The Human Rights Movement in Arab Countries: Problems of Concept, Context and Practice

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Recommended Citation

APA Citation
Fergany, N. (1994).*The Human Rights Movement in Arab Countries: Problems of Concept, Context and Practice*. American University in Cairo Press. , 24-31
https://fount.aucegypt.edu/faculty_book_chapters/929

MLA Citation
Fergany, Nader *The Human Rights Movement in Arab Countries: Problems of Concept, Context and Practice*. American University in Cairo Press, 1994.pp. 24-31
https://fount.aucegypt.edu/faculty_book_chapters/929

CAIRO PAPERS
IN SOCIAL SCIENCE

HUMAN RIGHTS:
EGYPT AND THE ARAB WORLD

FOURTH ANNUAL SYMPOSIUM

Volume 17,   Monograph 3,   Fall 1994

CHAPTER THREE

THE HUMAN RIGHTS MOVEMENT IN ARAB COUNTRIES: PROBLEMS OF CONCEPT, CONTEXT AND PRACTICE

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The human rights body of thought is alien to contemporary Arab culture. In addition, due to a combination of an unfavorable socio-political environment and the weakness of the human rights movement, violation of human rights is the norm and means for safeguarding human rights are, on one hand, feeble and, on the other, risk intensifying the alienation of human rights in Arab societies.

These statements may sound extreme, but the purpose of this essay is to present arguments to support them. No attempt is made, however, to report on the extent and nature of human rights violations in Arab countries, which are abundantly documented. The purpose here is rather to analyze the factors hindering the spread of the concepts of human rights, and the respect of human rights, in Arab countries.

By 'human rights' I refer to the International Bill of Human Rights (IBHR), i.e. the series of international legal instruments that began with the Universal Declaration on Human Rights, followed by the two basic international covenants on civil and political rights, and on social, economic and cultural rights, in addition to various other supplementary agreements and protocols culminating in the 'third generation' of human rights such as the right to a healthy environment and an equitable distribution of income. It is important to stress at the outset that the guiding principle of human rights is the equality of all human beings and that human rights constitute an indivisible whole out of which one cannot pick and choose at will.

I have chosen to address this topic in the context of the Arab world although there are, to be sure, differences among constituent countries in this respect. However, I would argue that with regard to human rights, Arab countries have, in essence, much in common which one can discuss without being superficial.

Further, it can be claimed that differences among Arab countries in respect for fundamental human rights have, of late, been narrowing.

In particular, non-representative systems of governance that are basically unaccountable to the people, headed by a for-life "monarch", under varying titles and guises, have become the rule in Arab countries. Some "presidents of republics" have even been unabashedly and absolutely grooming "crown princes" of their families or giving "sons" great inroads into other ways to power in the new world of unfettered markets in business.

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The deplorable state of human rights in some Arab countries has often been cited as reason for complacency in slightly better-off other countries in the region (the "thank-heavens-we-are-not-in-Iraq-or-Syria" type of argument). Rather than judging respect for human rights with reference to the ideal of IBHR, Arab practice has developed the perverse habit of justifying "milder" levels of human rights violations by reference to the extreme atrocities committed in some Arab countries.

Human rights are gaining prestige internationally and, as a derivative, in the Arab region. However, the rhetoric of ideology and political discourse often serves to mask the lack of movement toward the strengthening of human rights. On the other hand, the current state of human rights is likely to deteriorate even further in the future unless effective means of defense are found..

This is the dilemma currently facing human rights in Arab countries.

An Alien Cultural Concept

Two essential factors account for the state of the concept of human rights in the Arab World.

(1) The dominant role of the West in initiating and developing the concept of human rights. Without making any moral judgment, the IBHR was conceived, and is still developing, in accordance with Western culture, social life and modes of organization that are quite alien to Arab culture, and Third World cultures generally. This is still the case, and will continue to be, since the increasing cultural homogenization resulting from the hegemony of the West in the world today essentially affects only elites in less developed countries (LDCs).

This argument is not undermined, but rather strengthened, by the fact that human rights originated, and developed, in the United Nations. The UN has mostly been, and is becoming more and more, a vehicle for the major Western countries' control over the international order. The influence of Third World countries within the UN was limited at the outset by virtue of restricted membership. With increasing membership, the Third World's presence in the organization has been mostly through non-representative governments. Since the Gulf debacle of 1992-92, major Western powers have dominated the Security Council. The weight of Third World countries in the decisions of the international organization has been dwindling.

Not surprisingly, formal and informal institutions defending human rights have been concentrated in the West.

(2) The Islamic roots of contemporary Arab culture. Although contemporary Arab culture is hybrid to some extent, and while this varies from one community to another, Islam is its basic root, especially for the broad masses.

This factor is especially relevant to the present discussion since there are clear contradictions between the IBHR and the Shari'a (Islamic law).

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With due respect to all efforts that have been made to show that the Shari'a, together with some of Islam's brilliant philosophy and ethical postulates, incorporate many elements of the modern concepts of human rights, there nevertheless remains a sharp contrast between the two bodies of thought regarding the death penalty, gender equality, and the rights of religious minorities, among other things.

Such differences are impossible to reconcile except through scholarly opinion "*ijtihad*" that invokes the interest of the nation of Islam in order to eschew the letter of the Koran. Revolutionary opinions of that kind are not in the offing. To the contrary, the prevailing atmosphere of fundamentalism militates in the opposite direction. Indeed, the rising tide of Islamic fundamentalism in Arab societies is constantly sharpening the contrast between international and Islamic law, and between the international human rights movement and the Arabs.

Other strands of popular culture in the region are antagonistic to some basic tenets of human rights. For example, a review of folk proverbs in Arab countries reveals the fundamentally degraded position of women.

The international human rights movement also introduces complications of a cultural nature, such as concern for the rights of homosexuals, which further alienate the generally conservative Arabs.

Hostile Political Environment

The IBHR represents an abstract ideal, the moral pinnacle of Western civilization. This ideal is, however, divorced from political reality, particularly in the Third World. In addition to the consequences of the cultural context, respect for human rights in Arab countries faces a hostile socio-political environment. Furthermore, the international environment, in spite of superficial appearance, is not genuinely conducive to respect for human rights in LDCs.

The prevailing social system in Arab societies is one of paternalism based on acceptance, fear of and submission to authority. Moreover, Arabs lack the rudiments of reading and writing; an even greater majority have lost the ability to think critically and express themselves freely; and almost all are barred from effective participation in the public affairs of their countries. These conditions are generated not only by the prevailing patriarchal system but also by ruling regimes that control access to wealth and power, manipulate minds, and do not refrain from using brute force.

As a result, social awareness and participation have become feeble in Arab societies. People are sinking into a morass of individual interest at the expense of the public interest. The apathy of Arab masses, particularly youth, is stark and deepening.

The staring point of politics in Arab countries is the dominant role of unrepresentative regimes which deny the people basic human rights. The existence of these regimes is indeed contingent on their denial of these rights, particularly the rights of expression, organization and effective

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political participation to forces outside the prevailing power structure; that is, the vast majority of the people.

How, therefore, can we expect forces opposing such regimes to adopt the principles of human rights, if they are to be true to their political objectives? If opposition forces observe human rights while the ruling factions persist in the systematic violations of these rights, the former are condemned to marginalization while violations of human rights in these societies continue.

It is no coincidence that observance of human rights in Arab countries is one of the hallmarks of political movements that have resigned themselves to a role of opposition within the existing system, while the more active political factions tend to resort to violence.

Unfortunately, I believe that this dichotomy will intensify in the future. Deepening social and economic crises point to worsening social and political conflict, together with the blocking of peaceful and effective means of political participation, thus setting the scene for continued violence by the authorities and counter-violence by politically active elements.

Attempting to discredit the violent acts of extremist fundamentalist groups as criminal activity supported from outside, as is officially claimed in Egypt, is counterproductive. The argument is used to justify untold of violations of the human rights of tens of thousands of Egyptians through administrative detention, torture and death sentences meted out by military courts after hearings that lack the requirements of a fair trial. This approach can only exacerbate the problem by ignoring its root causes. The argument that anti-regime violence is fueled by external support borders on the bizarre since the government itself is supported through foreign aid in a myriad areas, including the security of the regime. In spite of the escalating ferocity of the official approach to the militant fundamentalist movement, the strength of these groups, the extent of their impact on the country and the magnitude of related human rights violations has been persistently, and dangerously, on the rise.

This analysis should not be construed as sympathetic to radical fundamentalist groups. The utterly backward ideology of these groups can only elicit condemnation from the author. Unfortunately, however, a regime built on violations of human rights as practiced in Egypt, coupled with the underlying social backwardness referred to above, can only result in the worst form of political organization--either as some metamorphosis of the present one that accommodates elements of the ideology and practices of the fundamentalist opposition or as a purely fundamentalist alternative. Needless to say, the cost, to the country and to ordinary Egyptians, of the violent social conflict that would precede the latter outcome would be gigantic.

A positive alternative is feasible. Elements of such an alternative include purifying the legal and administrative systems from inconsistencies with the IBHR, ensuring the independence of the judiciary and safeguarding basic human rights, particularly the rights to organization and a representative and accountable government. These elements should be

coupled with massive investment in quality basic education for all Egyptians. However, this alternative is not in the offing. Obviously it runs counter to the interests of the ruling coalition.

The outside world also has a role in shaping the inhospitable political environment of human rights in Arab countries, especially given the dominance of the West in today's unipolar world and Arab regimes' subordination to the West.

For Western countries, the champions of human rights on the international arena, respect for human rights has often come second to the interests of the state or of other influential forces in these societies. Even in the international organization that originated, and is supposed to nurture, human rights in the world, the double-standards of the Security Council resolutions and the dispatch of UN activities has become well-documented. Indeed, the politicization of human rights by the major Western powers to serve their own interests, sometimes exhibiting blatant hypocrisy, is a serious obstacle to the respect of human rights in the Arab World.

In addition, Western powers have regularly turned a blind eye to blatant violations of human rights by regimes that served western interests--from Pinochet in Chile and Saddam Hussein, while he was at war with Iran, to most Arab countries from the Pacific to the Gulf at present.

Is it likely, against this background, that the principles of human rights are going to spread, let alone be respected? On the contrary, human rights is doomed to remain a narrow, elitist concern with little influence in Arab societies.

Malpractice

The overriding feature of the human rights movement in the Arab world is weakness. The movement is a recent development in the unfavorable context I have described, so it is hardly surprising that it should be weak and shallow-rooted. In addition, the interplay of certain characteristics of the movement and its national and international context has corrupted the movement in a way that inhibits it from attaining the lofty ideal of effective struggle to ensure respect for human rights.

Clearly, the position of the human rights movement varies among Arab countries. In some, the very mention of human rights can get one thrown into jail; elsewhere human rights organizations are allowed to operate, but under pressures and restrictions and without legal recognition. In yet other countries there are legally recognized human rights bodies, though the authorities have insisted on influencing them.

There are also Pan-Arab organizations concerned, directly or indirectly, with human rights.

Our analysis generally applies to this human rights network, realizing that differences exist among its elements.

I see two factors undermining the effectiveness of the human rights movement in the Arab world:

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(1) Being an Elitist, Western-Oriented Movement.
Awareness of the principles of human rights presupposes a certain level of
education. Actively promoting them requires a degree of social and political
awareness. Both qualities are rare in Arab societies, and so human rights
activities are limited to the small educated elite active in public affairs--the
same faction of the elite that engages in all areas of public life not
monopolized by the authorities. Spread thinly, this elite can hardly be
effective in any given area of activity.

Moreover, joining the 'international human rights movement'
inevitably means forging close links with the West and such links can be
seductive. Activity in the international arena can take precedence over
building up the human rights movement back home. This danger is likely
to increase for two reasons:

First, following the collapse of the Soviet Union the West adopted the
issue of "democracy and human rights" as a priority for intervention in the
Third World. Having ensured the adoption of the system of free markets in
Third World economies, the West now attempts a similar process in the
social sphere, by supporting "civil society" and bringing a "new
conditionality" into its aid programs. Aid is now to be tied not only to
purely economic conditions but also to social and internal political
conditions. This would be fine were the conditions not cast mostly in terms
dictated by Western interests, if they did not in the main ignore the contexts
of LDCs, and were they free of the hypocrisy mentioned earlier.

Second, and even more serious, is the relatively huge funding available
from many Western donors to support "democracy", "democratization" and
"human rights". The temptation that these sources of potential funding
represent for persons active in the area of human rights is great and may
come to overshadow the inherently difficult task of cultivating local
support.

Additional factors condition this funding process. Decision makers on
the donors side, though probably well-meaning, can be naive about the
locale and effective modes of intervention. Furthermore, local efficiency is
generally judged on the basis of disbursing budget allocation. Hence, when
a "suitable" institution cannot be found, the funds can be dumped on the
first caller or a "fundee" can be set up in haste. Personal connection also
seem to play a paramount role. Amazingly, generously funded "research"
centers have been entrusted to individuals with absolutely no credentials.

While it is true that the institutional structures of LDCs are fragile,
which causes a problem to donors keen on "spending their money", this
does not justify many of the present practices that detract from the
announced objectives of the intervention of donors: enhancement of human
rights. Worse, some funding practices tend to hurt the institutional
development of civil society by supporting defective organizations and
encouraging outright opportunism.

Some increased efficiency does result from foreign funding in the short
run. Efficiency, however, is not to be valued at the expense of long term
implications. After all, Hitler was efficient! Specifically, when foreign

funding induces increased efficiency but ignores "societal" depth while promoting practices that are actually in direct contradiction to the noble ideals of human rights, hard questions should be asked.

As in the case of governance, it is not that there is no positive alternative. Such an alternative does exist but it is a road considerably more rugged than the one traversed at present. It requires intimate knowledge of the terrain, true commitment to forms of genuine grassroots organization of civil society and investment in sustainable civil society activity through means of independent financing..

The upshot of all this is that the human rights movement in the Arab World risks being a mere extension of the international movement's centers in the West, albeit at a lower level of efficiency and moral integrity. It also risks growing increasingly out of tough with its social environment, thus widening the gap between the small "human rights elite" and the vast majority of the people. The latter can have only the fundamentalist movement to identify with (remember Algeria!).

(2) Mirroring the ills of public life in Arab countries. The human rights movement, like other social institutions, naturally reflects the character of the societies it works within. The nobility of its cause might, nevertheless, lead one to hope that it could rise above the failings of the educated elite and the shortcomings of public life. However, this is not the case in practice, despite the dedicated efforts of a few who valiantly defended human rights even before they came into vogue.

Politicians out of power and frustrated members of opposition movements have joined the ranks of human rights organizations as an illicit form of political activity. This has, on the one hand, led to politicization of the movement and, on the other deterred some potential candidates for voluntary service from joining it. In certain cases, politicization has bordered on the absurd. For example, the EOHR, having consistently excluded active Islamic representation, is currently dominated by one strand of one faction of the Left (the entire Left having become inconsequential in Egyptian politics)!

The worst result of politicization has been the institution of partisan politics, and fierce infighting, in human rights organizations. The prospect of foreign funding has helped intensify these problems and, moreover, spurred individual jockeying for related "perks": receptions, dinners, "training" courses, conference hopping, travel and even funding for personal enterprise (in the field of human rights, of course). Thus, rather than being characterized by altruistic service to a mostly voluntary activity, human rights efforts have become marked by rampant "careerism".[1]

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[1] There is of course, room for for professional careers in the human rights movement. But that, in itself, is not sufficient to the development of broadly-based human rights movements. To the contrary, overemphasis on professionalism threatens the transformation of human rights organizations into a "business" that might be efficient but definitely not a movement.

In addition, the movement is plagued by individualism (presidents for life!) and clique behavior at the expense of institutionalism and democratic conduct. Constitutions and bylaws are ignored. Minutes of meetings are tampered with. "Elected" boards illegally overstay their mandated terms of office. Even membership is manipulated and elections are rigged. What is left unused from the armaments of corrupt and unrepresentative governance regimes?

It is bad enough that officially accepted opposition parties should fall into these practices, but even more regrettable that the human rights "movement" should be susceptible to them as well.

Conclusion

There are potent cultural, social, and political impediments to the dissemination and respect of human rights in Arab countries. Future developments seem likely to see more widespread violations of human rights in this part of the world.

In the final analysis, human rights movements in Arab countries are essentially self-appointed advocates, with essentially no accountability to the people whose rights they claim to defend. Functioning in an inhospitable environment and confronting various temptations, the movement risks great dangers of going adrift.

The human rights movement in the Arab world therefore faces a huge challenge in coming up with new ideas, promoting the principles of human rights and defending these rights.

The movement will, however, need to be vitalized and reformed if it is to be able to meet this challenge effectively. Fair competition in the service of the cause is probably needed.

Above all, priority should be given by all concerned parties to building a human rights movement guided by the fundamental principles of IBHR.