the National Liberal Tagamo Party, who was surprised by this decision.

24. Omer Aziman stated that the police questioned him about some of his contacts and informed him that certain founding members of the organization were accused of undermining internal security. Abdel Aziz Banani's name was mentioned.

25. Minister of the Interior

26. This honorary title was aimed at mitigating the impact of the authority's interference before the founders and the public.

27. El Mahdi El Mangara, supported by the leaders of the Algerian and Mauritanian Leagues, endorsed the establishment of a federation between them. Banani and the Tunisian League believed that it was necessary to commence with a framework for coordination and cooperation. The second formula was approved. The discord later affected relations between the founding president and secretary-general of the organization.

28. Most of the independent academics from Rabat and Casablanca did not tender their resignations. Ezeldin Beniss, Mohamed Mowakil, Mahgub El Heba, and Zeinab Meadi have assumed responsibilities in the National Bureau since 1991.

29. El Mangara's decision was justified by an unfriendly message, whether towards the founding president or the Moroccan Organization for Human Rights, sent by the president of the International Federation for Human Rights. In support of El Mangara, the National Bureau demanded and received an apology from the person who wrote the message during the Federation's Conference. This was made a condition of maintaining the organization's candidature.

30. The regime accuses those listed of having met the wife of Ibrahim El Sarfani (leader of Ela El Amam Organization, Marxist-Leninist). They are Khaled El Nassein, Omer Aziman, Abdel Aziz Banani and Amina Bou Eyash.

31. He resigned in 1993 when he was appointed Secretary-General of the Arab Thought Forum headed by Prince Hassan Ben Tallal of Jordan

32. The arbitration committee was presided over by Abdel Kader Lemrani, an independent and a lawyer. He chaired the proceedings of both the first conference of the Organization in 1991 and the second in 1994.

33. In fact, attempts in Sidi Kassem in 1993 were undertaken by member of the Socialist union haphazardly and without instructions from their party.

34. During the proceedings of the Preparatory Committee and the first months of the organization's life it made use of the qualifications of el Mahdi el Mangara in the media as a former director of the National Radio.

35. In the beginning of 1993 the organization prepared a report on a notorious trial related to immoral violations by a top official of the National intelligence.

36-Psychiatric aid was offered by D.R Abdallah Ziozio.

37. When this position was published and the American ambassador tried to act on their behalf with the government, the young men benefited from a royal pardon that reduced 29 years' imprisonment to one year.

38. Its president was elected from among three African members on the coordinating committee, stemming from the NGO Forum in Vienna.

39. Idriss Benzaki, former member in the "Ela El Amam" movement, former political detainee, released in August 1991 after 17 years of imprisonment. Since then he has devoted all his time to defending human rights inside the Moroccan Organization and monitors its administration. He has been deputy president since the 1994 conference.

40. Look at Jilan Dono & Loran Gateau : " the renaissance of associations in Morocco, looking for Citizenship". In the Arab World *Mashreq, Maghreb* issue no 150 October/November 1995. Page 19-39.

41. In a few months parallel with the legislative and local elections for the year 1993 one of the organization's members was absent from all the meetings that were convened for a whole year.

42. The popular democratic labor's organization report before the latest conference pointed to the popularity of this party in popular organizations . The Arab organization for Human Rights was mentioned in name . This note which is contradicting which is contrary to the identity of the organization was not welcomed by many members.

43. The current National Bureau embodies the form of the National Council. It includes nine persons affiliated equally with the three opposition parties: the Socialist Union, the Labor Organization and the Social Progressive Party, and a member of the National Liberals Group. Moreover, nine persons are not affiliated, including the president and one of his deputies.

44 Theoretically this meeting was not held because the authorities refused to grant a permit to the organizers, a matter which denotes interdiction. (The existence of this association has been ambiguous since the eighties.)

45 This association does not have but a nominal existence since the 80's.

46. Ahmad Abadreen, lawyer and member of the Moroccan Organization for Human Rights.

47. The Committee has lately issued a report covering its activities since its foundation up to the end of 1995.

48. This duplication of roles enables a political leader of a party to become a leader at the same time of a human rights association, as was the case with Ben Amr

49. This presentation was defended by Fouad Abdel Moemni, a former member in the movement of "forward" and a former political prisoner.

50. The organization has especially attacked the statement adopted by the Secretary-General in agreement with the official position of denying the existence of political prisoners.

51. It was ratified with reservations due to the civil status law and therefore contradicts the substance of the Convention.

52. Minister Mohamed Zayan, as member of the consultative council, stated that the detention camp of Tazmamarat was intended to be demolished with its occupants. At the close of January 1996, he was asked to tender his resignation after a dispute with the minister of a State in the Interior about combating torture and interference of this minister in the course of justice.

53. Minister of justice in the cabinet formed in October 1993 Idris Meshishi El Elmi also professor of law. He is known for honesty and tried several times to purge the ministry of corruption. The same goes for Omar Oziman who was not re-appointed in the cabinet of February 1995.

54. It is affiliated with the Istiklal Party and confines its membership to party members.

55. With respect to the consultative body, the amendment was approved by a royal decree, not by law because it was undertaken between two legislative districts before the new Parliament was formed in October 1993.

56. This Association includes 3 ministers in the former government including Mohammed Idris Al Elmi former minister of justice and Omar Oziman former minister of Human Rights.

57. This organization and other associations have not yet received a permit from the administrative authority in accordance with the law.

58. Refer to the study prepared by Mohamed Mawakeet, professor and member of the Moroccan organization for Human Rights: "Human Rights Movement in Morocco: Continuity and interruption of political protest."

59. Morocco, in the last few years, has witnessed the development of associations aimed at developing rural areas and creating small enterprises. Human rights associations, especially the Moroccan Organization for Human Rights, have received reports related to social problems.

60. Abdel Salam Yassin has been forcibly detained for five years. The League and Organization strongly deplore this situation. The Organization demanded the release of Islamic detainees who did not benefit from the amnesty.

PART 4

PROBLEMATC OF HUMAN RIGHTS MOVEMENT IN PALESTIN AND SUDAN

New Challenges to the Palestinian Human Rights Movement *

Khedr Shukairat **

Palestinian human rights organizations have experienced three stages of development in their strategies and philosophy of action:

- 1- The period of establishment until the eruption of uprisings, "Intifada."
- 2- The post-Intifada period.
- 3- The post-Oslo Accords and the penetration of the Palestinian Authority into the West Bank and Gaza.

The genesis of a Palestinian human rights movement that champions the human rights cause and promotes the supremacy of law dates back to the late 1970s.

When human rights institutions launched into action, they were geared primarily to combat Israeli forces and resist their violations, and expose them on the largest possible scale in order to protect the rights of the Palestinian people on their territory and consolidate their existence. Their ultimate national target was to establish the Palestinian independent state, with Jerusalem as its capital.

With the beginning of the 1980s, and more specifically before the outbreak of Intifada, those organizations were generally perceived as an alien body to the Palestinian

* This paper was published in ROWAQ ARABI (An Arab Passageway), No. 6, April 1997, as an editorial within a debate to which a number of the most prominent leaders of the Arab and Palestinian human rights movement contributed and commented.

** Director General of the Palestinian Association for the Protection of Human Rights and of the Environment - Jerusalem.

community. Their policy was classified as reformatory, i.e., it did not resort to violence to confront Israeli occupation, but rather attempted to unmask Israeli policy and enforce international law. Those organizations were even accused of working for the CIA (American Central Intelligence Agency), and of promoting Israeli occupation.

This perception was the offshoot of the Cold War situation and the existence of two superpowers in world politics (a bi-polar global system): the socialist camp and the capitalist camp. The latter, led by the United States, raised the slogan of "civil and political rights" as a major weapon in its war against the Socialist camp. However, this image changed completely, and the world community began to be conscious of the importance of the Palestinian human rights movement in serving the national cause.

Until this period, the Palestinian human rights movement did not play any tangible role at the local level. It focused its efforts on the international arena. With the uprisings, the importance of those institutions became more and more explicit. They were able to overcome the problems inherent in initial development and expanded their activities beyond the restricted role of confronting occupation forces. This led to an absolute and radical change in the attitude of Palestinian factions, which refrained from supporting those institutions.

Over the past few years, human rights institutions played a pioneering role in the Palestinian national struggle both locally and internationally. The action of Palestinian human rights institutions and their activists was in perfect harmony with the national objective of national liberation. This state of affairs bolstered the idea that the defense of human rights was one of the pillars of struggle against occupation, since violations of individual and collective rights of the Palestinian people were so massive that they required the efforts of human rights groups.

Palestinian human rights institutions have accumulated so much expertise that they became eligible to play a leading and highly supportive role in the national liberation movement led by the Palestinian Liberation Organization (PLO).

Palestinian human rights organizations strove to promote and defend the rights of Palestinians through different methods: monitoring, substantiating and documenting human rights violations, sending out written protests to the concerned authorities and agencies, mobilizing local and international public opinion, extending legal and material assistance to victims, and spreading consciousness of human rights among the Palestinian people through dissemination, research, mass media and education.

Consequently, many Palestinian human rights activists were detained, tortured, and abused by Israeli occupation forces.

As a result of its efforts, the Palestinian human rights movement was highly reinforced. It enjoyed an outstanding status within the circles of the Arab and international human rights movements.

However, those achievements did not grant those groups the means to deal with or even broach the question of violations committed by members of Palestinian factions

against each other, or against members of the Palestinian community. They could not stand up against the killings, torture, assaults, violation of the sanctity of universities and institutions, suppression of freedom of expression and opinion, kidnapping, etc.

Those exorbitant violations of the rights of Palestinians, even though committed by Palestinian individuals or groups, have been categorically overlooked by the Palestinian human rights movement because of the preeminence of the confrontation with occupation forces. Yet the majority of human rights adherents belonged to the same factions or splinter groups involved with those violations, which was actually a contradiction in terms. Hence, Palestinian human rights discourse was solely geared toward violations committed by occupation forces from the perspective of struggle and liberation. Its major objective was the establishment of the right to self determination.

The Oslo Accords

The Agreement on the Declaration of Principles signed between the PLO and Israel on September 13, 1993 imposed heavy restrictions on the Palestinian Authority, which in turn negatively affected human rights guarantees. Shortly after the Accords were signed, a prolonged but premature debate took place within the circles of the Palestinian human rights movement over the guarantees of human rights under the Palestinian autonomous authority. The debate was launched even prior to the penetration of the Palestinian Authority into Gaza and Jericho, when our association organized its international conference on "Human Rights During the Transitional Period," December 9-11, 1993. The predominant viewpoint within the Palestinian human rights movement was that the transitional nature of the agreement undermined the principle of sovereignty. The Oslo Accord, it was believed, imposed heavy restrictions on the Palestinian side and was biased in favor of Israel. Consequently, the Palestinian National Authority was implicated in actions that violate the rights of Palestinians. Hence, Israel was able to support its allegation that Palestinians were not eligible to establish their own autonomous state.

A close look at the logic of the Palestinian leadership, especially concerning civil society institutions, reveals that the transition to a pluralist and democratic society was perceived as a remote possibility, at least in the short run. The future, according to this paradigm, was totally a function of the outcome of the struggle between democratic groups and institutions and various social forces.

The most serious problem that the Palestinian people would face in order to institutionalize civil society under the autonomous government was the historical background of various groups. These had different interests and developed various perceptions of pluralist democracy. I mean by this both the Palestinian community within the Occupied Territories and the dispersed Palestinian community. There is also a huge discrepancy between the mentality of the local community and that of the dispersed Palestinian community from which political leadership emerged. The

dispersed Palestinian community throughout Arab countries was negatively affected by political conditions. Because democracy, pluralism, and liberal political thought were almost absent from the public life of those host Arab countries, the Palestinian community was not familiar with their practice.

Consequently, those conditions were reflected on the structure of the PLO, whose cadres abroad espoused anti-democratic thought and action.

The National Authority And Human Rights

Even when the Palestinian Authority moved into the West Bank and Gaza Strip in May 1994, violation of the rights of Palestinians did not stop. On the contrary, the Palestinian security apparatuses committed even worse and more flagrant violations. The year 1994 witnessed further breaches of civil and political rights spelled out by the international community. Meanwhile, most fundamental rights and freedoms of citizens have been increasingly violated in practice, which reflects the attitude of the Palestinian Authority toward those rights on the one hand, and the acceleration of violence committed by extremist Islamic groups to impose their belief system on society through coercion, on the other. A simple overview of the violation of fundamental rights committed by the Palestinian Authority and its security apparatuses against Palestinian citizens is quite alarming. Hundreds of incidents of violation of the right to life, freedom, and personal security have been monitored; detainees and prisoners were severely mistreated; complaints about torture in central intelligence headquarters, police stations, prisons and security camps were recurrently reported. Palestinian security forces arrested individuals through procedures that dealt a severe blow to all the guarantees spelled out by law. Examples of such violations include: detention for a period exceeding the legal limit, investigation under duress, etc. Authorities were reluctant to investigate cases of torture of prisoners of conscience, even though investigation committees were already set up. During the same year, the perils jeopardizing freedoms of opinion, of expression, of thought and of belief multiplied as a result of further violations committed by the authorities. The last incident was the arrest of Dr. Iyad Al Saraj (1), General Commissioner of the Palestinian Agency for Citizen Rights, merely because of a press release in which he criticized the National Authority for sanctioning the confiscation of printed materials, and for investigating several journalists because they published their free opinion. Dr. Saraj also raised the issue of the restrictive role of censorship in preventing newspapers from publishing articles that freely criticize government. Several forms of violation, including torture, assassination, arbitrary arrest and detention, suppression of the freedom of association, freedom of the press, etc. were repeatedly committed. From the establishment of the Palestinian Authority until the writing of this paper (January, 1997), nearly nine individuals have been reported dead inside Palestinian detention centers and prisons.

The Relationship With Human Rights Institutions

Some Palestinian human rights activists have been aware from the outset, if not before the penetration of the Palestinian Authority, of the problems that could emerge after the establishment of the Palestinian National Authority and the implementation of the Oslo Accords, especially since the Israeli occupation forces were still present in some regions. This implied that Palestinian human rights groups have to pursue their role of unmasking, denouncing and resisting Israel's violation of human rights until occupation forces leave the autonomous territories. Meanwhile, violations committed by the Palestinian security forces themselves against Palestinian citizens had to be confronted and dealt with, in order to enforce the concept of the supremacy of law as the method of action to be adopted by the Palestinian Authority and its security apparatus.

Palestinian human rights institutions strove to launch a serious debate with the Authority and the security apparatuses to come up with mechanisms of action that respect and guarantee human rights. However, the National Authority rejected those efforts, and totally overlooked complaints and messages sent by Palestinian human rights associations. Consequently, the latter began to publicly disclose and discuss those violations, as an attempt to pressurize the Authority. This public exposure was not an objective in itself, but was used after having exhausted all methods of dealing with those violations, and because the Authority categorically refused either to cooperate, or even reply to demands put forth by human rights institutions. The Authority ignored those requests in order to marginalize the Palestinian human rights movement, and undermine its role which, according to the logic of the Authority, has ended when the Authority assumed power. This attitude was expressed by President Yasser Arafat in his meeting in Gaza with Mr. Pierre Sané, Secretary General of Amnesty International. Mr. Arafat also said that Palestinian human rights institutions played an important role during the struggle against occupation, and that they were no longer needed. He refused to give Sané any promises that those institutions would continue to operate freely in the autonomous territories.

This was a clear indication of how the supreme Palestinian Authority perceived human rights organizations. Accordingly, various and even contradictory attitudes toward violations committed by the Authority pervaded the human rights movement. The latter has been split into various factions: an apologetic attitude which justifies government violations and suggests focusing instead on violations committed by Israel, a wait-and-see attitude, and a group that chooses not to antagonize the Authority.

This last group attempted to deal with human rights violations through a dialogue with the Authority. In case this attempt reached a dead end, a more explicit impact was sought. It was concluded that violations were not committed on an individual or random basis, but that they were part of the policy of the Palestinian security apparatus. Hence, human rights organizations intensified media confrontation with the Authority. This in turn stirred up violent reactions on the part of the Authority,

which took the form of a campaign against human rights institutions by terrorizing human rights activists through arrests, detention, and torture. Furthermore, the Authority embarked on a fierce mass media campaign, condemning organizations which expose government violations and accusing them of being agents of Western or foreign agencies. Unfortunately, the first group of human rights institutions justified those violations by claiming they were individual cases and that during the transitional period such practices are expected because the security forces still lacked experience. This group also alleged that any public denunciation of government actions is a credit to the occupation forces against the Palestinian Authority.

The Authority keenly attempted to cast doubts about the credibility of active human rights institutions and those responsible for them. The Palestinian government used the "loyal" press, and more specifically the journal known as "AL NASHRAH" (The Bulletin). From its first issue, this journal regularly included one or more articles slandering the reputation of decent and honorable human rights activists, calling their actions "dubious," sarcastically designating them as humorous "thieves," and accusing them of conspiring with foreign agencies. On the other hand, the Palestinian Authority attempted to contain human rights institutions through the Law of Associations, or by playing human rights groups against one another (2).

Actually, some of those institutions have surrendered to this campaign, and launched an intensive press campaign to implicate some Palestinian human rights groups as being financed by foreign agents, despite the fact that the same institutions accept assistance from the same sources. Even the author of this paper had signed contracts with financiers for the benefit of one of those institutions.

Those and other problems with the executive authority experienced by Palestinian human rights institutions call for a new strategy in order to opt out of this predicament.

Training Security Forces: A Controversial Issue

After the re-deployment of Israeli forces in some Palestinian regions and the penetration of Palestinian forces into a number of cities, the main structure of the Palestinian security apparatus was completed. However, this apparatus was engaged with serious human rights violations, which urged some human rights organizations to suggest the idea of training security forces themselves. This was a difficult task, bearing in mind the sensitive and even hostile relation between the two sides. However, some human rights institutions organized a series of educational sessions for security forces, which culminated with a joint project between two human rights organizations, Al Haq and the Mandella organization, to train the intelligence and preventive security apparatuses. Shortly afterwards, Al Haq decided to withdraw from the project for unstated reasons. Available information revealed that Al Haq withdrew when a lecturer from the Mandella institution gave a lecture before members of the intelligence service where he mentioned that the Palestinian society did not respect the supremacy of law, and gave many examples to support his claim. One of the contributors objected to his allegations, and said she attended the session to

determine the defects within the role of security forces and not to justify the violations committed by this body. This was a clear example of bootlicking of security forces, which betrayed the objective behind the sessions.

The fact that Al Haq withdrew from its joint training project with Mandella proves beyond any doubt that the idea of training Palestinian security forces is not yet fully mature. Consequently, such an attempt was not adequately implemented, which sometimes produced a pernicious effect. Suffice it to say that within training halls trainers who lacked expertise and the necessary legal background expressed individual opinions, which were often misleading.

The question now is: should human rights organizations proceed with those training programs or not?

This question cannot be answered with a "yes" or "no." However, those organizations have stood up and criticized Palestinian security apparatuses, which were not acknowledged as executive apparatuses, except for the police force. On several occasions, human rights groups have criticized the existence of so many security apparatuses. This attitude reflects the contradiction between the words and the deeds of human rights organizations. On the one hand, they do not acknowledge the legitimacy of different executive security apparatuses. On the other hand, they claim they can train them to implement the law, while they themselves lack the necessary professional and academic background. This state of affairs casts doubts about the major principle espoused by those institutions, namely, the establishment of supremacy of law.

Finally, if human rights institutions insist on taking part in the proper enforcement of law by training security forces, they should look for the best and most effective means to achieve this target. In my opinion, those institutions can select a number of security service employees and train them to become professional trainers within their apparatus. Or, they can promote relations between specialized international agencies, security apparatuses and the National Authority. As already mentioned above, a strong relationship between security apparatuses and human rights organizations is detrimental to the Palestinian human rights movement because it would undermine its credibility for reasons familiar to all experts in this field.

New Obstacles

Palestinian human rights organizations would face great difficulties and complications in order to undertake this task. Some of the difficulties should be taken into consideration, namely, that institutions of the Palestinian Authority are non-democratic and corrupt. This represents a major impediment to human rights. Furthermore, those institutions are severely autocratic, despite the elections held in January 1996. In my opinion, such defects should be highlighted in order to develop realistic strategies.

The obstacles can be classified as follows:

- 1- As a result of human rights violations, Palestinian public opinion reflects a sense of powerless and an inability to produce any change.
- 2- Government monopoly of the mass media, censorship of the press and curtailment of freedom of expression exercised by the central Authority made local public opinion almost totally immune to any external impact.
- 3- Lack of guarantees for free expression of opinion.
- 4- Human rights institutions fail to coordinate their efforts, nor can they rally mutual support.
- 5- Media blackout and anti-human rights campaigns.
- 6- The major dilemma is that the relationship between the central Authority and human rights institutions is built upon a logic of security, which makes it very difficult to improve the status of human rights.

Toward A New Philosophy

The major objective of Palestinian human rights organizations is to promote the human rights situation, through various means and methods. I will deal here with two of the methods I have already alluded to, because they have been successfully used by Palestinian organizations. I will not discuss a third method adopted by some human rights institutions because they justify violations committed by the Authority. Those I call "governmental" institutions, even though they claim to be non-governmental.

a. The first method is confrontation with the authority through the media while pursuing the debate. This strategy was adopted by some Palestinian human rights organizations after the failure of direct discussions or correspondence with government either to petition a case or to check some violations concomitant with government action. The Authority reacted by a counter-attack on human rights organizations, raising allegations of remissness, and casting doubts over the credibility of information, in addition to playing on the factor of time to shelve the case. Therefore, we, the Palestinian Association for the Protection of Human Rights and of the Environment, thought we should proceed with the media confrontation to exert pressure on the central Authority, having exhausted methods other than public protest in cases of emergency, which cannot wait for replies. Meanwhile, we confront the Authority through the judiciary in cases of human rights violations. However, we welcome positive steps taken by the Authority, such as signing the agreement for prison visits with the Red Cross, and releasing some of the detainees. This trend adopted by our association does not preclude debate with the Authority, even though this method is a dialogue of the deaf. Nevertheless, we emphasize that the promotion of human rights is not contingent upon the debate with the Authority. In my opinion, confrontation through the media at the local and international levels helps in

pressuring the Authority to change its policy toward human rights. However, it should be noted that open and public action is surrounded by hazards that jeopardize activists within human rights organizations.

b. The second method is peaceful dialogue through correspondence with the authority, and public protest in some cases of blatant violations, such as death as a result of torture, which all institutions unanimously agree should be met with public displeasure. Even the central Authority itself talks about it, denounces it and forms inquisition committees to investigate such cases.

The Palestinian Authority has always exhibited a predisposition to cooperate with human rights organizations in return for their silence and for their pledge not to publicly expose violations. The Authority shows good intentions only by receiving representatives of human rights organizations and talking with them, but nothing more. Proponents of government actions believe that this step in itself is an achievement that should be acknowledged and preserved, and that human rights groups should abstain from public protests. I think that those who have adopted this viewpoint have forfeited their credibility because they cannot cope with events, since the human rights situation is going from bad to worse.

Toward A New Strategy To Resolve The Crisis

Despite the complications and the dim picture presented above, Palestinian human rights organizations are well equipped to protect themselves from government interference and to maintain their autonomy through the following:

- 1- Prompt action through and beyond the Legislative Council to bring pressure to bear on the government to form the Supreme Judicial Council.
- 2- Using legal procedures in cases of violation to reinforce the role of the judiciary and establish the supremacy of law as one of the mechanisms and guarantees of human rights protection.
- 3- Increasing coordination among human rights organizations.
- 4- Taking a firm stand with the Authority without raising mutual antagonisms, and dealing rationally with reported violations of rights, while positively reinforcing any show of good will but without favoritism.
- 5- Developing the skills of human rights activists.
- 6- Providing protection for human rights protagonists and institutions for unrestricted action and preventing any attempts on their lives or the security of their institutions.
- 7- Motivating local and international public opinion to exert pressure on the central authority to reform its policies toward human rights.

Notes

(1) Iyad Al Saraj, General Commissioner of the Palestinian Agency for Citizen Rights, was arrested three times by the Palestinian Authority. The last arrest was in May 1996, and lasted for fifteen days.

(2) All articles have been published in local newspapers and the periodical, "Al Nashra," published by the Palestinian Authority under Khaled Al Batrawi's name (Batrawi is the Public Relations Officer at the Mandella Institution for Detainee Affairs). The Mandella Institution is subservient to the Authority, although there are allegations of its being non-governmental. Its Director General works as a legal consultant for the Palestinian Ministry of Culture and Mass Media, and as legal consultant for the Governor of Ramallah, the personal representative of His Excellency, President Yasser Arafat.

The author of those articles also was the field survey officer in Al Haq until 1994, when he moved to the Mandella Institution.

Politicization And Factionalism: Predicament Of The Human Rights Movement In Sudan

*Amin Mekki Medani**

Introduction

We Sudanese do not disagree with other Arab peoples that the institutionalized human rights movement is a new phenomenon to us, only two decades old. Since the struggle against colonialism, and even under the first and second military governments, the human rights movement has been predominantly political. First, it advocated national independence, then it called for a democratic government, which was absent under military rule. During those periods, several professional associations emerged, such as the General Union of Sudanese Workers and the Sudanese Women's Federation. In addition to general nationalist demands, those associations advocated rights having to do with wages, working hours and the rights of women. They actually achieved tangible results in those areas. Furthermore, some leftist parties, particularly the Sudanese Communist Party, integrated a new branch, namely, an agency for the defense of rights, to promote public freedoms and democratic rights. However, other parties did not follow suit, because they thought those demands were originally part of any party's political platform.

The situation continued as such until the military regime promulgated the September 1983 "Islamic" Laws, which President Numeiri claimed would apply Islamic Shari'a. He resorted to this measure when he had already used up all political stratagems and

* President of the Sudanese Organization for Human Rights

indulged in a hot confrontation with judicial authorities. Four months later, Numeiri declared a state of emergency under the pretext of implementing Islamic Shari'a laws. Accordingly, he sequestered the independent judiciary, established emergency courts and selected their judges from outside the judicial corps. Those judges humiliated and tortured citizens, enforced penalties such as whipping, confinement, execution (capital punishment), crucifixion, confiscation, slander, and pursuit by security police. This was the most oppressive and gloomiest period in Sudan's history.

Under those circumstances, some Sudanese intellectuals asserted that this situation had to be monitored and exposed, so that regional and international human rights organizations would be conscious of what was going on inside the country. The Arab Lawyers' Union, and its Secretary-General, Mr. Farouk Abou Issa, were the link between the local situation in Sudan and the external world. At that time, the Arab Organization for Human Rights (AOHR) had been established after the meeting of its constituent members in Limassol, Cyprus. The AOHR Secretary-General, Mr. Mohammed Fayek, has shown great cooperation and exerted, together with Mr. Abou Issa, a huge effort to support Sudanese locally, such as the late Professor Mohammed Omar Bashir, the first President of the Sudanese Organization For Human Rights. Hence, in the spring of 1984, the Sudanese Organization for Human Rights came to life as a clandestine association with a limited number of members. The author of this paper had the honor of being one of the founding members. The organization began to exert efforts, collect information on arbitrary laws and practices, and send reports with travelers, embassies and visitors to international agencies, the United Nations and representatives of various states. Those efforts were particularly manifested in the detailed coverage of the trial of the martyred Mahmoud Mohammed Taha, and colossal efforts were made at the international level in a desperate attempt to prevent Numeiri from executing Taha, all of which were in vain. However, less than three months after the execution, the Numeiri regime was toppled through a popular uprising in April 1985.

With the return to democracy, the Sudanese Organization drafted its own constitution and statutes. The Organization was officially proclaimed, registered, and its board of trustees and executive committee were set up, headed by Prof. Mohammed Omar Bashir. Members joined from all over the country. Several local branches were established in a number of Sudanese cities. Due to scarce financial resources, the Organization was hosted by the Sudanese Bar Association until it was finally dissolved after the June 1989 military coup.

The Third Democratic Period

Upon its registration in 1985, the Sudanese Organization for Human Rights (SOHR) specified its objectives of protecting and defending human rights, unmasking violations, condemning exceptional laws and arbitrary actions, undertaking research and studies, organizing seminars and forums, promoting organizations of civil society, and training human rights activists at the local level. SOHR scored great success, and

its activities became widespread thanks to a number of factors including democratic openness and public freedoms. Moreover, the Organization was keen to safeguard its autonomy beyond any specific political line. In fact, the majority of SOHR's key figures did not belong to any political party. Even the minority who carried party labels managed to involve themselves with the Organization's activities without trying to impose their party line on the Organization's general action.

During this period, SOHR's activity was intensified, particularly when it launched a campaign to abolish the September 1983 Laws, using press releases, seminars and lectures. Moreover, SOHR confronted the coalition government all through the democratic era by monitoring and disclosing information on violations committed by successive regimes. We mention here, for instance, the case of Engineer Saleh Al Khair, who was subjected to a fierce mass media assault when he was accused of conspiring with the rebels south of the Blue Nile. This was part of a campaign aiming to indict the Communist Party, to which Saleh Al Khair belonged. The press of the National Islamic Front led this campaign, and was able to influence the government to such an extent that authorities would have brought Mr. Khair to court had it not been for the counter campaign led by the Bar Association, SOHR, trade unions and various syndicates. Moreover, SOHR strongly and boldly supported the masses against the government proclamation of a general state of emergency, allegedly to combat what was called "the fifth column" or supporters of the Popular Movement for the Liberation of Sudan in the South, and to eradicate economic crimes such as black markets, smuggling and dealing in foreign currency.

The regime exploited the state of emergency to crack down on the opposition, on proponents of the cancellation of the September Laws, and on advocates of peace and justice. Hence, Dr. Shari was arrested after he had published his book, "The Massacre of Da'iyn." Moreover, the government confiscated passports of trade unionists who took part in the "Ambou Seminar" on Peace held in Addis Ababa, and charged them all with high treason. The government also adopted an antagonistic attitude towards parades and demonstrations staged by trade unions, and attempted to meddle with and influence the judicial administration to stifle such protests.

SOHR stood firmly against those government practices, issued statements condemning them, and addressed government officials on more than one occasion to put an end to those violations. In this particular instance, the ruling regime did not address SOHR on objective grounds, but rather dealt with it as an opposition movement influenced by leftist and Communist thought, one that hindered the democratic process. Hence, the young and new forces within left-wing parties were not enthusiastic to join SOHR ranks, nor to shoulder its efforts to bolster the human rights cause. On the other hand, the ruling parties did not bother to form institutions within the body politic that focused on issues of public freedoms and human rights.

At the level of day-to-day action, SOHR was concerned with social and economic rights. Its members visited prisons and detention centers, prepared studies on the condition of prisoners and detainees, and focused primarily on issues such as medical

treatment, the status of public hospitals, labor, women and the homeless. Hence, the number of ordinary citizens knocking on the doors of SOHR, or sending letters to present their cases and complaints, multiplied. Consequently, the Organization's activities and actions became more explicit and institutionalized. SOHR also managed to establish a strong moral influence among the masses and succeeded in gaining their respect.

SOHR Abroad

The June 1989 coup d'état sequestered democracy and public freedom, banned political parties, unions, syndicates, associations and newspapers. SOHR was also dissolved, its possessions confiscated, and its leaders placed under provisional seizure by the regime.

Tens of thousands of Sudanese were compelled to emigrate abroad, having been dismissed from service, arrested, tortured and chased. Cairo, as well as a number of European countries, particularly Great Britain, the United States and Canada hosted a huge number of Sudanese intellectuals, professionals, young males and females who emigrated from their country in search of a decent life. In the summer of 1992, a large group of Sudanese met in London at the initiative of late Mr. Mohammed Omar Bashir, SOHR President, and the late Dr. Ezzeddin Ali Amer, Farouk Abou Issa, Abdel Wehab Sanada, Bona Milwal, the author of this article, and several other fellows, to restructure the Sudanese Organization and register it abroad so that it could resume its activity. Due to simple registration procedures, the Organization was registered in London as a non-governmental non-profit organization. The Board of Trustees and Executive Committee members were selected, and the organization launched its activity in October 1992.

I was selected as President of the Organization because the late Mohammed Omar Bashir was living in Sudan, and his life would have been in jeopardy had he continued as SOHR President.

Right before the first public celebration of the organization was held, namely, right before the commemoration of the martyrdom of Mahmoud Mohammed Taha on 18 January 1993, Mr. Mohammed Omar Bashir, who lay ill in bed in Oxford, suddenly died. Mr. Bashir was the founding father of the original Organization in Khartoum in 1984 and took part in its registration in London in 1992.

SOHR Activity Abroad

During the last five years, SOHR has been able to make a good impression at the regional and international levels, being an active human rights organization not only in defense of human rights but also at international and regional gatherings, seminars, discussions, training of human rights activists, issuing reports and periodicals in cooperation with the presidency in London, and exchanging publications and periodicals with the London headquarters. We can summarize SOHR activities as follows:

* Monitoring and distributing information about human rights violations: publishing circulars including those violations, and distributing them through the press, embassies and the organization's branches.

* Issuing a monthly periodical in Arabic ("AL RASED"- The Observer) and another one in English ("VOICE"), and distributing them to agencies concerned with human rights in Sudan.

* Taking part in annual meetings of the United Nations Human Rights Committee in Geneva; distributing booklets and reports, and meeting with delegations in order to expose human rights violations in Sudan.

* Commemorating the life of the martyred Mahmoud Mohammed Taha every year, by organizing lectures and seminars, planning various activities and holding special exhibitions.

* Organizing seminars and workshops in various foreign capitals to discuss the human rights situation in Sudan.

* Providing information on the human rights situation in Sudan to the UN Human Rights Commissioner as well as to delegates of countries and organizations visiting Sudan.

* Contributing to biannual meetings of the African Committee for Human and Peoples' Rights, especially after the Organization had gained the title of observer within this committee.

* Cooperating with and helping to coordinate the efforts of regional and international human rights organizations, including the Arab Lawyers' Union, the Arab Organization for Human Rights, the Cairo Institute For Human Rights Studies, the Egyptian Organization for Human Rights, Amnesty International, the International Committee of Jurists, Ideas and Workshops group, Anti-Torture Organization, the International Federation of Human Rights and others.

* Cooperating with the Arab Institute for Human Rights and benefiting from scholarships to train Sudanese activists in the sphere of human rights.

SOHR's financial resources are drawn from members' dues, and by grants offered by Sudanese individuals and international organizations. SOHR prepares an annual statement of accounts and presents it to the Board of Trustees and the General Assembly in their annual meeting. The presidency rented an office in London and another for the SOHR Cairo Branch; these must be paid for, as must the cost of telephone calls, fax messages and electricity. Moreover, the preparation, printing and distribution of written materials is an extremely costly process. All leading figures in the Organization are volunteers and do not receive any salaries, except one or two employees in the London and Cairo offices, who receive a humble sum of money for transportation and meals.

Political Stimuli

Undoubtedly, the major problem that SOHR had to grapple with is the fact it was dissolved by the regime inside Sudan. It was then compelled to resume activity abroad. Meanwhile, opposition parties gathered together abroad and established the National Front. This state of affairs confused many members of the National Front and SOHR itself. Hence, it was believed that the Organization was merely a branch of the Sudanese opposition, due to its platform and style of action. Despite the overlap and strong correlation between politics and the rights of the masses, many individuals overlook the fact that political opposition aims primarily to check the regime, overthrow it, or reinstate a pluralist democratic system, either through armed struggle, military force or popular revolt. On the other hand, human rights activists, irrespective of the nature of the ruling regime, are mainly preoccupied with probing and shedding light on human rights violations, defending victims seriously, objectively, and sincerely, and on putting an end to those violations.

In addition to this serious confusion between the concept of political action and human rights activities, some political parties which have followed up the success scored by SOHR inside Sudan during the democratic period and abroad after the establishment of the London headquarters, attempted to control its leadership, despite the fact that party cadres selected for this task lacked the necessary expertise and capabilities. This often stirred up conflicts and disagreements during General Assembly meetings, and during the election of the Board and Executive Committee within the London headquarters, and the branches in Cairo, Sweden, Paris and Switzerland. SOHR has always been keen to stress that there was no objection to membership from different parties even in top ranking positions, so long as those members took into consideration the difference between political action and activities within the domain of human rights, and as long as they were persuaded that their work within the Organization had nothing to do with their party labels. Disagreements over this issue threatened to devastate the Organization more than once, and might have succeeded, had it not been for efforts exerted by key figures to convince rational independents and leaders of political parties. Despite the fact that SOHR was able to contain those crises, the roots of disagreement have always been latent and could create future crises. Another problem lies in the short-sighted perception of the role played by SOHR. This is a great mistake that should be avoided. SOHR agrees with the opposition on some viewpoints and programs, particularly the concept of democratization of government. Therefore, activities and programs espoused by SOHR should be institutionalized so that it can perform its role as well as it did during the third democratic transitional period.

We can notice that, for the first time in the history of Sudan, some political parties began to establish human rights committees within their structures. For instance, the Umma (Nation) Party set up a committee for freedoms and human rights, while the Popular Movement for the Liberation of Sudan established its own human rights organization. This is a good sign that will perpetuate the human rights movement and bolster public action.

Political Discourse and The Human Rights Paradigm

We have already alluded to the importance of differentiating between party or strictly political action which aims to wield political power, and human rights activity which has nothing to do with political power but aims to defend human rights regardless of the nature of the ruling regime. Human rights groups work within the bounds of the constitution, the law, human rights principles and values spelled out in international documents and covenants. In this respect, human rights organizations and activists should differentiate between sheer political discourse and human rights. As already indicated above, some SOHR adherents abroad were so short-sighted that they confused opposition per se with human rights activity. This confusion was reflected in several studies and booklets issued by the Organization, some of which discussed in great detail questions such as overthrowing the Islamic Front through armed struggle, popular uprising and revenge by the leading clique. Some even went so far as to advocate the liquidation of the regime rather than bringing its leaders before a civil court which would guarantee them the right to defense and a fair trial. Instead, it was advocated that they should be liquidated and their possessions confiscated. All those suggestions, of course, reflect arbitrary logic and overlook the principles of the supremacy of law. This line of thought has been severely criticized by international human rights agencies. I tend to agree, because this trend is highly emotional and full of bitterness. It espouses the popular saying that rulers in Sudan should "drink from the same glass" they gave to the Sudanese people. Undoubtedly, this is a deviant and erroneous attitude. If we pondered a while over what we are complaining about today - suppression, tyranny, absence of the rule of law, and lack of institutionalization - we would refrain from repeating the same mistakes with others. If we sincerely champion the supremacy of law, human rights, and institutionalization, we cannot apply a 'double-standard' policy. Our beliefs should conform with the principles we cherish and advocate. It is up to the judiciary to inflict suitable penalties on those who did us injustice, otherwise we would involve ourselves in an endless vicious circle of chaos and personal feuds. Furthermore, we would betray future generations, since it is our duty to reinforce principles of justice and supremacy of law for their sake.

Other Sudanese Organizations

During the third democratic period, a number of independent organizations other than SOHR were established and registered. Those groups focused on specific issues within the domain of human rights, such as the homeless, disabled and handicapped. Furthermore, the Sudanese Women's Federation, one of the pioneering organizations within Sudanese civil society, resumed activities. No sooner had those groups and associations begun to operate with the resources at hand than the military coup took place and suspended all civil society institutions.

Concerning activity abroad, women's associations engaged in regular action in a number of Arab and foreign cities. The Sudanese Association for Victims of Torture has been registered in London and has established an active branch in Cairo which

left its imprint on issues of human rights in Sudan. However, this association had sharp disagreements with SOHR due to allegations that the Sudanese Association included in its objectives and platform some items from the mother organization. Members of the Association for Victims of Torture thought their group had a special status because it highlighted the issue of torture under the Khartoum regime and was striving to draw medical and financial support for victims of torture. Disagreements were characterized by personal sensitivities between leaders of the two groups. After exhausting efforts, the Association of Victims of Torture reconciled with the mother organization, and the two groups mutually acknowledged one another.

Such disagreements should be avoided, regardless of their motives, because they hinder the process of institutionalization of the human rights movement. SOHR is working in the wide domain of human rights and would not be harmed by the establishment of specialized groups which focus on specific issues such as torture, homeless children, the handicapped, freedom of the press, independence of the judiciary, prison, hospital conditions, and other socio-economic issues such as labor, maternity, education, the environment, etc. On the contrary, activities of such groups would support its general objectives and efforts.

Closed- vs. Open-Membership Organizations

The nature of human rights organizations is quite an important issue. Some organizations are closed-membership groups, which are based on a small clique of human rights activists who devote their full time and energy to serve the cause of the organization, according to standards proclaimed in international documents and covenants. On the other hand, other organizations have as their major objective to establish an open-membership popular organization, encompassing all who sympathize with their cause. The General Assembly, which includes all members, selects the Board of Trustees and the Executive Committee, the two main bodies responsible for the organization's activities.

Opinions differ as to which of the two options is more suitable for human rights activities. Proponents of the closed organization claim it is more suitable because the specialized elite running the organization have more expertise and are of a higher caliber, and are fully devoted to the organization. In this sense, it can protect the impartiality and autonomy of the organization. This condition does not exist in the case of open membership, because thousands of non-specialized members belonging to different political lines strive to exploit the organization to serve their own ends. Consequently, the organization is involved in political conflicts and sometimes personal vendettas.

On the other hand, advocates of open membership stress the need for a popular organization encompassing all sectors of the masses. Its major target should be to mobilize the people and raise their consciousness about human rights issues. Moreover, they claim that a widely popular organization prevents the oligarchic

tendencies by a small clique to monopolize the organization, but rather allows for change of leadership through democratic methods.

We do not prefer either of the two forms of organization. However, we are keen to note that closed-membership organizations are prevalent among most human rights organizations, particularly in the West.

It seems that political and social conditions in the Arab World today do not support this approach. Wide participation is perceived as a guarantee of greater contribution and as providing better chances for organizations to strengthen themselves. In this way, the organization would not be subject to the influence of foreign agencies, particularly financial institutions, which many still regard with suspicion and caution.

In any and all cases, the Sudanese Organization has chosen from the beginning to be a widely popular movement. It welcomes any sympathizers with its cause, so long as they adhere to its constitution and objectives. Members are gathered in a General Assembly, which is the supreme authority within SOHR. It is empowered to amend the constitution, pass laws and statutes, and elect members to the Board of Trustees, which in turn selects the Executive Committee and the Bureau. As we have already mentioned, the Sudanese Organization abroad ran into difficulties and obstacles, which can be expected in a political organization in transition. Its leadership was concentrated in the hands of one or more of the major parties. SOHR leaders were targets of severe attacks and allegations based on personal feelings and ambitions, to such an extent that the integrity of some leaders was questioned, and they were also accused of misconduct. Nevertheless, SOHR's achievements and its transparency, especially in the financial domain, enabled successive General Assemblies to overcome those obstacles and support the Organization quite firmly and strongly.

This does not mean that such incidents will not be repeated in the future, especially if the situation changes within Sudan and SOHR moves to the local arena, remains an open-membership organization, and operates within a democratic atmosphere where all political forces can express their opinions, and disagree with and criticize other organizations for objective, political and even personal reasons. We will deal with this issue in more detail when we discuss the fate of the organization under democracy in the future.

Prospects for the Future

SOHR, and all other organizations either already working or intending to work within the sphere of human rights would, in case democracy is revived, have to stand up to difficult challenges and tasks, for several reasons: First, SOHR will have to continue as a popular association with an open membership because neither Sudan nor any Arab country has firmly established democratic traditions that allow a group of individuals, no matter how small their number, to establish an organization of any kind. In our countries, any organization relies primarily on large membership to impose itself on the existing regimes, which perceive civil society as a staunch enemy

rather than an ally. However, this does not mean that the door should be left wide open for any political movement or line of thought to pervade the Organization. This would sentence the Organization to death. As already mentioned, there are no restrictions on membership from other parties or political movements as long as their activities within SOHR are limited exclusively to human rights. Moreover, SOHR should have competent and experienced personalities at the top of its hierarchy so that they can effectively defend human rights, and expose and document human rights violations, regardless of the authority, individuals or groups committing the violations or being affected by them.

The second issue is SOHR's frame of reference. Today, democracy and human rights are at the forefront of world concerns. Generally speaking, international and regional documents and covenants are focused upon more and more, which makes it a priority for human rights organizations that different countries ratify those agreements and covenants. Furthermore, constitutions and legislation within those countries should conform with the international documents, and government actions should not contravene principles stipulated within those documents. Despite the great development in the sphere of human rights and the high hopes built after the Cold War, we are still witnessing the most flagrant violations of human rights, especially with the ascendancy of the Neo-Fascist movement in Europe, religious and racial extermination in Bosnia and Rwanda, and the growth of religious fundamentalism in Algeria, Afghanistan, Sudan and Egypt.

The third issue concerning the future of SOHR in Sudan is that it would operate within a country characterized by ethnic, racial and cultural heterogeneity, a condition which has greatly affected political conditions and promoted instability within the country since independence. While SOHR action abroad coincided with political opposition to the current fundamentalist regime, the downfall of the regime and the recuperation of democratic pluralism would not necessarily put an end to human rights violations.

Even if we assume that the ruling government and opposition were able to reach full political consensus, i.e., that they agreed on a minimum level of democratic standards and principles, Sudan still has a long road ahead. Regional discrepancies, and social and cultural differentiation among natives of the same country, will not be eradicated overnight. Moreover, issues such as economic and social rights to education, health, work, social security, the status of women and children, etc., would still persist, and would require huge efforts from the Organization. Herein lies the importance of parallel and specialized organizations and groups. The Sudanese Organization alone cannot defend and promote human rights, socialize and educate citizens, undertake research and studies, and develop its activities unless it cooperates with parallel organizations working in specialized fields strongly related to human rights.

The fourth issue concerns SOHR's relationship with similar non-governmental organizations at the regional and international levels, which could protect the organization itself and expand its scope of action. Those agencies can publish

information on human rights violations supplied by SOHR, can assist it in research, seminars, and forums, link it with the international human rights network, and pressure Sudanese authorities either directly or indirectly through other governments and institutions. However, this should not be implemented according to a set agenda, priorities and interests of foreign countries in the first place.

These are some of the risks and difficulties that SOHR might have to face upon resuming action within a new Sudan that would enjoy public freedoms and democracy.

Finally, we agree with some of what our friend Mr. Bahei Eddin Hassan concluded in his article on "Institutionalization of the Human Rights Movement" published in issue No. 3 of ROWAQ ARABI (An Arab Passageway) in July 1996, on the fate of the human rights movement in Egypt. He concluded that the movement should strive to:

- * Reinforce institutionalized democracy. Pressure exerted by terrorism cloaked under the banner of Islam should not dissuade efforts or undermine achievements. Democracy should be perceived as a means to combat, contain and uproot terrorism.
- * Establish a wide liberal movement (liberalism is the closest line of thought to human rights).
- * Support civil society institutions in general, and specifically support parallel organizations working in the field of human rights.
- * Bolster democratic practices among various political factions, including ruling and opposition parties.

We can add to Mr. Bahei Eddin's suggestions that human rights organizations should:

- * Draw to their ranks all human rights activists, including political party members, provided they differentiate between human rights activity and political action.
- * Use international human rights documents as a basis for action, and establish guarantees for democratic rights among all political forces and civil society institutions, particularly Islamic groups. The latter should reassure others that they would be committed to human rights principles.

Apart from protecting human rights, monitoring and documenting violations, and cooperating with international and regional organizations, SOHR should give special attention to the education of people about human rights through seminars, discussions, conferences, research and periodicals.

SOHR has heavy responsibilities and great challenges ahead. However, its achievements abroad and its struggle against all the obstacles it has faced make us quite optimistic about the future of SOHR, a bright future which human rights adherents and sympathizers, people looking forward to freedom, peace and dignity, deserve.

EPILOGUE

TOWARDS A COMPREHENSIVE
STRATEGY FOR HUMAN RIGHTS
ENFORCEMENT IN THE ARAB WORLD

Towards Human Rights **Enforcement in the Arab World** **A Comprehensive Strategy for** **the Arab Human Rights** **Movement***

Bahey el-Din Hassan

Methodology: In order to consider a strategy for the relationship between political Islam and

the human rights movement (the subject of this workshop), it is necessary to examine the following:

1. The challenges facing the Arab human rights movement.
2. The place of political Islam in the context of these challenges.

* This paper discusses the role of the Arab human rights movement, considering that it is a pivotal pillar of any inclusive strategy for the enforcement of human rights in the Arab world. It was originally presented to a workshop organized by the Human Rights Lawyers Committee titled "Political Islam and Human Rights in the Middle East and North Africa : Towards a Better Protection for Human Rights" 7-9 May 1996, Beaconsfield, Britain. It was also published in the book "Islam & Justice-Debating the Future of Human Rights in the Middle East and North Africa"- Lawyers committee for Human rights 1997.

3. The inclusive strategy that the Arab human rights movement should formulate in order to

achieve its objectives, in light of these considerations.

4. The place of political Islam in such a strategy. This requires clarifying the nature of the

problem between political Islam and the human rights movement.

Introduction:

The human rights movement in the Arab World has passed through three phases. The sixties, the period of inception, witnessed the birth of the Organization of Human Rights in Iraq, and the founding declaration of the Arab Organization for Human Rights in 1968 in Beirut, under the auspices of the former organization and the Arab Lawyers Union. However, that organization did not last for long⁽¹⁾, in view of the dominance of a certain human rights discourse which discerned only the violations by Israel which had the year before occupied the West Bank, Gaza, and some parts of Syria and Egypt.

The second birth was in the seventies, with the foundation of four human rights NGOs: the Tunisian League for Human Rights; al-Haq in Ramallah/West Bank; and two associations in Egypt that held the title "The Supporters of Human Rights"-- one in Cairo and the other in Alexandria. Shortly, the Cairo organization fell in the grip of the government during the phase of retracting the democratic margin (in the wake of the food riots of 1977)⁽²⁾, whereas the second isolated itself within its local sphere, thus falling into oblivion⁽³⁾. On the other hand, the ascent of the Palestinian national movement played a vital role in the rise of al-Haq organization, specially since there was great harmony between them in light of the congruence of their definition of the "enemy," i.e. the Israeli occupation⁽⁴⁾. Likewise, the growth of the democratic movement in Tunisia during that period played an important role in the growth of the Tunisian League, so that it became the biggest membership-organization in the Arab World⁽⁵⁾.

The third phase started in December 1983, with the foundation of the Arab Organization of Human Rights in Limasol/Cyprus, which shortly gave rise to more than 28 human rights NGOs in the Arab World (including three regional organizations)⁽⁶⁾. The great majority of these organizations are active in the domains of monitoring and protection, while the rest engage in raising awareness, human rights education, legal assistance and rehabilitation of victims. Thanks to the active role of these organizations, the human rights records of most Arab governments have become disclosed to public opinion, both nationally and internationally, after this task had been laid only on the shoulders of the international NGOs until the late in the second half of the eighties.

The Arab Human rights movement became the locomotive of civil society wherever it existed. It also came to enjoy a prominent status in the international community, in comparison to other Arab civil society institutions⁽⁷⁾ The success of the third phase was a result of the following⁽⁸⁾

1. The increase in the general awareness of the value of democracy and human rights, in light of the chronic failure of Arab regimes which had presented the values of social justice and national liberation as a justification for sacrificing human rights.
2. The inability of political parties to assimilate the substantial political and social transformations which took place during the last three decades.
3. The rise of the political Islam movement in the Arab World, with its agenda which forebodes a new kind of restrictions on the freedoms of expression, religion, belief and on women's rights. Intellectuals realized that the human rights movement is an ardent and outspoken struggler that does not succumb to blackmailing in the name of religion.
4. The foretokens of violent polarization between the Arab ruling regimes and political Islam.
5. The increasing sensitivity of a number of Arab regimes regarding their image before the international community.
6. The exceptional support which the international community extended to the Arab movement, especially by the international human rights NGOs.
7. The rise of a new generation to the forefront of the human rights NGOs. This generation is characterized by its increased professionalism and willingness to separate between its political background and its commitment to human rights issues⁽⁹⁾ It is more comprehensive of mass-politics skills, due to the training it acquired in the students and syndicates' movements and in political parties⁽¹⁰⁾

However, the last few years indicate that the human rights movement in the Arab World is going through an outspread crisis that threatens to end the third phase, which we hope to be followed by a new phase with a different strategy transcending the root-causes of the current crisis⁽¹¹⁾

Roots of the Crisis

The fact is that the human rights movement in the Arab World suffers from a two-sided crisis. The first side is general, linked to the crisis of the world human rights movement -of which the Arab movement is a part- in general, and the second side pertains to the Arab movement itself.

The world human rights movement currently suffers a deep crisis⁽¹²⁾, which threatens to totally marginalize the movement, and to eject it outside the sphere of action. The symptoms of the movement's crisis are:

1. The decline of its efficiency in improving the conditions of human rights ⁽¹³⁾.
2. The gradual shift towards dissociating objectives and methods, so that the reports, bulletins and campaigns have -sometimes- become an objective in themselves ⁽¹⁴⁾.
3. The emergence of new patterns of human rights violations, making the predominant methods -which give decisive importance to the legal approach and to the work of monitoring and observing- ineffective. The clear example of these patterns is the violations committed by non-state entities, such as the many fascist groups in Europe, the Islamist groups in the Arab World, some leftist groups in the Philippines and Latin America, some multinational companies in the Third World, some ethnic and clan groupings in Africa, ... etc.
4. The failure of the movement to create a discourse that would take in consideration cultural, political and social specificity, without this being at the expense of the universality of human rights principles.
5. The gradual loss of initiative as an effect of the aforementioned factors, in addition to the inability to formulate common stands as regards the recurrent problems which circumstances impose on the movement daily ⁽¹⁵⁾. This relegates the movement to a reactive position.
6. The pervasiveness of the competition disease among most organizations (vertically and horizontally) on the international, regional and local levels. This wastes a substantial part of their effort, and inflicts the nobleness of the human rights message.
7. The confusion of its image -especially in the Third World- with the notorious and extensive employment of human rights in international politics, the matter which obstructs the dissemination of the movement's message.

As part of the world human rights movement, the Arab movement suffers the same problems, however some of them are characterized by certain features arising from its political, cultural and social environment ⁽¹⁶⁾:

1. The lack of legal status in most Arab countries.
2. The lack of political legitimacy, as a result of:
 - a. The concordance of governments and opposition parties on considering it an outgrowth of an alien body, or a rostrum which political opposition parties believe they have the right to use or dominate.
 - b. The lack of confidence between the HR movement and the Marxist and Pan-Arabist trends, which have great, weight and influence in political and cultural life.
 - c. The enmity which the political Islam trend holds towards the HR movement, and its juxtaposition of an alternative human rights agenda.
3. The lack of cultural legitimacy, as a result of:

a. The low status of democracy in the dominant political culture in favor of the values of national liberation and social justice.

b. Denying the issue of cultural specificity its due status.

c. The novelty of human rights culture.

4. The lack of a social base, as a result of:

a. All the aforementioned factors.

b. The fierce war governments wage on the movement employing both the media and the security apparatuses.

c. the weakness of civil culture and the feebleness of the new civil society institutions.

5. The failure to formulate common discourse and practice that are consistent with human rights principles concerning the issues related to war and peace⁽¹⁷⁾-such as the Gulf war⁽¹⁸⁾ and the Arab-Israeli conflict, and particularly concerning the position on the peace process⁽¹⁹⁾, armed struggle, suicidal operations⁽²⁰⁾, and the assassination of those suspected of cooperation with the occupation forces.

6. The policies of some Western superpowers on a number of the most vital Arab issues (the Palestinian question, the incessant Israeli aggression on Lebanon since 18 years⁽²¹⁾, the economic siege on Iraq and Libya, ...etc.) have played a severely negative role in relation to the reputation of the human rights movement, specially in light of these superpowers' employment of the human rights rhetoric in their political discourse.

7. As a result of the weak awareness of the problems of the human rights movement in the political, cultural realities of a certain society, the prevalent patterns of education and training in most of the human rights NGOs in the Arab World play an indirect role in sustaining and aggravating the crisis, by producing trainees who are unaware of the challenges they face, and have no response to these challenges except reiterating the abstract simplification of human rights principles they had learned, or otherwise draw on the positions of the political trend they belong to.

These strenuous conditions have put the Arab human rights NGOs before several bitter choices⁽²²⁾:

1. Compromise with some governments with a view to undermining political Islam, with the allegation that this trend is more dangerous to human rights.

2. Compromise with the ideological agenda of political Islam, in pursuit of the missing popularity.

3. Alliance or merging with one of the opposition parties or one of its coalitions, under the illusion of the congruence of goals.

4. Silence on the assassination of the suspects of cooperation with the forces of Israeli occupation, and avoiding taking a position as regards the suicidal operations in fear of an inevitable loss of popularity.

In all cases, the Arab human rights NGOs fell into increasing politicization and internal conflicts. Those conflicts were exacerbated by the failure to establish institutional mechanisms for managing them, or to resort to them in case they exist ⁽²³⁾. How rare are those NGOs which escaped falling captive for one of these alternatives! However, the common factor of most Arab human rights NGOs is the lack of a clear and inclusive strategy. This strategy would define their positions regarding the various parties (governments, political parties [including political Islam], civil society institutions, the media, parliament, international NGOs, foreign governments, ... etc.), their objectives regarding each individual parties, and their plan for managing the relation of conflict/dialogue with each party, and their expectations. It would also give shape to the work of evaluation, and revision of temporal objectives and practical plans.

While all of that is comprehensible in the context of the Arab societies' lack of deep commitment to scientific methods and institution-building, it is doubtful that the international human rights NGOs possess a clear-cut strategy regarding their activity in the Arab World. This requires the analysis of the nature of the political regime in each Arab country. It also necessitates the drawing up of a scheme for the temporal objectives required for the improvement of the condition of human rights in the concerned country, the place of the local organization/s in that plan, and the place of other international NGOs.

All of this assume the existence of a certain minimum level of equal relations of cooperation and vertical and horizontal coordination, which would allow drawing up such a strategy in a joint manner and with a consensual division of tasks ⁽²⁴⁾. Yet, this has no precedence in at least the Arab World. However, there is more than one example to prove that the lack of such a common strategy, and of the coordination of positions, had wasted some potential opportunities for promoting human rights ⁽²⁵⁾.

Radicalism or Reform?

The crux of the matter is that the Arab human rights movement functions in an unfavorable environment, where it constitutes the weak party among governments and political trends which have material, political and cultural roots. This leads the movement in most Arab countries to one or more of the aforementioned bitter alternatives, which in practice means abandoning the umbrella of human rights to another camp.

Yet, the way the Arab human rights movement would deal with this environment might either further exacerbate the conditions of its weakness, or help fortify and deepen its roots in that environment, which would help in promoting human rights in the Arab World.

Among the factors that helped in intensifying the factors of its weakness:

1. Lacking an inclusive strategy. It is doubtful that there exists -at present- any Arab human rights NGO that possesses such a strategy. The Palestinian NGOs used to have such a strategy before the Oslo agreement, yet a new strategy to define the prospects of the relation with the Palestinian National Authority, and the other active parties, has not been drawn, which forebodes harmful consequences for the movement.
2. Belittling the issue of cultural specificity, which is reflected in the following:
 - a. The cultural and educational approach does not occupy more than a symbolic status in comparison to the legalistic approach based on monitoring and protection.
 - b. The prevalent work method in the education of human rights either omits the problem of cultural specificity or assumes it is solved merely by teaching the principles of universalism.
 - c. The prevalent work method in the domain of propaganda and culture dissemination disregards the extent of the predominance of a certain conservative and fundamentalist interpretation of Islam which juxtaposes it to the principles of human rights, and the extent of the hegemony of this interpretation on wide strata of public opinion in many Arab countries. This turned some cultural and propaganda material of human rights organizations into weapons in the hands of political Islam to isolate those organizations and stir public opinion against them.
3. The domination of the spirit of radicalism --both in the local and international human rights communities-- that is based on perpetual confrontation despite the lack of conducive environment, and the depreciation of the reformist approach, which is based on the accumulative building from below, and on the methods of negotiation and mediation.

This radical spirit has played a vital and positive role in certain circumstances in several Arab countries, as for example with the Egyptian Organization for Human Rights. In addition to other factors, holding to this spirit assisted the EOHR in securing an influential place for itself in political life, after it had been on the brink of death. However, the EOHR missed a potential opportunity for entrenching its status, and thus its influence on the process of decision-making in the realm of human rights, due to its mistaken evaluation of power relations, and of the limits of the benefit of such spirit ⁽²⁶⁾. It could be argued that the dominance of the spirit of radicalism in at least two of the Arab human rights NGOs has lead, among other factors, to governmental domination on them with varying degrees.

Many of the human rights activists sometimes forget that at the end only governments have the final decision regarding the improvement or the deterioration of the conditions of human rights ⁽²⁷⁾, and hence the importance of seeking to establish a conversational relationship with governments. The nature of such a relationship does not depend only on governments, but also on human rights NGOs. In this regard, it is pertinent to note the deep dialectic relation between the dominance of the impulsion

towards confrontation --i.e. the top-down approach-- and the limited interest in the cultural approach, i.e. building from below.

Towards an Inclusive Strategy

The value of any strategy is not determined by its viability only, but also by being an object of accord between those responsible for its implementation. Thus, a strategy drawn up by a local HR organization is worthless, unless preceded by consultation with the active international organizations in the concerned region. This consultation should encompass the division of labor and the availability of dynamic coordination based on equal and effective participation.

Therefore any Arab strategy has to be international in another sense. This is not only to avoid wasting resources in duplicated efforts, but also to avoid the potential contradictions that might negatively affect the work of local organizations, and to ensure the best unity of action that would result in maximum effect ⁽²⁸⁾, which would include the maintaining of collective negotiations with every government -when this is possible- involving the local and international NGOs active in the country concerned. This orientation is also indispensable for international human rights NGOs upon formulating their strategies for any concerned region.

The features of such a strategy could be summed as follows:

1. For performance evaluation, it should employ the standard of the efficiency in achieving objectives not the mastery of the methods used to achieve the objectives.
2. It should be based on the holistic approach ⁽²⁹⁾, with decisive attention given to the bottom-up approach, i.e. addressing the collective wisdom and culture of society as a whole, more than the other approach which cherishes the notion of top-down reform through governments and political parties.
3. It should pay special attention to the establishment and entrenchment of legal, political and cultural legitimacy, and of a social base for the human rights movement.
4. It should pay greater attention to the issues of amending policies and legislation that are incompatible with human rights, including the participation in designing alternative policies and legislation, and the mobilization of efforts for their adoption by the authorities. This is what some call "substantive democracy," which can not be reduced only to free elections ⁽³⁰⁾.
5. This necessarily means giving a greater weight inside the human rights movement to the cultural approach, in comparison to the overwhelming significance currently ascribed to the legalistic approach and to the work of monitoring and observing.
6. This requires realizing that the cultural approach is part of a wider process, that is described by Michael McCormack to be the rehabilitation of cultures brutalized by internal wars, fundamentalism, humanitarian crises and prolonged dictatorship ⁽³¹⁾.

I believe there is not a single Arab country that did not suffer at least one of those diseases.

Could this process of rehabilitation take place in the Arab World? Muhammad Sa'id answers affirmatively:

The image of a culture as an integrated, consistent, and placid system of ideas and themes is built on an epistemic fraud. All cultures are great reservoirs of themes and counter-themes, tendencies and counter-tendencies, norms and counter-norms, etc. A culture is a living, symbolizing and open-ended experience. The empowering of a given set of ideas, notions, values, themes and institutions to prevail within a culture is an "industrial" operation that derives from ingenuity and force. While raw materials of themes and concepts never die, they may get suppressed or simply marginalized in the interests of other themes and concepts. The rule of prevalence hardly conceals the richness and pluralistic character of every culture. A culture is thus constituted by layers of prevalent sets of ideas, whose odds and configurations change from one layer to another. Interruptions and continuities are always simultaneously acting on the overall raw materials of a culture; thus relating, and relocating the status of themes and ideas to one another in a variety of ways.⁽³²⁾

Needless to say, this is a major historic process. The focal point of the contribution of the human rights movement in such a process is to encourage the development of an Arab human rights thought, through exerting effort to solve the problems existing between the internationally acknowledged human rights principles and the prevailing conservative interpretation of Islam, and to address this thought to society via the most effective and penetrative media channels. This means the following:

- a. Encouraging jurisprudential *ijtihad* in Islam, and opening a dynamic dialogue with Islamic scholars.
- b. Creating and supporting channels of interaction between the academic and the human rights communities.
- c. Encouraging the production of literary and artistic materials (films, documentaries, video films, cassette tapes, songs, poems, stories) to deal with the issues of human rights⁽³³⁾.
- d. Paying special attention to the access to the audio-visual mass media channels.
- e. Considering the foundation of a TV channel dedicated to human rights and addresses the Arab World, even if by using satellites.
- f. Scrutinizing and revising school curricula from the human rights perspective, and to work accordingly on developing them, and the addition of human rights courses in all educational stages.

g. Developing human rights education by discarding the dictation methods, in order that the problematic of cultural specificity takes its due place at the core of the educational process, with special attention given to intermediate groups: preachers, artists, teachers and journalists.

7. Working intensively to promote human rights sensitivity in civil society institutions, especially grass-root developmental organizations.

8. Maintaining a dynamic dialogue with all political trends, including the ruling parties, with the aim of the entrenchment of the basis of human rights in their theoretical and practical orientations, and of forging a wide political consensus on human rights issues, with a view to draw up a code of honor binding on any party that would hold power.

Political Islam and the Human Rights Movement

At present, political Islam is the most effective political force in the Arab World. It is the best organized, and possesses the clearest strategy. The signs of the rise of this trend manifested themselves three decades ago, in the wake of the glaring military defeat of the Arab regimes before Israel in June 1967. It grew on the ruins of the competing political trends -Pan-Arabists and Leftists- which failed to present an alternative strategy, not to mention the fact that some parties of these trends were either partners or allies of the defeated Arab regimes.

Moreover, the West's antagonistic positions on the vital Arab causes gave indirect support to this trend, as considered the historic response to the West - the defeat. Despite the entrenched animosity by this trend towards the human rights movement in general, and the Arab movement in particular, its campaigns against the movement has been keen on avoiding open war wherever this trend was weak or a victim of human rights violations⁽³⁴⁾.

This animosity and the Machiavellism rampant in the political Islamic trend should not stand as an obstacle before exploring the opportunities of dialogue, with a view to the improvement of the human rights condition. Since the suggested strategy affirms the importance of dialogue with all political forces, including governments and ruling parties, it follows logically that the most effective political trend should be at the head of the list of potential conversants.

In this regard, several methodical remarks are due:

1. The political Islam trend is not synonymous with Muslims, nor a reflection of the reality of Islam. It is a product of circumstances and lived reality. Its declared stand on a certain issue differs from one country to another according to political, social and cultural considerations⁽³⁵⁾, and in the same country according to jurisprudential opinions⁽³⁶⁾.

2. There is no consensus on any one Islamic movement, and according to a researcher in the Anthropology of religions there are more than one hundred trends each alleging

that "it is the 'party of Allah,'" ⁽³⁷⁾ each considering most of the others as infidels and more dangerous to Islam than secular parties, as each of them holds that the others lead Muslims astray from the true path of Islam.

3. Being the most effective and the best organized political force does not necessarily mean that political Islam is the most popular or influential. In this respect, it is necessary to examine the statistics on the presidential elections in Algeria in 1995, which the main political parties -topmost of which was the Islamic Salvation Front- called for boycotting. However, 75% of the population participated in the elections, in comparison with 54% in the elections where the Islamic Salvation Front won in 1991. We could also examine the results of the last democratic elections in Sudan (1989) before the Islamic military coup d'etat, where the front of Turabi came third, securing less than half the votes of the first-ranking party (the Umma). ⁽³⁸⁾

4. It is not the most popular religious group among the Muslim population. The most influential is what came to be termed "popular Islam", such as the Sufi orders in Egypt which possess an auspicious world-view and a different conception of morals and human beings.

5. There are non-fundamentalist (outside the political Islamic movement) Islamic thought trends that have vital contributions in Islamic thought, and present many interpretive judgments that could serve as an important starting point for deducing the principles of human rights from the Arab/Islamic culture ⁽³⁹⁾

6. There are two main tendencies within political Islam. The first is that of the armed groups. Their violence rests on certain ideological beliefs: "the overthrow of the infidel ruler by force," "the impossibility of coexistence between Dar al-Kufr (the house of infidels) and Dar al-Islam (the house of Islam)," "the necessity of armed struggle against any group which rejects one of God's laws," "prohibiting non-Muslims from supremacy as doctrine or appearance as religious practice, keeping it in their hearts only." A common slogan is "Islam or destruction, Shari'a (Islamic law) or arms." ⁽⁴⁰⁾ As is obvious, these statements are independent of the human rights violations which afflict the members of these groups, which some -mistakenly- believe to be the cause of their resort to violence. These are the groups responsible for the assassination of dozens of journalists, women and Christians in Egypt and Algeria. It is difficult to envisage any approach to dialogue with them without first renouncing the principle of using violence.

The second tendency is the unarmed, or that which renounced the use of violence. It is the one that produces the jurisprudential justifications for the acts of violence against intellectuals, and for the exoneration of the perpetrators. ⁽⁴¹⁾

Both tendencies agree on two main statements: "Islam is a totalitarian system - it should be taken as a whole, or discarded as a whole," and that "the Islamic system means the literal and complete application of the Kuran." ⁽⁴²⁾

7. The controversial issues between the human rights movement and what Muhammad Sa'id calls the "orthodox trend in Islamic thought"-which is the

dominant jurisprudential trend in the political Islam movement- are pivotal. They start with the definition of Human, and include the principle of equality, the freedom of belief and women's rights.⁽⁴³⁾ Overstepping the rift in those regards is a long-range cultural -not political- process⁽⁴⁴⁾, that is based on encouraging anew the spirit of ijtihad in Islamic thought, in cooperation with its many schools. Thus it is a process that starts from below, not from above.

8. In this regard, there are many valuable innovative judgments by a number of thought symbols of political Islam, however the pitfall of such innovations is that they are still incapable of constituting a starting point for closing the rift with human rights principles⁽⁴⁵⁾, in comparison to the innovative endeavors of Islamic scholars from outside the fundamentalist movement. Moreover, even in their most moderate forms those innovative judgments proscribe any parties that differ with them as regards "Islamic tenets"⁽⁴⁶⁾ or those that do not uphold "the values of Islam and its teachings."⁽⁴⁷⁾ Their explanation is that "Islamic established principles do not allow for pluralism or difference or discrepancy as regards the fundamentals of religion."⁽⁴⁸⁾ Their provisional- tolerance of secular parties and avoiding demanding their banning is either abiding by necessities, lest they be banned in those countries ruled by secular parties⁽⁴⁹⁾ or mere political adaptation to what Mustafa Mashoor, the Supreme Guide of the Muslim Brother, calls "the stage of the call when Islamists have no choice", which is different than the state model envisaged by Islamists⁽⁵⁰⁾

9. The greatest obstacle before any serious dialogue with political Islam (maybe more so than with any other political force) is the wide breach of confidence resulting from:

a. The mutual mistrust of motives.

b. The great "flexibility" that characterizes the leaders of political Islam, manifest in their willingness to adopt a certain position and its opposite. This is explained historically by the resort to "Tuqyah" which allows Islamists in the phases of weakness to declare positions contradicting their beliefs and to conceal those opinions which contradict those of others. For example, one of the most prominent symbols of moderation in political Islam, Rashed al-Ghanoushy, who is noted for his condemnation of violence, considers terrorist and assassination acts in Algeria a part of what he calls a "popular revolution."⁽⁵¹⁾

c. The dualism in standards, which is most evident in the political Islamists' hard criticism of the records of human rights in their countries, while they keep silent on the violations in Iran and Sudan, or even consider them the model of the Islamic project and a victory for Islam⁽⁵²⁾, or otherwise justify them on the grounds of political specificity.⁽⁵³⁾

d. Its attitude towards human rights organizations is characterized by the lack of straightforwardness. One party could hail those organizations, dedicate full pages in its organ for their reports about the condition of human rights in its country, and then with great flexibility and without hesitation this attitude would shift in a following issue to depict the very same organizations --

including AI-- as an instrument of some international intelligence agency, because of their reports on Sudan. ⁽⁵⁴⁾

e. This attitude has its ramifications in many of the organizations established by political Islam under the title "human rights". The attitude of many of them is characterized by the duality of standards in the protection of human rights, not only regarding non-Islamists, but even sometimes regarding those who belong to other political Islamist groups. ⁽⁵⁵⁾ The problem with this type of organizations does not stop at the deep disagreement concerning the frame of reference, but includes the political function of those organizations.

Conclusion

Political Islam, as most Arab political parties and government, seeks to employ human rights NGOs politically. However, like other political forces also, it could interact with human rights culture in the context of a multi-dimensional major cultural process, of which direct dialogue is one channel.

The best support for the advancement of such a dialogue is to administer it without illusions, and that the participant parties should deeply grasp the structural difficulties surrounding it, and to set realistic goals, i.e. not impossible to realize in the specific time and place.

In this respect, it is necessary for the human rights movement to recognize that the illusion of gaining popularity through the political Islamic movement could lead it to forsake its identity, by abandoning what could be called the "unpopular rights," ⁽⁵⁶⁾ such as women's rights, the freedom of belief, and reaching up to the principle of equality itself.

In light of these considerations, the realistic goal which we could aim at by the necessary dialogue with political Islam is the agreement on a code of conduct concerning the fundamental rights, bringing the commitments of political Islam to its most possible approximation to the universally recognized human rights, without diminishing the Arab human rights movement's full commitment to its frame of reference.

In this regard, a declaration of intentions issued by a number of political Islamic leaders and thinkers would give such a dialogue a great boost forward. Especially if that declaration unequivocally clarifies the positions of those who issue it on the human rights records of political Islam (in opposition and in power), on the use of violence in political conflicts in general, on the acts of killing intellectuals, women, and Christians, and on the issues of the freedoms of opinion, expression, belief, literary and artistic creativity that are hotly debated at present in the Arab World.

References and Notes

1. See, Bahey el-Din Hassan: Huquq Al Insan Al 'Arabi (The Rights of the Arab Human Being), International Politics, number 96, April 1989.
2. There is a third human rights NGO called "The Egyptian Society for Human Rights", founded in 1975 by some associates of the late president Anwar Sadat. Yet, it soon fell dead before initiating its activities for the same reasons mentioned above. See, Bahey el-Din Hassan: Harakat Huquq Al Insan Fi Misr (The Human Rights Movement in Egypt), Al Manar, number 51, March 1989.
3. See, Bahey el-Din Hassan: Tahadiyat Harakat Huquq Al Insan fil 'Alam Al 'Arabi (The Challenges of the Human Rights Movement in the Arab World), Rowaq Arabi, Cairo Institute for Human Rights Studies, number 1, January 1996.
4. See Fateh 'Azzam: written comment in the "conference on the problematics of the hampered democratic transformation in the Arab World", Cairo, February 29th - March 3rd 1996.
5. See, Monsef al-Marzouki: Ta'athor Al Tahawwol Al Dimocrati Fi Tunis: Al Zorouf Wal Asbab (The hampering of Democratic Transformation in Tunisia: Conditions and Causes), paper presented to the conference of the problematics of the hampered democratic transformation in the Arab World, Cairo, February 29th - March 3rd 1996. See also Monsef al-Marzouki: Tajrobat Al Rabitah Al Tunisiyah Lihuquq Al Insan (The Experience of the Tunisian League for Human Rights), forthcoming in Rowaq Arabi, issue 3, July 1996.
6. The actual number is more than 28 in light of the difficulty of determining the number of human rights NGOs in Lebanon. Also, this number does not include the human rights centers in Arab universities, nor the committees for the defense of freedoms in professional syndicates and some regional unions, nor the AI branches. It is restricted to those organizations which hold the UN human rights instruments as their frame of reference and the Arab World as their realm of activity. On this see, Bahey el-Din Hassan: The Challenges of the Human Rights Movement in the Arab World, op. cit.
7. Muhammad al-Sayyed Sa'id: "The Problems of Arab Human Rights Movement." Paper presented to the sixth congress of the International Association of Middle Eastern Studies, Amman, April 10th, 1996. Forthcoming in Arabic in Rowaq Arabi, issue no. 3, July 1996.
8. On this see "The Challenges of the Human Rights Movement in the Arab World," op.cit.
9. On this see "The External Relations of the Arab Human Rights Movement." A paper presented to the sixth congress of the International Association of Middle Eastern Studies, Amman, April 10th, 1996. Forthcoming in Arabic in Rowaq Arabi, issue no. 3, July 1996.
10. On this see: Sa'id: "The Problems of Arab Human Rights Movement," op.cit.
11. On the problems of the third phase of the movement and the necessity of an initiative calling for the transition to a new phase, see Bahey el-Din Hassan: "The Potential for restructuring the Arab Human Rights Movements", a paper presented to the workshop

"Towards a Professional, Independent and Effective Arab Human Rights Movement," organized by the International Commission of Jurists. Amman, January 5th - 7th, 1994.

12. On the crisis of the world human rights movement see Bahey el-Din Hassan: "Reclaiming the Initiative," unpublished paper, January, 1996.

13. See for example how the percentage of the released prisoners of conscience among the cases adopted by Amnesty International deteriorated from 46%, 48% in 1986, 1987 to 13%, 10%, 4% in 1992, 1993, and 1994 consequently, despite the doubling of its annual budget, the number of Urgent Action appeals released, and the number of members and subscribers in the same period. On this see: Bahey el-Din Hassan: "Towards a Human Rights Strategy for the 21st Century", unpublished paper, April 1996.

14. Most of the staff of the major international human rights NGOs say that they do not know what happens to the reports by their organizations. On this see, Stanley Cohen: "Denial and Acknowledgment: The Impact of Information About Human Rights Violations," Center for Human Rights, The Hebrew University, Jerusalem, 1995.

15. For example:

- Military intervention for the protection of human rights; the use made by certain major powers of human rights in their foreign policies; the linkage made between economic and military aid and respect for human rights; economic sanctions and human rights; the role of the UN Security Council in human rights issues; the human rights dimension of peace processes; policies and practices of international financial institutions as these relate to human rights; globalization of the international economy and its impact on jobs, poverty, and human rights; international terrorism; human rights violations by non-state entities; the role of religious institutions in human rights; the participation of undemocratic forces in the democratic process and their assumption of power; the instigation of racism and violence and limitations on freedom of opinion and expression. See: "Reclaiming the Initiative," op.cit.

16. On this see "The Challenges of the Human Rights Movement in the Arab World," op.cit.

17. On this see Muhammad al-Sayyed Sa'id: Da'wat Huquq Al Insan Fi Siyak Al Halah Al Thaqafiyah Lilwatan Al 'Arabi (Human Rights Advocacy in the Context of the Cultural Condition of the Arab World), a paper presented to the workshop "Towards a Professional, Independent and Effective Arab Human Rights Movement," organized by the International Commission of Jurists. Amman, January 5th - 7th, 1994.

18. See, Monsef al-Marzouki: Huquq Al Insan: Al Ru'yah Al Jadidah (Human Rights: The New Vision), Aqwas publishers, Tunis, 1994. A second edition will be published by the Cairo Institute for Human Rights Studies in June 1996.

19. On this see Bahey el-Din Hassan: "Peace and Human Rights," a paper presented to the 32nd congress of the International Federation for Human Rights, Madrid, 1995.

NEW STRATEGY

See also the proceedings of the seminar by CIHRS: "The Mutual Influences of the Peace Process and Democracy and Human Rights: the Cases of Palestine, Jordan, Syria and Egypt," March, 1996. Forthcoming as a book.

20. On this see the proceedings of the CIHRS seminar "The Recent Operations of Hamas From the Human Rights Perspective," April 13th, 1996. Forthcoming as a book.

21. On this see, Bahey el-Din Hassan: "The Responsibility of the West for Hampering the Democratic Transformation in the Arab World", Freitag, March 29th, 1996.

22. See, "The Challenges of the Human Rights Movement in the Arab World," op.cit.

23. On this see, Muhammad al-Sayyed Sa'id: "The Roots of Turmoil in the Egyptian Organization for Human Rights: Dynamics of Civil Institution-Building in Egypt," Cairo Papers in Social Science, Volume 17, Monograph 3, Fall 1994, the American University of Cairo, Cairo, Egypt.

24. See, "The Challenges of the Human Rights Movement in the Arab World," op.cit.

25. On this see, Fateh Azzam: Comment on the paper "Towards a Consistent Strategy for Human Rights Advocacy in Egypt", forthcoming in Rowaq Arabi, issue 3, July 1996. See also; "Reclaiming the Initiative," op.cit.

26. On this see, Bahey el-Din Hassan: "Towards a Consistent Strategy for Human Rights Advocacy in Egypt", a paper presented to the Conference on "Reshaping the Agenda: US-Arab Relations and the Challenge of Participation," Washington DC, Oct. 19 - 21, 1995. Forthcoming in Arabic in Rowaq Arabi, issue 3, July 1996. For a different experience, see Monsef al-Marzouki: "The experience of the Tunisian League for Human Rights," op.cit. Forthcoming in Arabic in *ibid*.

27. See Muhammad al-Sayyed Sa'id: "The Problems of Arab Human Rights Movement," op.cit.

28. For examples see "Reclaiming the Initiative," op.cit.

29. I borrow these expressions from D. J. Ravindran (India), Chairman of the International Human Rights Internship Program, unpublished dialogue on the strategies of the human rights movement.

30. This expression is by Michael McCormack, Co-President of the Guyana Human Rights Association, the Caribbean, unpublished dialogue on the strategies of the human rights movement.

31. *Ibid*.

32. See Muhammad al-Sayyed Sa'id: "Islam and Human Rights," a paper presented to The International Colloquium On "Human Rights and Humanitarian Law," organized by The Graduate Institute of International Studies, Geneva, March 16 - 17, 1995. Also published in Arabic in Rowaq Arabi, no. 1, January 1996. See also his "Cultural and Political Dimensions of the Universality of Rights." A paper presented to the Round table Discussion organized by "Rights and Humanity", Amman, Dec. 1994.

33. On this see: Sayyed Sa'id: "Al Fann Wa Huquq Al Insan" (Art and Human Rights), Rowaq Arabi, forthcoming issue no. 3, July 1996.

34. For example cf. *Al Sha'ab* - the organ of the (Islamic) Labor Party. Compare its attitude towards the human rights movement in Egypt, and towards the human rights movement in Sudan.

35. See, Haytham Mana'a: "Al Harakah Al Islamiyah Al Siyassiyah Wa Huquq Al Insan" (The Political Islamic Movement and Human Rights), a paper presented to the workshop "Towards a Professional, Independent and Effective Arab Human Rights Movement," organized by the International Commission of Jurists. Amman, January 5th - 7th, 1994.

36. For example See, the Grand Sheikh Gadulhaq Ali Gadulhaq, the later Sheikh of Al Azhar: "Circumcision," in the journal Al Azhar, October 1994, where he defended female circumcision as an Islamic rite, and maintained that this rite necessitates waging war on those who abandon it. Compare this with the *fatwa* of Sheikh Tantawy, the then Grand Mufti and the present Sheikh of Azhar, who argued that female circumcision has no reference in Islam!

37. Haytham Mana'a, *ibid*.

38. See Haidar Taha: "Al Ikhwan Wal 'Askar" (The Muslim Brothers and the Army Men), Al Hadara Al Arabiyah Publishers, Cairo, 1993.

39. Sa'id, "Islam and Human Rights," *op.cit*.

40. EOHR report "Armed Violence in Egypt: Facts and Conclusions," issued in September 14, 1992. In Bahey el-Din Hassan (editor): "In Defense of Human Rights," Cairo, 1993.

41. On the responsibility of the Azhar Sheikhs for inciting the assassination of a secular intellectual, see the EOHR report "On the Assassination of the Secular Thinker Dr. Farag Fouda," published in June 6th, 1992, in Bahey el-Din Hassan, *ibid*. See also how after the assassination, one of the most prominent symbols of "Islamic moderation" maintained that whoever opposes the implementation of *Sharia* is a renegade, and that the killing by some group or individual of those people is unpunishable, as the perpetrators would then be implementing the Islamic *Sharia*. See, "The Fatwa of Sheikh al-Ghazaly is an open call for extra-judicial killing," a report by the EOHR, issued in June 29th, 1993.

42. Haytham Mana'a, *op.cit*.

43. Sa'id: "Islam and Human rights," *op.cit*.

44. On this see the article by Hala Mustafa on the possibility of the transformation of the political Islamic parties to the pattern of the Christian Democratic parties in Europe, in Rowaq Arabi, no. 2, April 1996.

45. Sa'id: "Islam and Human Rights," *op.cit*.

46. Fahmy Huwaidi: "Al Islam Wal Dimoqratiyah" (Islam and Democracy), Al Ahram Center for Translation and Publication, Cairo, 1993.

47. Salim al-'Awwa in Fahmy Huwaidi, *ibid*.

NEW STRATEGY

48. Muhammad 'Emarah: "Al Ahzab Al Islamiyah Wal Turath Al Islami" (Islamist Parties and Islamic Heritage), Al Hilal journal, October 1995, Cairo.
49. Ibid.
50. Huwaidi, op.cit.
51. Rashed al-Ghanoushy: "Nodjul Taghyir Fil Jazaer" (The Maturation of Change in Algeria), "Al Sha'ab," August 23rd, 1994, Cairo.
52. Rashed al-Ghanoushy: "Wa Ma'a Thalek Masseeratul Islam Tataqadam" (And Yet the March of Islam Does Proceed), "Al Sha'ab," July 31st, 1993. Also: "Al Islam Fi Halet Fawaran" (Islam is in upheaval), "Al Sha'ab," September 20th, 1993.
53. See for example, Magdi Hussein: "Huquq Al Insan Fi Thel Al Awda'a Al Khosousiyah Lil Sudan" (Human Rights in the Light of the Special Conditions of Sudan), "Rowaq Arabi," issue no. 1, January 1996.
54. Al Sha'ab newspaper, the organ of the (Islamic) Labor Party, in a series of four articles: "Al Munazamat Ghair Al Hukumiyah Adah Mukhabaratiyah Fil Hamlah Dhidhul Sudan" (Non Governmental Organizations are An Instrument of Intelligence Agencies in the Campaign Against Sudan), January 5 - 26, 1996.
55. The complaints archives of the EOHR. See also: "Kalemah Ila Al Rifaq Al Niqabeyeen Fi Niqabet Al Ateba'a Wa Ghairiha" (A Word to the Fellow Unionists in the Physicians' and Other Syndicates), "Al Ahali" newspaper, May 8th, 1991, Cairo.
56. On the popularity of the human rights movement, see: Bahey el-Din Hassan: "Nahwa Ma'asat Harakat Huquq Al Insan" (Towards the Institutionalization of the Human Rights Movement), in: "Watha'eq Al Sira'a Al Fikri Fil Munazama Al Misreya Lihuquq Al Insan" (The Documents of the Intellectual Conflict in the Egyptian Organization for Human Rights), Rowaq Arabi, forthcoming issue no. 3, July 1996.

THIS BOOK

While this book is a living testament to the reality of the Arab human rights movement, its very publication stands as an important indication of the maturity of this movement.

At a time in which the Arab human rights organizations struggle to gain legal legitimacy - or protect it for those who already enjoy it - and establish cultural legitimacy in the face of the dominant political culture which facilitates the sacrifice of democratic and human rights values. And in the face of the dominant Islamic traditional jurisprudence (*al fiqh al Salafi*) and its advocates who portray human rights defenders as against Islam; during a time in which the campaign of political *takfir* against some Arab human rights organizations is fiercely waged by governments, human rights defenders were not discouraged from watching the performance of their organizations, diagnosing the weaknesses and ills, and presenting a deep and open self-criticism.

This book including contributions by nine Arab human rights activists from six countries represent a well diversified scope of the Arab Human rights movement, in the same time as it points to the specific and the general between the movement's struggles in different cases. It analyzes the different dimensions of the relationship between human rights organizations at the one hand, and governments, opposition parties and political Islam at the other. The articles by this distinguished group of Arab human rights defenders view human rights organizations as a social entity that has its own message through which it seeks change. Therefore, they study and analyze the impacts of the socio-political , cultural and religious reality that presses on both the message and its carriers.