

# INTERNATIONAL ASPECTS OF THE ARAB HUMAN RIGHTS MOVEMENT

**An Interdisciplinary  
Discussion Held in Cairo  
in March 1998**

**Organized by the**

**HARVARD LAW SCHOOL  
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**and the**

**CENTER FOR THE STUDY OF  
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**The Harvard Law School Human Rights Program**, founded in 1984, fosters coursework; the participation of students in human rights activities through practical involvement as well as scholarly research and writing; and assistance to the world-wide human rights community. The Program forges cooperative links with a range of human rights workers, scholars and organizations from all parts of the world through its student summer internships, visiting fellows (scholars and activists), speakers, applied research and clinical work. HRP also plans and directs roundtables and conferences on human rights issues and publishes the resulting reports and analyses. These publications, together with a brochure describing HRP's activities, its newsletter and other related documents, are available at the HRP web site (indicated below) or upon request.

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## *Preface*

This project grew out of cooperative planning by the two sponsoring organizations: the Harvard Law School Human Rights Program, and the Center for the Study of Developing Countries of the Faculty of Economics and Political Science at Cairo University. Our purpose was to bring together for an interactive and interdisciplinary discussion a small group of people who, as active participants or long-time observers, had given sustained thought to the nongovernmental human rights movement in Arab states, including the relationship between that movement and international or foreign organizations. The 21 participants, drawn from 11 countries, included national and international nongovernmental human rights organizations; human rights scholars and activists; and lawyers, political scientists, and journalists.

The format and process for this meeting held in Cairo followed the pattern of prior interdisciplinary roundtable discussions arranged by the Human Rights Program. Edited readings on the subject of the discussion were prepared in advance and distributed to all participants. No formal papers were presented. Rather the participants engaged in an interactive discussion of the issues described in the roundtable's agenda over several sessions totaling about nine hours.

Peter Rosenblum, Associate Director of the Human Rights Program, did most of the work in editing the transcript of the discussion. Mustapha Kamel Al-Sayyid and Henry Steiner participated in that process. The published text considerably shortens the original transcript and occasionally revises the order of remarks, in order to present a readable and cogent exchange of ideas. Each participant had the opportunity to review and correct a draft of this publication, to assure that the text accurately records his or her views expressed during the discussions.

The discussions took place in both Arabic and English, with simultaneous translation. This publication will soon be followed by publication of an Arabic text.

The two sponsors are extremely grateful to the Ford Foundation, Cairo Office, for its strong and vital financial support of this entire venture, from the meeting through publication.

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# *Introduction*

*Mustapha Kamel Al-Sayyid and Henry J. Steiner*

A half-century of the human rights movement has left its mark on all regions. Intergovernmental regimes in Africa, the Americas and Asia complement the universal human rights regime rooted in the United Nations. Sometimes, however, it is the nongovernmental rather than intergovernmental organizations that lead the way by generating progress toward a regional human rights system. This discussion examines one such region, the Arab states of the Middle East and North Africa. It explores the nature of this nongovernmental movement, including its links to foreign and international organizations.

## *Roles of nongovernmental institutions*

It is realistic to place the Arab world toward the rear of the field of regional initiatives to implant, develop and protect a human rights regime. On the governmental level, there has been some measured, modest progress. Different degrees of human rights protection that have varied considerably over time have become common in a few Arab states like Egypt, Jordan and Morocco. But even those states are home to systemic and serious violations of human rights norms. Their tentative steps toward popular participation fall far shy of genuine electoral democracy.

In many other Arab states, protection of basic rights like bodily security, due process, equal protection, free speech and association, and political participation stands at a low level. Military, authoritarian and theocratic regimes follow their own priorities while the human rights corpus remains alien to their rule. There is not then much to report favorably about a governmental or intergovernmental human rights movement within the Arab world.

Such dynamism as the last two decades have witnessed lies rather with the nongovernmental organizations (NGOs) that have expanded in number, competence and influence. The NGOs form part of a broader awakening in several Arab states of a civil society independent of government that has seen the slow development of many different kinds of nongovernmental organizations. Operating within fluctuating legal and political boundaries and subject to severe constraints, the human rights NGOs have also spent time and energy trying to work out their recurrent internal problems with each other. Nonetheless they

have achieved more than seemed possible decades ago. They represent an important innovation and a serious hope.

The participants in the roundtable discuss the human rights NGOs' origins and membership, the norms that they advocate, their relations with Arab governments, and their internal as well as international strategies. The discussion includes both country-specific NGOs that, say, act only in Egypt or Morocco, and those like the Arab Organization of Human Rights (AOHR) that operate in several states, whether directly or through branches.

The participants stressed such issues as NGOs' significance and effectiveness, and such questions as: What can NGOs achieve in the politically repressive states in which they function? Are their strategies such as monitoring and advocacy, or research and publication, or legal aid, or popular mobilization, well adapted to the context in which they function? Or do they require substantial change?

The discussion gave particular attention to the national NGOs' relations with international NGOs—that is, those large institutions like Amnesty International or Human Rights Watch that are based in Europe or the United States, that monitor human rights issues worldwide, and that both report violations in many countries and advocate particular policies to arrest them.

Many informed people in the developing world have described these international NGOs as "Western," partly because of their geographical links, but also because they view the NGOs' human rights perspectives and advocacy as close to positions of Western governments. Nonetheless, several participants in this roundtable referred to these NGOs as "international," a reflection of several trends: the NGOs' increasing objectivity with respect to investigating and criticizing human rights violations in both the North and South, their growing sensitivity to positions and perspectives of national NGOs in developing countries, and (as illustrated in the dialogue below) their convergence in many respects with a genuinely international movement. To some extent, the international NGOs have shed their Western identity.

A discussion about the Arab human rights movement would hardly seem able to avoid a cardinal theme in human rights discourse: the relationship between the universal norms set forth in the basic human rights instruments, and differing understandings of human rights within particular regions or cultures—the issues of so-called cultural relativism. But participants rarely referred to this opposition. The comparisons undertaken were not between, say, Western countries'



positions or universal treaties on the one hand, and Islamic thought or authoritarian governments on the other. Rather the participants concentrated on internal relations within the worldwide NGO movement—that is, how the substantive human rights advocacy of Arab NGOs compared with the advocacy of leading international NGOs. It became a point of some importance that the “West” as such was not used as a model or point of comparison for the Arab organizations. Again the earlier tendency to associate international NGOs only with the West had lost some strength.

Before the meeting, one might have imagined that the discussion would highlight serious divergences between the Arab participants and the representatives of several international NGOs. Ten years ago, for example, the Harvard Law School Human Rights Program held a retreat in Crete to which 35 human rights activists worldwide were invited. Deep ruptures appeared in that meeting between positions taken by the international NGOs and by representatives of NGOs in developing countries. For example, the national NGOs sharply criticized international NGOs for their lack of understanding of and attention to economic and social rights, for their insistence on an individual rather than group frame of reference for rights, and for their failure to criticize sufficiently the governments of Western states. Underlying these specific complaints one sensed an irritation at the apparent arrogance of the Western institutions, at their assumed authority to set the agenda for global human rights without consulting groups in many countries.

In the discussion below, the reader will note some similar themes, some sharp criticisms by and irritations of the Arab NGOs. Again these national NGOs expressed concern about the excessive influence of international NGOs in setting agendas and strategies. But the criticism was more muted, and many speakers took pain to stress that by and large they held favorable views about many aspects of the work of and cooperation offered by international NGOs. The mood was not one of quiet suspicion but rather of serious efforts by both categories of participants to improve mutually beneficial cooperation. For example, participants several times spoke about ways of heightening collaboration and achieving some effective division of labor.

This roundtable took place at a time of conceptual innovation in thinking about the nongovernmental movement in human rights and the related fields to which it has extended its reach: development, environment, welfare and so on. Inevitably the discussions introduced broader notions of civil society, and the place of human rights NGOs

within this more inclusive network of popular groups and nonprofit organizations.

Such notions led to the kinds of questions that recurred throughout the discussion: To whom are human rights NGOs responsible and accountable? What are their relationships to popular concerns and mobilization, to popular participation? Do they constitute a distinctive element in this nascent civil society, or should they develop pervasive links with organizations committed to allied causes? What, for example, ought to be their relation to grass roots activity and the embryonic popular participation that such activity promotes? On such matters, comparisons with the international NGOs became less important, for such strategies and functions were distinctively the work of national NGOs.

### *Some historical background*

The discussion included some—but limited—information about the historical development of the nongovernmental movement in the Arab world. We here provide a more systematic background for what follows. That background helps to explain some of the beliefs and aspirations expressed by participants.

The nongovernmental human rights movement is a recent development in the Arab world, less than two decades old. Although an Arab Committee for Human Rights existed since 1969 within the Arab League in Cairo, it could achieve no more than to denounce Israeli practices against the Palestinians and other Arab peoples while remaining silent about repressive policies of Arab states. Hence one cannot realistically talk of an Arab “movement” before 1983, when the Arab Organization for Human Rights (AOHR) was established following the famous conference in Cyprus that brought together 71 Arab intellectuals of all ideological persuasions to discuss the crisis of democracy in the Arab “motherland.” The venue of this meeting eloquently illustrated that crisis. Despite persistent efforts of the participants, not a single Arab state was willing to have the meeting take place on its territory.

Arab intellectuals concerned with human rights—mostly academic and professional people with broad ideas about political and social organization and critical of existing regimes—played a vital role in the development of the movement. The events of 1983 revealed how attitudes toward these intellectuals were slowly changing. From the 1950's to the 1970's, the banners of Arab nationalism and later of socialism

were flying high in Arab skies. They did not fit well with civil and political rights. Indeed, a call for human rights was often viewed as an attempt by the “reactionary” enemies of Arab nationalism and socialism (enemies who were identified with the liberal and conservative regimes overthrown by army officers from the late 1940’s through the early 1960’s) to gain some political power. Their purposes, if realized, would thwart the victorious march of the Arab masses toward socialism and unity. “Liberty” as understood in those years was limited to the “people” led by a radical intelligentsia of army officers and civilian intellectuals, and not available to the “enemies of the people” including human rights advocates.

The defeat in the 1967 war with Israel (*Al-Naksah*, the setback) of the two leading “progressive” regimes of the Arab world began the awakening of Arab intellectuals. Like the defeat in 1948 (*Al-Nakbah*, the disaster), it was understood not primarily in its military aspect but as a defeat of a particular type of socio-economic order or even of one kind of civilization. For example, the Egyptian writer Ahmed Baha’ El-Din argued that Israel posed a “civilizational challenge” for the region, much as did the Napoleonic victory over the Mameluks and the Ottomans.

To respond to this challenge, Arab intellectuals in the 1960’s and 1970’s started to echo what earlier pioneers of the Arab awakening were saying in the nineteenth century—namely, that science, liberty and freedom of thought should all be embraced. Egyptian students demonstrated in 1968 in favor of demands including freedom of the press. The country’s judges followed a few months later, calling for respect for the rule of law. Four years later, journalists and lawyers sought authorization for opposition parties. At the pan-Arab level, the Arab Lawyers Union, which included bar associations in nearly all Arab states, held regional conferences attended by hundreds of lawyers from member associations. It argued that democracy was the way out from this *Naksah*.

By the 1980’s then, many Arab intellectuals recognized that respect by government for civil and political rights was a necessary condition for a renewed Arab awakening, and that organized action by intellectuals designed to attract support of the masses was essential to gain that respect. Maghrebi intellectuals in Morocco and Tunisia took the lead in establishing human rights organizations independent of government: the Moroccan League for Human Rights in 1972 (followed seven years later by the Moroccan Association for Human Rights), and

more notably the Tunisian League for Human Rights in 1977. Unlike the Moroccan organizations, the Tunisian League was not strongly identified with a political party, a remarkable innovation at the time. Human rights groups were becoming something of an independent force.

This take-off of the Arab human rights movement inspired the formation of other organizations that started as chapters of the AOHR, or if independent that maintained close ties with it. Indeed, until 1985 the Egyptian Organization of Human Rights (EOHR) operated out of the headquarters of its mother organization. The AOHR reached the Arab diaspora in Europe and the United States through several foreign offices. At the pan-Arab level, it coordinated activities with like-minded organizations, particularly the Arab Lawyers Union. The two engaged in common initiatives, such as establishment of the Arab Institute of Human Rights in Tunis that undertook training of human rights activists from several countries as well as research on human rights issues.

Today the movement has grown into a complex array of institutions dedicated to a range of human rights activities going beyond traditional advocacy directed to governments. One finds single-issue organizations concerned with, say, gender discrimination or victims of violence, groups specializing in training or research, legal aid centers for defendants in criminal actions, as well as groups dedicated to popular mobilization and consciousness-raising. Some groups defending human rights act within established political parties, particularly opposition parties, or within professional organizations for journalists and lawyers, or within trade unions. Recognizing the contemporary importance of these issues, a number of Arab governments have established advisory councils on human rights, composed of persons of varying political persuasions, and even ministries of human rights to offer advice.

Considerable overlap among such diverse groups characterizes both their membership and leaders. Recurrent meetings at the sub-regional or pan-Arab level or in the frequent international conferences deepen these activists' and scholars' knowledge of each other. More important, the groups have common major commitments, including efforts to overcome the disappointing performance of the so-called "progressive" Arab regimes, a belief in Arab solidarity, and strong sympathy toward Arab nationalist causes, particularly the right of the Palestinian people to self-determination.

The coming of age of this movement over a span of less than two

decades appears the more remarkable in light of the conditions under which Arab human rights groups operate. For example, neither the AOHR nor the most active of the country organizations, the EOHR, has been legally recognized by Egypt, the country of their headquarters, although the government has within its discretion allowed the two to practice within this insecure, unstable framework. Recent legislation that imposes serious restrictions on NGO activities does, however, open a path to formal, legal recognition. In other countries such as Iraq or Syria, governments ban and suppress any such organizations, which are thus forced to operate abroad in exile.

Whether or not such organizations are legally recognized, persistent or occasional persecution of human rights activists is the rule. Large sections of the middle classes and in general the masses of peasants and workers remain disinterested in public affairs and hence in the fate of the human rights movement, often out of despair of being able to move the prevailing authoritarian regimes in democratic directions. Leaders of the Islamist movement often succeed in spreading suspicion about the human rights cause, which they may characterize as a pretext for ongoing interference by former colonial and neo-colonial powers in the internal affairs of Muslim countries in order to perpetuate their domination.

Given these conditions, the membership of the human rights movement remains small, its recruitment capacity meager and its finances very lean. One would expect it to be dependent on support received from the international human rights movement, including forms of support from established international NGOs based in the West. Surely financial support can be vital, but the Western origin of much of this support from foundations has not prejudiced the independent-mindedness of Arab human rights leaders. The roundtable discussion that now follows indicates as much.

# *Session One*

## *Unity and Diversity in the Arab Human Rights Movement*

*Chair: Mustapha K. Al-Sayyid\**

In this session, we will discuss some of the general issues and conceptual questions that are implied by the very title of this roundtable. Is there, in fact, one movement grounded in the common experience of the Arab world and universal human rights, that we could call the "Arab human rights movement?" Or is such a view of human rights groups in Arab countries mistaken, as they are disparate organizations varying according to the nature of the state, region, ideology or religion? If there is such a movement, it would be important for us to inquire into its nature, the features that distinguish it from movements operating at the international level. Is human rights in the Arab world supported by a culture favorable to human rights? If, as some argue, it is not, what can be done to stimulate change?

In order to answer these questions, we have to examine the substantive focus of human rights groups in the Arab world and compare its agenda to that of the international human rights movement. For example, is there a distinctive position in the Arab world regarding economic and social rights vs. civil and political rights, or people's and collective rights vs. individual rights?

We should also investigate the nature of the Arab movement or Arab human rights groups to determine whether they are elitist or mass-based, political or apolitical? Is it possible to distinguish human rights activities from politics in the Arab world?

We have asked Mohsen Awad and Mohammed El-Sayyid Sa'eid to introduce these themes.

*Mohsen Awad*

In my view, there is one Arab human rights movement, though it manifests itself in different discourses.

The Arab movement is committed to the internationally accepted human rights principles. All human rights organizations active on the Arab scene draw from the Universal Declaration of Human Rights for their frame of reference. At the same time, some organizations also draw from religious or cultural values in a way that may give rise to questions about the universality of human rights when set against claims based on cultural specificity.

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\* The affiliation of each participant is set forth in the Annex.



There are many components to the Arab movement. We can identify three kinds of organizations: government-sponsored organizations, genuine non-governmental organizations (NGOs) and regional organizations. We needn't dwell on the first. They are created for foreign relations purposes, as in Iraq and Libya. The second includes a category that has grown widely during the 1980s and 1990s throughout the Arab world. The oldest of the NGOs are the Tunisian League and the Moroccan Association for Human Rights. In the third category are transnational organizations such as the Arab Lawyers' Union, the Arab Organization for Human Rights (AOHR) and the Arab Human Rights Institute. But I would also include committees affiliated with political parties and trade unions, which often form committees to monitor particular aspects of human rights.

For most human rights organizations in the Arab world, individual rights are the main thrust of their activity. The heightened interest in individual rights responds to the shared experience of living in states where these violations are widespread. At the same time, many organizations accord special attention to collective rights, such as the right to struggle against foreign occupation in Palestine, the right to self-determination and the rights of minorities in Arab states. Minority rights can be a particularly sensitive issue, for example, the Kurds in Iraq or the Christians and animists in Southern Sudan.

Over time, functional divisions have developed among the human rights groups, more as a result of accident than intention. In Egypt, for example, a number of organizations have emerged from the Egyptian Organization for Human Rights (EOHR). Some have engaged in research, others have provided legal assistance or have directed their efforts to the rehabilitation of torture victims.

This human rights activity has been criticized on various grounds. Human rights organizations are accused of being dominated by Western thought. They are blamed for focusing on civil and political rights in countries that are suffering from deeply entrenched problems stemming from the state's failure to provide social and economic rights. Other critics suggest the need for a more professional orientation and for expanded interaction with international human rights organizations. The debate on such issues continues on all fronts, ensuring that the issues remain controversial and require more effort for their resolution. On some matters the positions are so opposed that we are unlikely to achieve common ground inside the movement or among the public at large.

*Mohammed El-Sayyid Sa'eid*

In my view, there is a problem stemming from the terms "movement" and "Arab." We may have a "trend" or a "mood," in addition to discrete struggles for human rights on the Arab scene, but we do not have a "movement." That should be our goal; to establish a true human rights movement, not necessarily a movement of the masses, but a movement in the sense of a set of integrated elements.

With regard to human rights organizations, some Arab states have been at the vanguard, including Tunisia, Morocco, Palestine, and, to some extent, Egypt. But other Arab countries, including the Gulf states (with the relative exception of Kuwait), have no human rights organizations. In countries like Algeria, human rights groups are severely constrained in their action. Even in the "vanguard states," governments have dealt such blows that some organizations have lost their autonomy.

Arab human rights groups have a problem of method. Some groups are effective when they work through the back door—in agreement with the government—on marginal issues. But when it comes to gross violations of human rights, they are largely ineffective. This results, *inter alia*, from the extreme weakness of civil society and the limited protection of the law available to these organizations.

Thus far, no effective mechanism or strategy has emerged that fits with our present conditions. The work of some organizations is still confused, others are inactive, while still others are developing sound procedures with limited impact.

There are a number of problems to address, the first of which is related to funding and institutionalizing of human rights organizations. Other problems relate to the civil society itself and to our cultural frame of reference. Human rights discourse will not have a decisive impact on everyday life until an Arab environment favorable to human rights emerges.

### ***[Politics and human rights]***

*Bahei El-Din Hassan*

There is a single frame of reference for all human rights organizations in the world. Certainly the priorities among Arab human rights groups vary according to the political context in different Arab states. For example, as Mohsen Awad has said, the right to self-determination for



Palestinian organizations is definitely a priority. But in my view, there is otherwise little difference between the priorities of the international human rights movement and the Arab movement, including the common emphasis on civil and political rights. We shouldn't forget that despite the wave of democratic change that has swept throughout the world in the 1980s and 1990s (carrying, particularly, Latin America and Eastern Europe) there has been no political progress in the Arab world.

*Asma Khadr*

The Arab human rights movement suffers from an absence of popular support. Human rights remain controversial in the Arab world, and human rights groups remain alien to popular culture. Mohsen Awad mentioned the Universal Declaration, which serves as the frame of reference for most human rights organizations. But that Declaration—which, incidentally, Saudi Arabia refused to support at its adoption—is distinguished by its highly elastic language on rights. It enables regimes to pay lip service to rights without changing their behavior. In contrast, Arab states have failed to ratify many of the binding human rights treaties that impose specific obligations.\*

Some would argue that “human rights” is a broad new ideology, a global doctrine responding to the failure and disillusionment with previous ideologies that attempted to solve the dilemmas of the Arab nation—religious, nationalist or socialist ideologies, for example. But at this point, human rights is still an elitist movement lacking mass support.

The movement has an ambivalent relationship with politics. We have strived to protect ourselves by claiming to be altruists without political motives. But with the passage of time—and the sporadic manifestations of democracy in the Arab region—we need to change our tactics. If we want changes in laws and regulations, then we must exert political influence. In some cases, individual advocates have turned to political parties, but these parties have their own agendas. Even when the agendas include human rights, they are meant to serve party interests.

If we are to assume a political role, human rights must become a popular ideology and movement. Without prejudicing the important role of professionally competent human rights organizations, I believe effectiveness will ultimately be linked to the scale of popular support.

*Ghanim Alnajjar*

I am concerned about the way in which human rights and politics have been linked. There is the risk that human rights will be little more than a tool, both in the hands of governments and politicians. On the one hand, governments in the region use the language of human rights in their efforts to seek international acceptance and to become more integrated into the global economy. On the other hand, we need to take seriously the question of whether the movement, or its pioneers, are simply frustrated politicians who, having failed to forge a niche in their respective political parties, use the new discourse of human rights as a tool to promote their political visions outside the parties.

*Ali Oumlil*

When we established the Moroccan Human Rights Association 20 years ago, its members came from political parties. That is a basic difference between us and the West. There, human rights organizations can operate without political party members. Here, in the Arab world, the people who join organizations come from political parties and usually from the opposition. There are many reasons to explain this. Joining human rights organizations may be one way to express political opposition. It is no secret, for example, that one problem for the Arab Organization for Human Rights has been its reliance on members from the political opposition. How can we prove the political autonomy of human rights organizations despite their close links with members of opposition parties?

*Hafida Chokir*

In the first generation of human rights activists, we had many politicians who turned to human rights out of frustration. We also have instances, in the middle generation, of people who were co-opted by ruling elites when human rights started to become an important issue. Now, we have to educate members of the next generation and motivate them to participate in politics without losing their commitment to human rights.

*Amin Mekki Medani*

It is perfectly normal for human rights groups to be politically engaged. The difference between human rights and politics is a hair's breadth. We are suffering repression in all Arab countries, and hence, any attempt to confront it will be seen as political opposition. Some activists

were members of political parties or have political agendas in place, but when political agendas diverge, it is involvement in human rights that is unacceptable to the state. Take, for example, the Palestinian experience. Before the Palestinian National Authority came to power, the PLO and human rights organizations shared the same program in many respects. But today, as my two colleagues from Palestine can confirm, though the human rights groups have not changed, the agendas are very different.

*Khadr Shkeirat*

I think we have to look at the history. The human rights movement was established during the Cold War period, at a time when there was little democracy in the Arab world and the scope of action for political parties was severely constrained. That explains why many political party activists sought to establish human rights organizations outside of the political sphere. For reasons of legitimacy and legality, they claimed not to have any political orientation or affiliation. It was essentially untrue; though there is, to be sure, a difference between human rights organizations engaged in education and mobilization, on the one hand, and political parties striving to obtain power, on the other.

*Mohammed A. Al Motawakkel*

The problem of confusing human rights and politics is not only one for Arab human rights groups. At the international level, the western powers have tended to use human rights in support of political, rather than moral, ends. Arab governments have exploited this, in turn, by suggesting to their people that human rights are simply a facet of the raging political and ideological struggle, aimed, by the West, at undermining their culture, values, and faith.

At the local level, human rights activists in the Arab world are confronted with problems which vary widely from those of their counterparts in developed countries. In Western countries, human rights violations are the exception; in our countries, they are the rule. Rights of individuals are grossly violated, in general, and the institutions for redress are, at best, weak. An Arab citizen, whose rights have been violated, is not likely to be brought before a court or provided with legal counsel.

There is then, no escape for human rights advocates from politics. Unlike the West, we don't have the necessary protective institutions in place. The human rights movement, as well as other organizations

like trade unions that can help fight for human rights, must become politically engaged to play a role in institution building, focusing on the establishment of a fair judiciary and a democratically elected parliament. Then, the movement would be better positioned to appeal for support to the population when violations occur.

*[Building a human rights culture in the Arab world—motivations and impediments]*

*Hani Shukrallah*

The Arab human rights movement has a problem of self-perception. We doubt our own roots in Arab culture. We perceive the human rights movement as essentially rooted in liberalism—as an ideology that views civil society and economic liberalization as preliminary to political liberalization. In Egypt, however, economic liberalization has not been linked to political liberalization; the opposite has been true. It is leading to the privatization of the state; a thrust towards oligarchy rather than democracy.

In any talk of converting our many human rights organizations into a movement, the organizations must, themselves, be linked in a real struggle for real people. The level of torture and brutality in Egypt has only increased since the 1970s. So has the number of human rights groups; there are now more than 20. But, in the 1970s, when abuses were on the rise, people gathered together to vent their anger; sometimes attacking and even setting fire to police stations. Today, human rights organizations are increasingly professionalized and detached from the population. They act in quieter, less public ways.

I was struck by this recently when we were reviewing candidates for a human rights award. One of the qualifications was volunteer work. A participant commented that it would be difficult to find anyone ready to volunteer these days. That is a stark contrast from how things were only five years ago. I'm not urging that we adopt the tactics of the 1970s, but there must be a better way for the movement to establish itself in Egypt and the Arab world.

*Mohammed Mugraby*

Hani Shukrallah seems to suggest that human rights are a product of Western civilization or thought. I think that is a dangerous mislabeling. The Universal Declaration of Human Rights, and all the covenants that

came after it, were passed by the U. N. General Assembly. During these historic debates, Western countries were a mere minority. The Declaration and Covenants were passed by a majority constituted by third-world countries, rather than by American and European power representatives. Indeed, one of the three main drafters of the Universal Declaration was Charles Malik, of Lebanon. So we are talking about something universal that we have actively participated in creating. It is not alien to the Arab world, but part of our work as human beings, not necessarily born in North America or Western Europe.

### *Ali Oumlil*

Human rights in the Arab world have become more controversial with time. It is interesting to contrast the current situation with 1979, when we founded the Moroccan Human Rights Association. Then, it was not the least bit controversial to adopt the international human rights principles as our frame of reference. Today, it is.

One reason for the change relates to the political uses of human rights in foreign policy, as Mohammed al Motawakkel noted. Arab human rights organizations have to negotiate around the selectivity and double standards of the international community, which uses human rights to justify policies aimed at the Arab world. They must constantly demonstrate their independence from the U.S. State Department, as well as the activities of U.S.-based human rights organizations.

Another change involves the new elites. They are limited by ignorance of foreign languages and constrained by affinity to traditional modes of thinking. An emotional discourse, rooted in traditional themes, has displaced sophisticated debate over contemporary topics. Twenty years ago, we had to justify our actions to the authorities; today we also have to justify our actions to a large segment of youth, who are immune to the culture of human rights.

### *Bahei El-Din Hassan*

When Hani Shukrallah spoke, I looked around the table and recognized at least four people who have been detained, tortured or threatened with assassination, including Mohamed El-Sayyid Sa'eid, Amin Medani, Khadr Shkeirat and Raji Sourani—not to mention Munsif El-Marzouqi who was prohibited by Tunisian authorities from attending this meeting because of a travel ban that has limited his movement for several years. He, too, was detained.

In my view, reliance on international human rights instruments is

one of the factors that has energized the Arab human rights movement and given it coherence. Others may allude to shared constitutional obligations, religious values, or the like. But the shared frame of reference of universal instruments has been a principal factor underlying the emergence of an Arab movement.

Second, as a number of speakers have noted, we face many common political obstacles. That has been a positive factor in building a coherent movement. The despotic nature of political regimes, their attitude towards human rights organizations, and the attacks aimed at such organizations are similar in many states. The major political trends in most Arab countries are identical. Any observer can see the similarities of Arab Marxism, Arab nationalism, and the fragile liberal trend across the Arab world. Working under such conditions, human rights organizations address the same challenges.

We also face similar challenges from political Islam. Most Islamic movements across the Arab world emerged from the Muslim Brotherhood, which was born in Egypt. The challenge they pose to human rights organizations is the same in each country—with the exception of Lebanon and Palestine, where political Islam focuses on the national liberation of the homeland as a priority.

On the positive side, we are seeing an increasing trend towards coordination and consultation within the Arab movement. In the past, Palestinian organizations, for example, focused primarily on their relations with one another and with the West. But this has changed since Oslo, when these organizations began to address similar political issues.\* This process has been encouraged by frequent regional meetings in the past few years, and has coincided with the enhanced capacity among the organizations, and the proliferation of literature addressing the problems faced in different countries. For example, the major human rights organizations in the Arab world have published excellent studies covering human rights work in Tunisia, Morocco, Palestine, Sudan and Egypt.

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\* References to "Oslo" are to the agreement reached between Israel and the Palestinian Liberation Organization in the summer and fall of 1993 and the process that has ensued.

**[Elite vs. popular movement; civil and political rights vs. economic, social and cultural rights]**

*Amin Mekki Medani*

A number of speakers have criticized the movement for being elitist. That is an important issue for us to address. Consider the membership of human rights organizations. Many Arab organizations are not open clubs, but consist of a number of friends with shared interests. After twenty years, we find many of the same people involved. Where are the masses? Where is the rotation and change that allows others to play a role? The same is true of the issues. The movement is often remote and out of touch with the masses, in terms of both programs and discourse. Economic and social rights are left out of consideration and insufficient attention is given to training and mobilizing new elements.

*Bahei El-Din Hassan*

But human rights groups in the Arab world have a distinct problem that we have not yet addressed. They have no substantive or legal security. They face daily threats to their very existence. Even in a country like Egypt, which has relatively more freedom, no organization is certain to last for another week or month. This uncertainty breeds intense, even violent pressures. It mitigates against institutional development and strategic planning, and breeds inner conflicts over illusory objectives.

It is impossible to overcome elitism where there are severe restrictions on freedom of association and freedom of expression. Indeed, much of our energy and a great part of the capacity of our organizations are spent in conflicts over these basic issues that affect our capacity to act or even to exist.

*Raji Sourani*

The problem is the lack of legal status for NGOs. We all agree that human rights organizations should focus on doing their work and building institutions. But in order to do that, we need to address the irrational and unacceptable burdens put on them by the state. Ninety percent of the qualified human rights organizations exist *de facto*, but not *de jure*. We are talking about the need for institutionalization, but the Cairo Center and the EOHR don't exist *de jure*. This is a complete contradiction.



*Khadr Shkeirat*

I see no harm in elitism in the human rights movement. I know of no political change in the world that has taken place without an elitist leadership. The real danger for our organizations has been their dependence on signals from the West. The Palestinian organizations have been particularly susceptible to this. They have tended to focus on the international community, particularly on lobbying organizations of the U. N., and have ignored the local community, as though the foreign element would be more capable of inducing the desired change.

*Henry Steiner*

Although we haven't addressed the distinction directly, most speakers assume that human rights means primarily civil and political rights, rather than economic and social rights. It is true that most groups in the West also pay dominant, sometimes exclusive, attention to civil and political rights. This privileging of such rights is partly traceable to their long-standing significance in Western political thought, and partly to the larger role of courts—the paradigmatic legal institution—in defining civil and political rights.

In pointing out the elitism of Arab organizations, Amin Mekki Medani made an interesting connection to the lack of work on economic and social rights. I think this is important. Civil and political rights are associated by many people with the elites: people who want to speak, to write, and to engage in political process. Economic and social rights speak directly to the masses in a way that civil and political rights often do not. It has been a great weakness of human rights groups in most countries that the movement has remained mostly a top-down process: highly educated people attempting to persuade others through their monitoring, reporting and lobbying of governments. The movement characteristically involves much less grassroots mobilization: working with the populace, trying to animate, getting pressures to build up from the bottom. This is, in the long run, vital, and it is a good strategy to increase grassroots involvement through economic and social rights.

*Neil Hicks*

We have to remember, however, that economic and social rights are not as simply defined as civil and political rights often are. One can state the right, but if and how one provides it brings to bear a wide range of economic and political factors to which there is no easy solution.



*Salim Nasr*

We should not assume that the focus on civil and political rights is an elitist matter, or that the masses are mainly concerned with economic and social rights. This in itself is an elitist and false assumption. In fact, this is the same oppressive ideology which ruled us for twenty years. It is based on the principle of the "democracy of bread" in exchange for political democracy, and the subjugation of political rights for the sake of development. People are very much concerned about the level of political action possible in the society.

*Bahei El-Din Hassan*

Moreover, in regimes that combine tyranny with corruption, it is necessary to give priority to civil and political rights to achieve progress in economic and social rights. For example, there was a protest movement, this past summer, in several Egyptian villages, over the new tenancy laws for agricultural land. Whatever their arguments, supporters were immediately confronted with detentions and torture, merely for disseminating information and exercising their rights to peaceful expression. We should note that these people were not part of a terrorist group nor did they threaten violence.

*Neil Hicks*

I would like to return to a related issue raised by Amin Mekki Medani, namely, restrictions on who can be a member in the organizations that make up the human rights movement. The Arab human rights movement, like other human rights movements, is self-appointed, which raises questions as to how the movement relates to the rest of society, and who else it admits into its ranks. Human rights organizations serve as gatekeepers of the human rights discourse within their societies.

This has proved to be a very testing question for the Arab human rights movement. If it is not sufficiently inclusive, it becomes irrelevant. On the other hand, if human rights advocates welcome all comers, then there is a risk that political movements can take over human rights organizations by having their supporters join a human rights organization in large numbers so that a particular political grouping dominates the organization. The movement itself can be exploited for political ends. How the movement performs this delicate balancing act between inclusiveness and exclusiveness is a determining factor.

It may be valuable to compare organizations from outside the Arab world, both in terms of size and relationship to mass social movements.

One common model is Amnesty International (AI). But the Amnesty model is not the one to replicate in the Arab world. AI is a unique, broad-based organization which campaigns for a limited number of human rights standards, but its members do not campaign on issues within their own countries. A more apt model would be a group like the American Civil Liberties Union, which works for "civil liberties" or "civil rights," as understood in the United States, rather than organizations working for international human rights. These groups have tended to be rather small, are technically focused, and are often dominated by lawyers, professionals and intellectuals. Sometimes, as in the case of the American civil rights movement, they intersect with mass social movements.

I think that this is the key. Many people have expressed concern about the size of the Arab human rights movement—that it does not have enough members or supporters. I do not think quantity is important. What is important is that, from time to time, it is able to intersect with these important social and political movements within the society that are pushing on particular rights issues. In the Arab context, that may well be economic and social rights, or particular aspects of them.

*Raji Sourani*

In the face of political manipulation and the absence of democracy, open membership leaves human rights organizations susceptible to domination from within. This doesn't mean that they should be closed. There are other ways in which to develop closeness to the people. Organizations have to develop a large circle of contacts and avoid isolation from their society. The strength of these organizations lies in their involvement with the sorrows and suffering of the people. As Hani Shukrallah said, their activities have to be directed towards areas of practical importance to the society around them.

*Salim Nasr*

Many of the participants have characterized the issues in terms of polarized choices: political vs. apolitical organizations, popular vs. elitist, voluntarist vs. professional, open ended vs. selective. Like other social movements, the human rights movement combines both elements of the duality. It should be perceived in a dynamic state; viewed in its historical context and in light of ongoing changes in trends and strategies. Instead of a dualistic view, we should rather speak about interrelationship and interaction within its environment.

*Henry Steiner*

Another distinction is important to this discussion: the stark contrasts between human rights activism in the West and in the Arab world. Bahei El-Din Hassan has referred to one aspect of the distinction—the absence of security for organizations which are often denied legal recognition. I would like to focus on another distinction—the personal risk that is involved. It may take a strong commitment to be a human rights activist in the West, but with a few exceptions—in the United States: the McCarthy period of Communist witch-hunting, or the struggle for racial equality in the face of violence during the early civil rights movement—it does not involve great personal risk. In parts of the world like the Middle East, the risks are far more palpable. It may take extraordinary commitment and personal courage to engage in human rights advocacy.

This factor is related to the interrelation of politics and human rights. There are several ways in which to view the connection. Human rights is a political movement, in the fundamental sense that it expresses very deep values about the nature of the individual, individual dignity, and the relationship between the individual and the state. In the United States, human rights—what we would call civil liberties and civil rights—have had major political implications. You need simply consider the impact over the last half century of the “equal protection” clause of the U.S. Constitution, first for African-Americans and other minorities, then for women, and now ongoing advocacy for gays and lesbians.

Some human rights issues are more threatening to a repressive state than others. There is certainly a connection between politics and core abuses of personal security, such as police brutality, abusive prison conditions, and torture. It is easier for an authoritarian government to maintain control when it practices abuse than when it does not. Torture is scary; it frightens away dissenters. Yet, in and of itself, ending torture might not be as deep a threat to an authoritarian government, which could survive through other methods of control. Equal protection, freedom of speech, and free association, including access to legal registration by NGOs, may have deeper structural implications and pose a more graphic and immediate threat. Once you press on these issues, not to mention the right to form political parties and vote, you boldly challenge those in power.

Nevertheless, such advocacy is still different from engaging in partisan politics, as by forming a political party. This is an essential dis-

inction. Human rights groups, as I understand them, do not seek power in their own name; they don't present their own candidates for office. They work to institute and gain protection of basic principles. They derive their strength and credibility, in part, from this distinction. They can say, "I'm not simply telling you things so that you will vote for me, or give my group more power; I'm telling you certain things because they are true, or essential, or are your inherent human right." If the claims of human rights groups become indistinguishable from the promises of politicians, they will have lost an enormous amount. Human rights is a political agenda, but it often involves standing outside the combative electoral political process.

In my view, that is both the strength and the weakness of human rights organizations. Nevertheless, it is vital that human rights advocates become explicitly political, not within their human rights organizations, but in another context. One mark of success for a human rights movement anywhere is when some of its own believers and even leaders directly enter government or the political process as appointees to executive or judicial posts, or as candidates for election. In that way, the movement realizes its goals both through separate human rights organizations and through officials of political parties and judges committed to equal protection, to allowing freedom of association, to all the relevant issues.

*Mohammed Mugraby*

I disagree with the characterization of human rights as political. Human rights are nonpolitical by nature. They seek to establish the ground rules in the society regardless of political opinion, race, or religious affiliation. The essence of human rights is to recognize those basic rights that belong to everybody. When we consider human rights activities as political, then we are falling into the trap of using human rights to support political positions. It is very dangerous, and has been one of the greatest hazards of the activities of some human rights groups in the Arab world.

## *Session Two*

### *Arab and Western Perspectives on Concepts of Human Rights, on Strategies to Achieve Rights and on Priorities*

*Chairs: Frank Vogel and Emma Playfair*

*Frank Vogel*

The principal theme of this session concerns convergences and divergences between Arab and Western perspectives on the human rights movement. In the last session, we discussed the way in which the international political situation makes it difficult for the Arab human rights movement to make concerted plans and achieve results. In this session, we explore the degree to which these problems are distinctive to the Arab movement and whether a distinctive solution is possible.

Among the questions that we will address are the differences in priorities between Arab and Western groups and the reasons for these differences—whether historical, cultural or material. How do such differences affect the strategies used by Arab organizations and, in particular, their relationship with the Western-based international human rights organizations? To the extent that there are differences, who sets the agenda? What form of dialogue exists?

In discussing the distinctiveness of the Arab movement, one question is the role of political movements that have been important to the Arab world, including Arab nationalism. Several speakers have already noted the political links of human rights NGOs. Our present question is whether broad political ideologies affect how the Arab human rights movement now develops.

Finally, we must address the question of Islam—how human rights activists relate to Islamic culture and Islamic law. As a scholar of Islamic law and comparative law in Islamic countries, I know that problems frequently arise from the failure of understanding of the relationship between positive state law and Islamic law. These are two very different systems which, nevertheless, have an immense amount in common, a fact that is often under-appreciated. Human rights clearly appear to present difficulties in this regard. Is it because of a real clash with *Shari'a* and Islamic cultural notions that are so profoundly felt in this part of the world, or because of a failure of understanding?

We have asked Ali Oumlil and Asma Khadr to make some opening comments to address these themes.

*Ali Oumlil*

Differences of culture underlie the profound differences in perspective on human rights in the Arab world and the West. The universalizing of human rights will take time. There are no easy solutions to problems like freedom of religion, criminal penalties under Islam, and the rights of women. I believe we have to confront these problems from the perspective of internal criteria; reflecting our own beliefs, rather than by applying Western criteria. Ultimately, they will require cultural change.

But if universal human rights needs time, universal solidarity for human rights need not wait. Global solidarity is already an important reality, which suggests the vital importance of relations between human rights activists in the Arab world and those in international NGOs. In the West, NGOs often exercise real power over foreign policy towards the Arab world. This, in turn, has an effect on our governments, which are as weak towards the outside world as they are strong in oppressing their own people. To help to direct the influence of these NGOs and intergovernmental organizations, the Arab world NGOs must strengthen and consolidate relations with them, but on grounds of respect and equality in order to further solidarity and avoid abuses.

*Asma Khadr*

The priorities of the Arab human rights movement reflect our own history. There is a tendency in developing countries in general, and Arab countries in particular, to argue that political and civil rights, though important, should not take precedence over other rights, including collective rights—particularly the right to self-determination, the right to sovereignty over natural resources and the right to development—and economic and social rights.

Although the cultural and educational initiatives of human rights organizations are creating increased awareness of human rights, they haven't brought about real change in the attitudes of Arab societies and regimes. One problem is the prevailing concept that human rights are a Western doctrine imposed from above, like the discourse of teacher and student. It is as if it comes from societies with no human rights problems to societies that have no respect for rights.

This idea has created problems in terms of identity, and a perception among Arabs that there exists a conflict between human rights and the dominant culture—that is, Islamic culture. In my view, we have to address this perceived conflict by working within the terms of



the dominant cultural frame of reference, or else face the charge of being under Western influence; isolated from the community, from the popular movements, and from our own culture, traditions and values.

As regards relations between the Arab and the international human rights movement, there will always be charges of political interference. In fact, interference is inevitable, because we live in a world in which political neutrality no longer exists. Interference, however, is not necessarily negative if it is honest, transparent and subject to specific standards derived from the human rights principles as adopted by the U. N.

*Bahei El-Din Hassan*

The methods and agenda adopted by Arab organizations are essentially the same used by international NGOs, for example, issuing reports for public opinion, informing the international community, sending complaints to the U. N., challenging the reports of Arab states to U. N. committees, and raising issues directly with government authorities.

The primary difference between the international and Arab NGOs is that the international organizations lack sensitivity to particular Arab political and cultural contexts. At times, international organizations are unwilling to consult with local organizations—all over the world, not just in Arab states. I think they suspect local organizations of taking up particular issues for political reasons, to the detriment of other issues.

### ***[Relations with international organizations – setting agendas]***

*Hafida Chokir*

With regard to relations between international and local NGOs, we must formulate strategies that will lead to respect and partnership, rather than dependency and subordination. In my own experience with the Women's Conference in Beijing, I was disturbed to see international, and especially American, NGOs speaking on behalf of organizations from the South. In many cases, they proposed solutions on behalf of the South, without even consulting with them or taking their presence into account.

*Raji Sourani*

It is patronizing to suggest that we are so naive as to accept an agenda that others would impose on us. I was recently in Oslo for a conference on Algeria, organized by Amnesty International and the Norwegian Human Rights Institute. A well-informed British journalist asked why we bothered to come. We are simply buying illusions, he said, by believing that the West would do something to help us. It was as if he were speaking to ignorant people or children in a primary school.

The human rights movement in the Arab world has grown and matured. Even around this table, there are activists from across the region who have demonstrated ability, courage, and boldness in their struggle. Many others are not with us today. We have our compass and know how to steer. We needn't fear that Western organizations will impose their agendas on us.

*Hany Megally*

I accept much of the criticism that has been leveled at the international NGOs for their failures, but I think the criticism goes both ways. We have to begin a process to build trust. The focus of efforts should be to develop consultative mechanisms to enable international and local organizations to cooperate effectively.

*Mohsen Awad*

I agree with Hany Megally. Many of the problems between the international movement and the Arab organizations result from a lack of dialogue. When we have had the opportunity for dialogue—before and during international conferences—we have a chance for better mutual understanding. One practical suggestion I have is for international and local organizations to work on joint studies in the region.

But the goal should not be to create a single voice on human rights in the region. There is no harm in pluralism. It is neither necessary, nor desirable, that international organizations shape us in their molds, or that we shape them in ours. Each should keep its point of view, as long as there is an acceptable theoretical and ethical basis. The Arab movement is still in an early phase of institutional formation. We have a limited capacity to collect and process information professionally. But in the long term, as we develop, and as Western organizations become truly international (by including within them many non-Westerners), we can conceive of an international federation of human rights



organizations. Such a step will be essential in the distant future, but it isn't helpful to push towards it prematurely.

*Henry Steiner*

Can we draw out from the Arab speakers some graphic illustrations of the problems that they are referring to? When some describe, for example, how Western influence can shade into imposition and imperialism, what concrete notions come to mind? Is it the very discourse or rhetoric of rights that is to blame—because it is alien and Western in origin, or simply because it doesn't resonate well with the population?

Perhaps some other language would be more effective than rights to address particular issues—for example, the language of governmental duty, fairness or justice. Within Islam and other traditions, one can advocate many ideas familiar to rights-based instruments, without ever using the rhetoric of right. Could an NGO or activist use the language of government fairness, or government responsibility, for example, to urge governments to work to reduce hatred and prejudice among peoples? Would that language find a more responsive audience?

I'm not convinced by Asma Khadr's optimism about relying on U. N. standards and resolutions. If, as some of you have noted, the West can be accused of double standards, then we could accuse the U. N. of treble standards. Political compromise, rather than uniform agreement, leads to documents like the Vienna Declaration, growing out of the World Conference, or the many resolutions voted by the U. N. Commission on Human Rights.

*[Cultural specificity, nationalism and the Arab human rights movement]*

*Hani Shukrallah*

We, in the Arab human rights movement, tend to present ourselves as representing something alien, an enclave in the midst of a hostile environment. I am continuously surprised by how prevalent, in the discourse of leading figures in the Arab movement, is the sense that we are under threat, not just from governments but from our own people. It is as if nobody believes in human rights with the exception of the people in the movement. Whether we recognize it or not, we convey the sense of being a Western enclave. We may call it universal, but we do not substantiate this by reference to our own heritage, culture and politics.

I suggest that one of the main problems of the Arab human rights movement is that we have tended to style ourselves, our modes of work, and our mandate after the various Western-based international organizations for human rights, and not after organizations around the world that are working to improve the human rights situation in their own countries. Our models have been Amnesty International, Human Rights Watch, or The Lawyers Committee for Human Rights, rather than the civil liberties unions or local groups fighting, for example, against discrimination.

The international networking of Arab human rights organizations has had many beneficial effects, but also two significant harmful effects. It gives a distorted sense of priorities. Organizations tend to see their international network as a lifeline. As an organization receives more recognition and support from the international movement, it views itself as stronger. This fosters a tendency to belittle what I would consider its real lifeline—the organization's internal base of support. It has another effect as well. It creates a distance from the human rights issues affecting the population. The propagation of human rights becomes a matter of training rather than interacting with, and supporting, actual struggles for human rights. In fact, some human rights leaders speak about the international instruments exactly like Islamic fundamentalists speak about the *Qur'an* and the *Hadith*.

Finally, there is the seductive appeal of belonging to a well-funded international network. These are all problems of which we should be aware. The solution, of course, is to build a base of local support to which one is accountable.

*Mohammed El-Sayyid Sa'eid*

In my view, the issue is not so much cultural relativity or peculiarity as historical and material difference. In the West, the state was founded four centuries ago. Over the next two centuries, it achieved basic economic transformation and established a stable political and cultural system. In the Arab world, societies only emerged from the Middle Ages a few decades ago, or even a few years ago in the case of some countries—Southern Yemen obtained its independence less than twenty years ago. Many countries in our region are pre-industrialized societies, with a very backward and fragile economic structure.

These societies are confused with regard to the cultural basis of modern statehood. They also suffer from what we can call a hegemony crisis, in the sense that the historical process of state formation was not completed on solid social foundations.

All this, together, is necessary to explain the unevenness and fragility of the Arab state. Even a country like Egypt, which has a democratic heritage that began in the nineteenth century, is facing the same major questions.

It is important to recognize the connection between colonialism and the hardened position of Arab societies in the international arena today. There is a continuing oppression, as well, that leads to extreme national sensitivity. Palestine, for instance, was usurped through an act of aggression that intellectually belongs to the Middle Ages – in the sense that the Zionist creed is based on myths that have nothing to do with modernity. It has been characterized by a high degree of uprooting violence. There is no doubt that Saddam Hussein is a phenomenon of the Middle Ages, but if we consider the way the Americans treated Iraq, the level of barbarity and violence was unnecessary, even from the purely military viewpoint.

For the Arab human rights movement, there are two choices. It can treat itself as a missionary movement, demanding that Arab states implement international law as is, in which case the movement may wait a very long time until societies mature. Or, it is a movement that takes part in managing the social transition, and thus accepts an approach based on negotiation with local communities and those in power.

*Mustapha K. Al-Sayyid*

Given the contexts in which they work, it would be surprising if there weren't differences between the international movement and the Arab human rights movement. But one of the major differences hasn't been noted. The Arab movement is still dominated by the ideology of Arab nationalism or a certain understanding of it, sometimes at the expense of issues that implicate human rights. This makes sense in the context of its history, and the background of many of its leaders.

The problem surfaces in connection with minority issues that are given relatively little attention. When the Iraqi troops pounded the Kurdish village of Halabja, for example, and exterminated its population, I know of no Arab human rights organization that protested. During the Gulf war, many human rights organizations refused to condemn Iraq's invasion of Kuwait.

On the other hand, it is my impression that international organizations tend to minimize the national causes of the Arab world, including, for example, the Palestinian question, or the impact of sanctions on the Iraqi people. They don't ignore them entirely, but give them

relatively less attention from an objective point of view. This is an area of difference that may have legitimate causes, but can only be resolved through frank and courageous dialogue.

*Mohsen Awad*

I would take issue with Mustapha Al-Sayyid about reactions to the Halabja incident and the invasion of Kuwait. My organization took positions on both of these matters, together with other Arab organizations.

*Mohammed El-Sayyid Sa'eid*

It is problematic to separate individual rights from national rights in the Arab world. The human rights movement gives precedence to individual rights. But we would seem to be insensitive to the issues that shape the day-to-day consciousness of the citizen if we ignore the fact that Arabs are singled out, by the West, for sanctions and punitive measures, simply because they are Arabs or Muslims—for example, in Palestine, Iraq or Sudan. The emergence of the individual in the Arab world is obstructed by the fact that Arabs, as a whole, are targeted.

*[Shari'a, the state, and human rights]*

*Mohammed Mugraby*

We have to confront, as well, the problems posed by *Shari'a* in the Arab world today. The problems are sometimes exaggerated, but they should not be ignored. The first problem is gender equality. Women are unequal in all areas of the law. You can't ignore it if you believe in applying the Universal Declaration and the Covenants. And, you can't overcome it through theological argument with religious leaders. The only solution is the one which the West adopted—separation of church and state.

The second issue is criminal punishment under the *Huddud* law. Luckily, *Huddud* laws are not enforced, except in very few regions—essentially Saudi Arabia and some parts of the Arabian Gulf. The problem is largely confined, and international human rights organizations such as Amnesty International and Human Rights Watch have been addressing it vigorously.

Finally, there is the question of conscience and belief. Here, I am particularly concerned with *Shari'a's* position on the right of a Muslim

to cease being Muslim, whether by converting or engaging in behavior deemed anti-religious. Consider what happened to Nasr Hamed Abou Zeid, who was accused of apostasy and then taken to court where divorce proceedings were initiated against his will, and that of his wife, on the basis that no Muslim woman should be married to a non-Muslim, particularly an apostate. What belongs to the state, belongs to the state, and what belongs to the religions, belongs to the religions.

*Ghanim Alnajjar*

I believe that the challenge posed by *Shari'a* is even more grave than Mohammed Mugraby suggests and, responding to Ali Oumlil, it is not one which time alone will solve.

The movement is often confronted by challenges from the political Islamists that it is unprepared to address. When the civil marriage issue was raised in Lebanon, Sheikh Mohamed R. Qabbani, the Grand Mufti of Lebanon, attacked the project vehemently—soon after returning from a trip to Saudi Arabia. Immediately, the tone of the debate shifted and it became impossible to discuss the law without being accused of blasphemy. Another incident occurred in Kuwait. The Islamists in Parliament had given their support to a proposal to create a human rights organization. Then, the government became embroiled over claims about books containing material that was deemed disrespectful to the Divine Being. At that point, Islamists turned their fire on the human rights proposal and attacked it as a Western imposition.

*Shari'a* raises problems like capital punishment, amputation, stoning and the rights of women. It will take an act of will to change it, and that is not yet evident. The vital questions are not being addressed, and the Western experience does not offer solutions. I don't think, for example, that the parallel with Europe's secularizing experience is very relevant here. We are dealing with prescribed punishments, *Qur'anic* verses, and deeply held beliefs.

What we need is to engage in a dialogue over points of agreement between *Shari'a* and international human rights standards. There are many interpretations of *Sharia*, even for issues like blasphemy that are perceived as straightforward. There will remain some points of disagreement but not of the kind or degree that lead to armed conflict. We should try to dialogue among ourselves, Islamists, and others, in order to reach some point of consensus. We must eventually interpret religion in terms of contemporary times and contemporary needs, including economic, social and political problems of our time. At that

point, our movement may render something which will, to some degree, correspond to international standards.

*Mohammed Mugraby*

The problem is not among believers, or between believers and non-believers. The problem is to recognize that there are many people, in this part of the world, who are not interested in the whole religious issue, who would not want to be classified as believers or non-believers, and who are not interested in entering into that kind of argument. I am one of them.

*Amin Mekki Medani*

When you engage in a discussion with someone who explains to you an Islamist program by quoting scores of *Qur'anic* verses and *Hadiths*, you find that you have nothing to say. We are not expected to be religious jurists, but simply to be adequately educated to answer our interlocutors.

*Neil Hicks*

Some activists argue that religion should be a source of their work. If pushed to the point of intolerance, that can be dangerous. But it is very regrettable that more human rights activists do not engage in argument on the basis of their Islamic heritage. I'm not saying that one should engage in formal debate over religious doctrine. Nevertheless, if those Muslims who are human rights activists do not claim that heritage for themselves, someone else will claim it. That is effectively what is happening. The political Islamic movement defines Islam as a political ideology and dictates correct observance of that ideology. This gives rise to serious constraints on freedom of speech and freedom of expression. That would be mitigated if more Muslims—and I would include those who may not be devoutly religious, but nevertheless, find inspiration in their Muslim heritage—would speak out about the human rights values which they have absorbed through their Muslim upbringing.

Finally, I endorse the previously-stated call for dialogue. It's important to engage with the political Islamic current, just as we engage with other currents in the human rights movement.



*Henry Steiner*

I agree with Neil Hicks. Let me explain my view in the context of organizations in the West. Some of the most significant civil liberties movements have been explicitly identified with religious creeds. For example, many of the abolitionists at the time of the American Civil War were speaking out of their Christian faith in condemning slavery. Catholic and Protestant churches contributed importantly to achieving racial desegregation in the United States. There were, to be sure, divisions within the churches, but some parts played very progressive roles. This is a healthy way to argue and develop human rights discourse. Its purpose is to ground human rights in a common spiritual sensibility.

Tensions arise with respect to separation of state and religion; a serious and perplexing issue for international human rights. The international rights covenants say nothing about establishment of religion in the state apparatus. The U.S. Constitution insists on what courts have termed, a “wall of separation” between church and state. The question is, how far can you go in identifying a religion with a state—for example, requiring that the leader be of the religion; that the state support mosques, churches, synagogues; that personal law follow religious law; or whatever—without impinging on the freedom of religion and conscience of others? That is a major issue for the human rights movement, and it may be where many fundamental conflicts arise with respect to Islam and human rights.

*Bahei El-Din Hassan*

It is crucial for human rights organizations to pay attention to our cultural heritage. But our NGOs are limited in the impact they can have in resolving the problems. As Abdullahi An-Naim\* and Mohammed El-Sayyid Sa’eid have shown in their studies, there have been many creative efforts to interpret Islam in connection with human rights, but the determining factor, for the domination of a particular interpretation over another, is the political environment. That is beyond the control of human rights organizations.

*Mohammed Mugraby*

Neil Hicks admonished us for not having enough pride in our heritage. Indeed, we do have pride. But what is our heritage? Not exclu-

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\* Professor of Law, Emory University in the United States, noted author of works on Islam and human rights.

sively Islamic, as some people seem to assume. It may be true of a large part of North Africa and the Arabian peninsula, but it is not true of the Levant, which means Jordan, Palestine, Israel, Lebanon, Syria, and to a large extent, Iraq. Islam is not the sole cultural influence.

There are multitudes of religious influences. In any event, religious doctrines are all based on dogmas. I share your desire to establish dialogue, but I think it is beside the point. We should seek to enforce internationally binding legal provisions and in the enforcement, religious objections should be irrelevant.

*Neil Hicks*

I didn't admonish people for not having enough *pride* in their heritage; rather, that people don't *use* their heritage. In speaking about human rights, they neglect an aspect of that heritage that is very important, namely, Islam – which I insist on, because it is the religious heritage of the majority of the Arab world. In fact, it is often that religious heritage that leads activists to take up the banner of human rights in the first place. We should respect the diversity of Islam and recognize that there is much in it that is quite consistent with the international human rights instruments and can lend support to an international human rights dialogue.

Nor was I advocating a dialogue with dogmatic clergymen. I advocate a dialogue with the leading Muslims who also share a commitment to human rights, and who are interested in exchanging ideas about how international standards might be interpreted within a Muslim context. It's one thing to say that we have international standards and we have international law; of course we do. But that law is not much use to us if it is not implemented within our societies. For the law to be implemented within society, it must be broadly accepted by members of the society, and I would suggest that dialogue with all currents of opinion would be helpful in that respect.

*Asma Khadr*

The issues are delicate. On the one hand, we cannot give up the minimum principles contained in international human rights instruments. They are part of binding international law. On the other hand, there is no harm in using available tools from our cultural heritage in order to convince a greater number of people of these principles. My own experience supports what Neil Hicks is saying. I firmly believe in human rights principles, and the separation of religion from the state. In



spite of this, I always find quotes from the *Qur'an*, for example, when I am helping simple women to understand their rights. And I am a Christian. Had I not relied on the *Qur'an*, I would not have been able to talk to them, nor would they have listened to me.

On many occasions, I have also agreed to defend fundamentalist Muslims although I differ strongly with them. I have done so because they were tried by special courts, and because I believed in their right to defense, not because I shared their opinions. To my way of thinking, this gave greater credibility to the human rights movement and the efforts that we deploy. It was far more effective than repeating our opposition to religion and insisting on application of international conventions and charters. To present the matter in that way turns many people away.

*Hany Megally*

Twenty or thirty years ago, Amnesty International and others leading the human rights movement could effectively ignore issues of culture and religion. At the international level, they were proclaiming the universal standards, saying "Our creed is the Universal Declaration, and we hold governments accountable to the treaties they have signed and ratified." The local, national, and regional movements which have emerged in the interim can't use the same approach. Essentially, they have no choice but to get into issues of culture and religion on the local level, in order to build a movement on the ground.

*Hafida Chokir*

I have a problem with Islamic *Shari'a*. By insisting on engaging with it, we risk narrowing the scope of human rights—exactly what has happened in other cases. There is, for example, the African Charter on Human and Peoples' Rights which, because it relied on African values, customs and tradition, effectively pulled back from the international covenants. The Islamic Charter narrowed the scope of human rights; all the specifically Arab charters that have been drafted limit human rights in some way.\*

Religion is part of our civilization, but it should be a source for enrichment, and not division. Universality requires equality between all citizens, regardless of their religion, and equality between women

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\* [ed.] See, e.g., Cairo Declaration on Human Rights in Islam, adopted by the Organization of the Islamic Conference in 1990, and Arab Charter on Human Rights, adopted by the League of Arab States in 1994. For full citations, see Annex.

and men. Without this, we will no longer be able to rely on the Universal Declaration as the fundamental reference for NGOs working in human rights.

*Mohammed A. Al-Motawakkel*

The biggest problem that confronted previous ideological movements, including Marxism and nationalism, is that they have clashed with local culture. The human rights movement should avoid the same mistake and focus on fundamental issues that do not raise challenges to culture and faith.

*Ghanim Alnajjar*

There are two ways to deal with the culture that prevails today. We can either say that it does not concern us, and we should apply all the principles contained in the Universal Declaration regardless of difficulties, or we can understand the situation and try to increase our effectiveness and abilities. I believe we should avoid abstract issues and focus on core questions like how many prisoners are detained without charge and how many people are tortured.

***[Law or ideology – diversity within the human rights movement]***

*Mohammed A. Al Motawakkel*

What I fear most is a return to ideological fanaticism, in another guise. We have suffered from ideological fanaticism—Marxism, nationalism, or Islamism. Today, I fear the emergence of a new fanaticism—human rights fanaticism. The international human rights movements claims that its actions are rooted in universal norms, but it does not make the effort to be universal in its understanding of societies, their needs, and priorities. It cannot be truly universal until it changes this approach.

*Mohammed Mugraby*

Human rights is not ideology; it is law—international law. It has been translated into international agreements that have been signed and ratified by well over a hundred nations. It exists on the books of your country. There are provisions which say what we can and cannot do. It is not about aspirations, ideology or dreams.

*Henry Steiner*

I would like to respond to Mohammed Mugraby's comments about human rights as binding law. The human rights instruments make no concession to different cultures. The key instruments never refer to cultural relativism, never exempt a particular religion or region from the general obligations which they lay out. Even among the regional instruments, only the African Charter takes a markedly different direction, with respect to duties, loyalty, family, and related cultural matters. But even though many states have agreed on a common text that never explicitly varies from universalism, we have many versions of what these texts mean. The fact that we call it "law" resolves very little. The U.S. has had the same constitution—the same "law"—for a long time, but during this time, that instrument's interpretation has changed profoundly. The text may be constant, but the understanding of that text inevitably changes.

Specific provisions of human rights law are open to radically different interpretations. There is the right to life, for example. Does it prohibit abortion? Capital punishment? Does it require state provision of healthcare or work? The Civil-Political Rights Covenant says that the family is the fundamental unit of society. But what does that suggest about how we treat homosexuality, or couples who wish to be treated as families—in ways that would shock many religious traditions? What does freedom of speech tell us about the legality of pornography or blasphemy? Does the right to equal treatment require formal equality before the law or substantive equality? Does it permit, prohibit, or even require affirmative action in order to help people who have faced discrimination in the past?

There are no fixed answers to these questions, which are now at the core of intense political and moral debate in many cultures. In other words, throughout the human rights instruments, cultural relativism, or particularity can be read into the common text, and thereby yield dramatically diverse positions.

*Emma Playfair*

The diversity that Henry Steiner describes is not one that distinguishes the Arab world from other regions. It is equally present within Europe, for example, where there exists considerable divergence on issues like freedom of expression, or religion. There is definitely no clear separation between church and state in a number of countries. There is more emphasis on religion, for example, in countries like Italy, where

Catholicism is a very strong part of the culture, than in England, where religion is a relatively weak part of the culture. The European Court of Human Rights has developed a doctrine, called "margin of appreciation," which enables the Court to take into account the different circumstances and culture of each country; application of the doctrine can lead to different findings in cases where the facts are similar. The essence of human rights is the same, and remains universal, but the application requires a great deal of interpretation; it is here that cultural relativism enters.

*Mohammed Mugraby*

Surely legal texts require interpretation. Some day, I hope that there is a universal court with powers similar to the European Court of Human Rights. But there are some matters on which international human rights law is clear, even without a court's interpretation—for example, gender equality. Religious courts, of all faiths, throughout the world, discriminate systematically against women. In the family courts in Beirut, women are humiliated on a daily basis. They have no recourse when they are beaten and physically abused. These are self-evident cases which require no subtle interpretation.

*Mohammed El-Sayyid Sa'eid*

In the struggle for human rights, it is simply not enough to emphasize the law, particularly if we take issues like women's rights that raise cultural and societal issues. From a purely legal perspective, many Arab states have adopted reservations to the Convention on the Elimination of all Forms of Discrimination Against Women. Even if we had signed and ratified the convention, how would we enforce it? With a foreign army? It would be a terrible thing if the texts were to prevail, in spite of societal objections. It would imply that society had yet to assimilate the underlying principles. Since we reject this solution, we can only struggle together, with other sympathetic forces, to bring about change in the society.

In that regard, the situation looks very grim, but not so bad in comparative context. In some parts of Switzerland, women's political rights were not recognized until a few years ago. Even recently, the U.S. rejected a constitutional amendment granting equal rights to women.

## *Session Three*

### *Foreign Funding and Partnership in the Arab Human Rights Movement*

*Chair: Ali Oumlil*

*Ali Oumlil*

We start this session with questions about funding and its impact on ties of cooperation and partnership among the human rights organizations. We know that funding is essential to our very existence. We also know that funding is a very sensitive issue for human rights organizations.

The funding question puts into particular focus many other issues that have arisen during our sessions, including the autonomy of the Arab movement, its links to the population, and its ability to set its own agenda. Is it possible to form a partnership with donors without compromising autonomy? How are funding priorities established, both within NGOs and among funders? Is it a fixed process, or one that is subject to negotiation?

Finally, has the increased availability of foreign funding been a positive or negative factor in the development of the Arab human rights movement? One of the issues that has been raised, particularly among our Egyptian colleagues, has been the proliferation of human rights groups that increased funding has enabled. Should we celebrate the increased pluralism or regret the fragmenting of efforts to bring about change?

I have asked Hani Shukrallah and Bahei El-Din Hassan to make some opening remarks.

*Hani Shukrallah*

The issue of foreign funding evokes strong and mixed reactions in Egypt. In recent times, it has become one of the government's tools for attacking human rights organizations—which is ironic in light of the government's own dependency on foreign funding.

It is important to address the real risks and impact of foreign funding on the human rights movement. The Egyptian movement began receiving funds from foreign organizations, according to an agreed formula, six or seven years ago. In my view, the impact of this foreign aid, as well as the impact of foreign aid in general, has been quite negative.

The effect of funding on agendas is subtle, but real. Foreign fund-

ing comes with strings attached. The conditions are not explicit, but it is obvious that work in certain areas, that tally with the priorities of a donor, is more likely to attract funds. These are not necessarily the areas that correspond to the needs of the human rights movement in our part of the world.

One of the most striking examples is the priority in funding that is given to civil and political rights over economic and social rights. Funding also affects program activities. I should mention, for example, the issue of travel by Arab human rights activists to the West—a subject of great sensitivity. Arab activists tend to travel, at the expense of foreign organizations, for a variety of reasons, some of which are legitimate—like attending conferences and meetings of international NGOs. But not all cases are easily understood, and even “legitimate” travel raises questions. It may be a burden for the leaders of organizations who travel extensively. But, it has to be acknowledged that travel funds are simply easier to obtain. I’m not convinced that this reflects the needs of the movement, or serves to promote human rights in Egypt.

Foreign funding also reinforces the hegemonic tendencies of international NGOs. It increases dependence on the international NGOs that fund and organize activities, as well as loyalty to them. It diverts the priorities of the organization away from mobilizing local support—financial, material and human—and leads them eventually to belittle that support. This, at least, has been my observation over the past seven years. The movement has lost touch with what may be considered its base, or even its potential base.

Finally, funding has contributed to the fragmentation of the movement into dozens of NGOs. There may be need for diversity, but I question the soundness of having dozens of closed organizations which essentially control their own membership and boards.

*Bahei El-Din Hassan*

I believe that the Egyptian experience, with foreign funding, has gone on long enough to draw some conclusions. But I differ with Hani Shukrallah about what those conclusions are.

The Egyptian Organization for Human Rights (EOHR) began receiving foreign funds in 1993. For the eight years before that—during five of which I was Secretary General—we received no foreign funds. In my view, the comparison, over time, shows that foreign funding had no effect on the agenda. That is not to say that there were no changes, but we have to take into account many other factors, includ-

ing changes in the membership of the Board of Trustees, the responsibility for running a growing organization, and the political developments in the field of human rights. Foreign funding has nothing to do with those changes.

The impact of funding depends on two parties: the foreign donor and the local recipient. In the case of a genuine human rights organization, with clear and identified projects, capable of running its own affairs, the chances of foreign influence are negligible. True, on occasion a donor will ask you to attend a conference or workshop, but never, in my experience, has a donor tried to influence our agenda.

As regards "fragmentation," there has been a growing number of rights organizations in Egypt, especially during the past two years. But I don't believe this was the result of competition for foreign funds. Most of these initiatives respond to real needs. The so-called "fragmentation" has led to an implicit division of labor. It was unplanned, and without prior agreement, but it exists. Only time will tell what capacities the new groups are able to sustain, but even in a short time, a number of them have proven to be effective in responding to local needs.

It is true that without foreign funds, a number of NGOs would never have been established. But we have to consider that the EOHR survived 8 years, until 1993, without a penny from foreign donors. It depended mainly on the generous facilities of the Arab Organization for Human Rights, which hosted it.

Foreign funding has had a negative impact in certain cases. Some donors have fanned internal political conflicts, and have contributed to prolonged disputes within the ranks of Egyptian organizations. That has not been my experience with the EOHR or the Cairo Center.

### ***[Whose agenda: foreign funding and NGO priorities]***

*Khadra Shkeirat*

My experience contradicts Hani Shukrallah's comments regarding donor priorities with respect to economic and social rights. The most important and recurrent item on the agenda of many donors is, in fact, economic and social rights. If other donors focus on specific issues like prisoner's rights or rehabilitation of torture victims, it doesn't mean that they are opposed to economic and social rights.



*Mohammed A. Al Motawakkel*

What is important is to develop fair and objective procedures for dispensing funds and ensuring that they are well utilized. There is a perception that funding depends on personal relations and knowledge of complex procedures within foreign funding agencies, rather than objective needs. Serious organizations, which don't know the rules of the game, lose out to less dedicated groups that are more agile in establishing contacts. To ward off accusations of bias, donors should act in consultation with all, or most local organizations, intent on applying for such funding.

*Khadr Shkeirat*

In my experience, it doesn't take deception or artifice to obtain funding. Ten years ago, I could hardly express myself in English, and had no special contacts. Nevertheless, our organization was able to obtain funding. With vision and clarity, it is possible to convince donors, even if their own agenda is different, if you can show them how the project fits into the larger picture. Most of the donors who cooperate with us engaged in years of extensive consultation to work out their policies in the region. Our relationship is not confined to proposals and financial reports. Many of the donors are in continuous contact with us. It has become a tradition leading to what, I think, we can call a true partnership.

*Mohsen Awad*

Those who followed the U. N. debate on the declaration for the protection of human rights activists from 1985 to March 1993\* realize how sensitive the question of foreign funding is. It took 18 months to adopt the Universal Declaration of Human Rights and 13 years to draft the declaration for human rights activists, largely because of issues over funding.

The Arab Organization for Human Rights, with which I have worked for the past 15 years, does not accept foreign funding (though some of its member organizations do). International funding organizations are not charity organizations; they exist to serve certain objectives. NGOs which accept government funds, reflect, by necessity, that government's policies and objectives. They may or may not coincide with the objectives of local human rights organizations.

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\* Declaration on Human Rights Defenders, adopted by the General Assembly of the U.N. on December 9, 1998. See Annex for full citation.

Most Arab countries impede domestic fund-raising. In Egypt, for instance, a decree, by the then military ruler, prohibits the solicitation of money, except by permission from the prime minister.\* Since the government refuses to register human rights organizations, it is not likely to grant them that permission.

In Egypt, human rights organizations revolve in a vicious circle of rejection. Legality and legitimacy are denied, and consequently local fundraising is not possible. Meanwhile, the government accuses them of being agents of international organizations. The Egyptian government has even prohibited foreign donors from funding human rights groups without prior government consultation.

The lack of transparency within human rights organizations tends to exacerbate the situation, creating rumors of huge sums. What is required is the provision of greater information by all parties and care to distinguish among donor organizations.

*Raji Sourani*

At the moment, 90-95% of the Palestinian National Authority funding comes from the West. Financial and administrative corruption has been rampant, according to a special report by the official auditing body, at the Palestinian Legislative Council. This has caused a scandal both at home and abroad. Meanwhile, human rights organizations are accused by the Palestinian National Authority of being organizations with secret agendas, implementing the will of foreign governments, even though their activities are fully transparent and accountable.

Before 1993, the PLO was proud of our work, and while we worked on the Israeli occupation, our agendas overlapped. The PLO even offered us funds—which we couldn't accept under the prevailing conditions. But we had moral support from across the political spectrum, from Tunisia to Damascus, and from the political parties, including the Islamists. Nobody raised the question of foreign funding before the Oslo Accords. The organization achieved credibility through tangible and productive work. We promoted the human rights agenda and also served a political purpose of raising consciousness about the Palestinian cause, the right to self-determination, and independence.

Problems began after the Oslo Accords and the arrival of the Palestinian National Authority. This was not because Palestinian human rights organizations lost interest in the question of Israeli occupation.

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\* [ed.] A new and controversial law amending the old rules went into effect in June 1999. See Law No. 153/1999 for Non-Governmental Organizations (Egype).

Although they extended their agenda to include both Israeli and Palestinian violations—due, on the one hand, to the continued occupation and, on the other, to the creation of the Palestinian National Authority—80-85% of their work is still focused on issues related to the Israeli occupation, as most of the violations are carried out by the Israeli side. The attention that is paid to the Palestinian agenda is viewed negatively by the Palestinian National Authority. Despite this opposition, we still work on this complicated agenda independently and professionally, and without losing balance and direction. We believe that the rule of law, democracy and human right are essential elements if the Palestinian people are to have self respect, international respect, and support for their cause, which is to achieve self-determination and independence.

Palestinian organizations are still delivering their work in this complex, unprecedented conflict during the transitional period, without compromising their standards. We have experience and capable cadres, and programs with much to contribute to the building of Palestinian civil society. Unfortunately, while we endeavor to carry out these tasks, we are labeled by the Palestinian National Authority as traitors, and accused of having a hidden agenda and working for the CIA.

*Asma Khadr*

In Arab public opinion, there are strong feelings against foreign funds. Some people charge that funds are intended to corrupt activists and divert society's attention from its own priorities. This charge puts added pressure on activists who accept funds to prove that they are actually meeting needs. What is necessary is openness and transparency. But unfortunately, these qualities are rare. Few organizations announce their budgets, except after considerable public pressure.

The increased availability of funds has led some organizations to make inappropriate choices that don't benefit the communities in need. Organizations become overstaffed and inefficient. The self-interest of staff begins to dictate the way that funds are spent. If funds were to be directed to training, communication, empowerment, the production of useful things, and community service, then they might be beneficial. This would certainly be better than spending funds to improve the conditions of those who make a business of human rights—though this may be important.

The most common form of "corruption" is when organizations design projects in line with donor priorities. They review donors' pro-

grams and find out that the Ford Foundation, for example, is ready to fund a certain project. Then they design that project.

Foreign donors need to change the way they formulate policies. Rather than designing a program in advance, and telling the groups to “take it or leave it,” they should develop their policies based on discussion and participation. In other words, if they want to spend money in Arab societies, why don’t they consult their potential partners in the region before formulating their policies, in order to make sure that their policies tally with the existing needs?

### *[Pluralism vs. fragmentation]*

*Ghanim Alnajjar*

I see no problem in having 30, 40, 50 or 100 human rights organizations. It is a healthy sign. If people feel they cannot work with the present group, or wish to focus on a particular issue, they should start their own organizations. The prevailing culture does not favor pluralism of human rights organizations, even on the part of the intelligentsia and the human rights workers. Some participants around this table are cases in point. They made the attempt to go their own way, and thereby came under fire from the intelligentsia and those working in the field of human rights. They were charged with fragmenting organizations and breaking ranks.

What is needed is more transparency and disinterest from both organizations and donors. But if funds serve the programs that we are designing, and arrive without strings attached, why not?

*Emma Playfair*

I have found it exciting, over the years, to watch what we have referred to as the fragmentation of the Egyptian and the Palestinian human rights movements. Obviously, there are some “paper organizations.” But despite some overlapping mandates, many organizations have developed new and complementary specialties. That seems to be extremely good. Attempts to educate donors are very important as specialized organizations emerge. Big donors are often scared by the competition amongst organizations, but if they’re informed of the divisions and understand the relationships between the groups and their differing mandates, they are more likely to see this as a sign of a dynamic human rights movement and be encouraged to commit more funds.

*Mustapha K. Al-Sayyid*

Foreign funding can affect agendas in one of two ways. Either an organization changes its agenda to get foreign funds, or the organization is already in agreement with what the donors or foreign parties want. The EOHR didn't need to change its agenda after receiving foreign funds because it was already doing what the donors wanted—namely civil and political rights. That is important, but many organizations, working for economic and social rights, receive no funds.

Notwithstanding Emma Playfair's observation, fragmentation is an important issue linked to funding. The increasing number of organizations without real impact on the current state of affairs can only be understood in light of the provision of foreign funds. There has been too much fragmentation within the Egyptian movement. There is no need for every dissenter to establish his own human rights organization. Only foreign funds make it possible. In all frankness, the Egyptian human rights movement does not need more than four organizations; namely, the EOHR, the Cairo Center, the Center for Legal Assistance, and the Legal Research and Resource Center for Human Rights. For the rest, their presence is not felt at all on the ground.

Take, for example, the issue of women's rights. There are many organizations concerned with the defense of women's rights in Egypt. The issue is important, but the organizations only exist because of foreign funding. One does not feel their presence. It might be better to have one organization particularly active on this issue, or work to incorporate women's rights into the activities of an existing organization.

*Henry Steiner*

When I first came to Egypt three years ago, I quickly learned of the serious problems affecting Egyptian human rights organizations and the various splits that resulted. But I was struck by how logical it all appeared from the outside. It was as if the human rights community had rationally elaborated a plan for four types of activities, with four corresponding organizations. The EOHR was engaged primarily in traditional monitoring and reporting work; the Cairo Institute was doing research projects and publications; the Legal Research and Resource Center for Human Rights was involved in grass-roots seminars and efforts to mobilize people to participate and speak out; and the Center for Legal Assistance was engaged in legal aid for defendants in various cases. These are four discrete activities, each requiring particular

expertise. As I speak with others here, such as our two Palestinian colleagues, I find that they are diversifying in a similar manner. This diversity is due in part to the will of the individuals leading the organizations, and in part to the specific interests of donors and the changing nature of funding.

I think that such pluralism is healthy for many reasons, including the fact that a donor may have a particular interest that is best realized by a special NGO. There are particular donors that have particular interests. They will fund X type of activity, but not Y. It takes experience, both on the part of the organization and the donor, to work out the right match.

*Hany Megally*

I agree with Henry Steiner and would take the importance of diversity one step further: I think there is a need for variety on both sides, among NGOs and funders. There are funding organizations that may decide to concentrate in particular areas, such as legal assistance, training, or monitoring. We should be able to turn to them if we choose to work in that area, not simply because the money is available. As Asma Khadr noted, the problem is the difficulty in refusing money that is there for the taking.

*[Distinguishing among donors and educating them to local needs]*

*Emma Playfair*

I have worn several hats, over the years—both as a donor, with the Ford Foundation, and a seeker of funds, first with Al Haq and now with Interights. I agree with the concerns that Hani Shukrallah expressed. But it is important to look at the situation from the donors' point of view. Many donors make decisions without good access to information. The Ford Foundation is an exception, and even it is by no means perfect. Other donors spend very little time in the region and have little contact. Most of them don't speak Arabic.

There is an important burden on NGOs to educate donors. We did that at Al Haq, and I do it constantly at Interights. It is not education in a formal sense, but part of every discussion I have with a donor is to explain what we are doing, what others are doing, and how it fits together.

There are several problems that I have identified with donors: first,



the demand for a tangible product, and second, the great desire to fund new initiatives. But what often is needed is simply to support what an organization already does well. Again, this could be solved through education—perhaps of a more formal kind. A group of NGOs could call together the many donors in a region and discuss frankly the priorities and the dangers.

One other very practical point is that donors often think that they can fund a single project; a discrete activity. They have to be made to understand that a project involves a slice of an entire organization. It doesn't happen on its own; it has to include accountant's fees, management and everything that goes along with it. This may sound obvious, but many donors don't realize it. It has to be a part of the education process.

*Hafida Chokir*

There are circumstances in which the donors have to be sensitive to local conditions, and recognize that results are not always measurable. I once organized a seminar on violence against women, with support from a German source and the Ford Foundation. I found myself in a very difficult situation. I was on my way to Egypt to settle our organization's accounts with the Ford Foundation, and I had to bring a book with me that had been confiscated by the Ministry of the Interior. The matter would have been very serious had the book been found with me. But the book was essential so that Ford could see that its funds had been well spent. It was not Ford's problem that the government had banned the book, but it became a problem.

*Mustapha K. Al-Sayyid*

It's my impression that the relationship between the international human rights movement and its counterparts in the Arab world, Latin America, or Africa, reflects generally the problems of North-South relations in all their aspects. Decisions are adopted in the North and implemented in the South. Funding, setting programs and agendas are elements of power which the countries in the North possess in all fields, be they economic, political, or social matters and also human rights. I would like to underline the importance of what Emma Playfair said about education. Through it, we can hope to escape from historical North-South relations and create ties of true partnership.

It is interesting to compare these issues with the general context of government-provided foreign aid. The OECD Development Assistance



Committee (DAC) is intended to coordinate the aid policies of all its members—the advanced industrial states. One of the items on its agenda is human rights, which means that it is one component of the big powers' foreign policies. Thus, the international human rights organizations actually implement the member states' policies. There should be no doubt about that. Naturally, we hope that relations between the international human rights organizations, and their Arab and regional counterparts, would not reflect all the negative aspects of North-South relations.

In order to avoid such risk, the human rights agendas of these organizations, their priorities and their understanding of human rights should not be identical to those of their governments. Western governments make much noise about human rights violations in Iraq, but they say almost nothing about human rights violations in Saudi Arabia or other Gulf countries. We in the Arab movement do not approve of the human rights policies of the Iraqi government, but we find economic sanctions imposed on Iraq to be a gross violation of the economic rights of Iraqi people. Collective rights are important for Arab peoples, but they do not figure much in the human rights discourse of Western governments. On all these issues, we would like human rights organizations operating at the international level to distinguish themselves from their governments.

We also do not like to see international human rights organizations assume a lecturing posture when they address human rights groups in other countries—telling them what they should or should not care about, using funding as leverage to reward or punish local organizations depending on whether or not they behave. If international organizations take a stand on human rights issues and abandon lecturing to human rights organizations in our countries, relations within the world human rights movement will avoid replicating North-South relations in other realms.

*Henry Steiner*

Among foreign donors, what are the pertinent criteria? In the field of human rights, are there differences between government donors and foundations? We have been speaking primarily about non-governmental donors, but what about government-funded agencies like Danida in Denmark, Sida in Sweden, or Novib in the Netherlands? Does the mere fact of government involvement, or even influence, call funding into question, or does it depend on what government is in-

volved? I imagine that USAID funding could be the kiss of death for some local organizations in the region. Is the same true of Scandinavian donors?

*Ali Oumlil*

In my view, we have to make judgments, both about the local organization and the international one, distinguishing between those that are truly devoted to human rights and others that are behaving opportunistically. I think the militant international organizations have every right to gather information on national organizations in the countries of the South. Meanwhile, national organizations should have accurate information on the international human rights organizations in general, and the donors in particular. As others have said, we cannot just accept funds haphazardly. There must be a careful study of every donor, on a case by case basis.

*Amin Mekki Medani*

What Emma Playfair said about educating donors is very important and it provides a partial response to Henry Steiner's comment regarding governmental and non-governmental sources of funding. Regrettably, in the case of government affiliated organizations, one doesn't find the flexibility necessary to develop programs in consultation with local organizations. As Mustapha Al-Sayyid suggests, local groups are confronted with a prior decision or set of policies designed for a particular region, including programs to implement.

It is also important to educate the human rights organizations about donors. There is great diversity among funding agencies. Our Egyptian colleagues tend to be well informed, but that is not true of their counterparts in other Arab countries. Many are unfamiliar with funding organizations and how they function. The national organizations should play a role in this kind of education. One model is the workshops organized by the International Commission of Jurists at the African Commission meetings. I have attended several which I think have been very helpful to African NGOs.

One problem of particular concern to me is the funding of exile organizations. Donors tend to insist that organizations operate in their own country or region. But a Sudanese human rights organization, for example, can't be expected to operate in Sudan. Though we have managed to receive funds in some parts, some foundations in the West still find it difficult.

*Raji Sourani*

The inflow of foreign government funding itself poses problems. If the funding is there, it will always be possible to find organizations to accept it. This can corrupt the rest of the movement. Six months ago USAID representatives came to see us. They offered to fund us for three years and expressed readiness to pay what was required. We rejected the offer. Their immediate reaction was "Don't blame us then if we give to bad organizations."

*Khadr Shkeirat*

I would underline what Raji Sourani said. In Palestine, the issue has become particularly serious since the Oslo accords. Millions of dollars were earmarked for Palestinian-Israeli cooperation. The European Union and USAID made special appropriations for these projects. Most of the funding went to new organizations established to cater to Palestinian-Israeli projects. Not a single Israeli organization that had worked with Palestinian organizations before Oslo got such funds. Dozens of new organizations sprouted up, claiming to be concerned with democracy and civil society. In many cases, the projects had to be joint Palestinian-Israeli in order to be funded.

As for the Israeli organizations that existed before Oslo, such as *Beit Ragy*, *Beit Sholem* and *Kav La'oved*, we continue to work with them. But relations were better before the inflow of funds. In general, relations between the Israeli and Palestinian organizations have become weaker.

### **[Local funding]**

*Mustapha K. Al-Sayyid*

As a general matter, even if necessary for a short period, foreign funding should not be the rule. Funding reflects on the relations between the local organization and its community. If these organizations have strong relations with a community that is aware of their role and importance, it will fund them. In Egypt, private sector organizations fund many activities, but not human rights. That is because Egyptian donors are not yet convinced of the importance of human rights work.

Dependence on foreign funds turns Egyptian and other Arab organizations away from developing means of mobilizing funds locally. I have proposed to Egyptian organizations that they seek help from

performing and vocal artists. A number of film stars and singers are known to be supporters of human rights organizations. I urged that these groups organize concerts, invite leading artists and direct the revenues to human rights. But no one was interested because foreign aid was too easily available. All you have to do is fill in an application and get the desired sums. If foreign funding continues, local organizations will lose the ability to mobilize the local community, or to find new methods to achieve that aim.

Another point I would like to stress is the transformation of human rights organizations into a popular movement. The only hope for Egyptian and other Arab human rights organizations to advance, is to engage the masses. So long as there is excessive dependence on foreign funding, the human rights movement will never become a people's movement.

*Neil Hicks*

I would like to underscore this point. Fundraising is directly linked to constituency building. As groups lose the incentive to raise local funds, they lose contact with a natural or potential constituency. If people in the community are supporting you—and the more the better—it gives you a weight in the society. I think this needs to be encouraged in the Arab human rights movement.

*Henry Steiner*

What other sources of funding might be available? Mustapha Al-Sayyid and others have spoken about funding from within a country. In the long run, it is everyone's aspiration to find support within one's own state. But what about the diaspora communities interested in human rights? There is, for example, a well-off Palestinian diaspora. Can it be mobilized to support values like a more plural society, legal aid, the end of torture, the development of civil society institutions, and the like? We've spoken of women's groups. In a country such as Egypt, where there is obviously considerable wealth, are there empathies among the upper class women that would lead them to support women's human rights initiatives? I am speculating—but it may be that in different areas of the movement it is possible to reach specific domestic constituencies with money and concern.

*Neil Hicks*

Henry Steiner raises a good point about diaspora communities. There exists a significant Egyptian-American community in the United States. A few years ago, I addressed the annual dinner of the Egyptian-American professional society. The large audience was also addressed by the Egyptian Ambassador to the United States and the former U.S. Ambassador to Egypt. There were probably close to a thousand people there—not millionaires—but well-established doctors, university professors and other professionals. Many had a strong interest in human rights in Egypt. Some were familiar with local organizations and were interested in ways to help. Many of them have influential contacts with prominent people in Egyptian society.

I don't think that I was very successful in channeling their concern into giving money to the Lawyers Committee. But I think that the Egyptian organizations would have more success. It might be useful to study ways in which to expand fundraising, both locally and within the "diaspora" communities.

*Amin Mekki Medani*

The opportunities for local funding have not yet been fully explored. Not all donations go to pilgrimage and *zakaat* [alms paid by Muslims]. There are some Arab elements, even in the states that are not known for respecting human rights, who support human rights organizations. There are Arab finance institutions with programs that specifically include human rights development.

I worked with the Arab Fund for Social and Economic Development, in Kuwait, for two years. It is concerned with economic and social development in the Arab world. Its projects are not limited to industry and agriculture. It also supports human rights organizations as civil society institutions in the promotion of social development. At the time I left the Fund, it was considering a project to set up an Arab Law Institute, at the request of the Arab Lawyers Union. Unfortunately, these opportunities are not pursued by Arab human rights organizations, which tend to focus on funding from the West.

*Khadr Shkeirat*

Local funding is important and possible, but much more difficult than foreign funding. It has to meet certain conditions, including programs that are oriented to the local community, consultations with the community, and implementation by the community itself.

About 2% of our budget—around \$20,000—comes from Palestinians abroad. Our relations with them are good, but Palestinian donors and wealthy Palestinians, like the Palestinian Authority itself, are self-interested. These Palestinian donors are interested in building a democratic, civil society, but may also be interested in conducting business in the Palestinian territories. This requires them to have a relationship with the Palestinian Authority, which then requires acceptance of certain parameters, in order to conduct business in the Palestinian areas. These parameters include factors that conflict with democratic civil society – namely the PA's monopoly of power.

Consequently, how can a Palestinian donor freely give to an NGO which criticizes Arafat, when not only do they have to do business with Arafat, but have to go through Arafat to do business in the Palestinian areas? When I say "Arafat," I do not mean him personally, but the private structure that has been created to protect and further his interests. Even those Palestinian donors involved in the Occupied Territories, before the arrival of the Palestinian leadership have to accept the present conditions for business. The Arab Bank, to take one example, was set up by wealthy Palestinians who have been forced to accept the Palestinian Authority's control of capital in its business transactions. The Palestinian entrepreneur is caught in a clash of interests between democratic civil society, which in theory would assist Palestinian development, and the pragmatic business of doing business in the Palestinian territories.

*Raji Sourani*

There are sources of local support, but most are directed to social causes, including orphans and the elderly, because they do not want to get in trouble with the Authority. But I don't think that regional funding solves the problem of foreign influence. If we accept funds from Kuwait, Saudi Arabia, or the Gulf, we will be accused of adopting their agendas.

*Mohsen Awad*

The Arab Organization for Human Rights has succeeded, in cooperation with some of its chapters and affiliated organizations, in experimenting with different forms of local fundraising. As Mustapha Al-Sayyid has said, we used artists to help us. We succeeded in fundraising in Jordan by showing a film entitled *Nagy El Aly*, a famous cartoonist who was killed. Also, in cooperation with the Tunisian Association we arranged for recitals by a folk singer, Sheikh Emam.

*Neil Hicks*

I endorse what Mustapha Al-Sayyid was saying about using social events, drawing on individuals from the entertainment world, in order to order to gain attention. This won't meet every need, but there are some areas of the rights struggle—including, for example, women's rights, children's rights, and environmental concerns—which may be more attractive to the public and susceptible to this kind of funding.

This is an area in which there is a lot of expertise in other countries, particularly the United States, where fund-raising has become a professional skill. At the Lawyers Committee for Human Rights (LCHR), for example, we have 45 staff members and seven fund-raisers. These people spend their time developing our particular constituency among American lawyers—which is a model that Arab groups might consider replicating, by drawing on leading professional groups with an interest in human rights. They organize dinners and social activities for which we charge people a large sum of money. We entertain those who attend, tell them a bit about what we are doing, and encourage them to become our supporters. This helps the LCHR to gain credibility in the American context. I think that such work is possible in the Arab context. I recognize the difficulty that the legal status issues pose.\* Nonetheless, I think there is some future in it.

*Emma Playfair*

It is useful to look comparatively at how funds can be raised. But I would warn against applying the American model of dinners and flamboyant occasions. They aren't necessarily transferable. There are a lot of rich people in America who like flamboyant occasions, where they can be seen to be rich. I know organizations in England that have actually wasted money and time in trying to emulate it. It just doesn't work there.

*Hafida Chokir*

The question of funding raises dilemmas for me. We are speaking as if all human rights organizations were independent, objective non-governmental organizations. But there are officially sponsored organizations, funded by the state, that seek additional local funding. If we cut off foreign funding, we essentially consign the independent NGOs to oblivion, because local donors aren't going to fund organizations that

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\* See text and note on page 49.



do not fit the government line. In Tunisia's experience, Arab financing goes to the same state sponsored organizations.

*Hany Megally*

I would like to emphasize a point that Raji Sourani raised about funding. There is always controversy, whether the funding comes from Arab governments or Western foundations. In the past, there was controversy because a number of Arab governments, including Iraq and Saudi Arabia, were supporting political objectives through "human rights" organizations. Twenty years ago, I recall, there was a government funded organization for the defense of political prisoners in Syria, operating from Baghdad, and one defending Iraqi prisoners operating in Syria. The issues are essentially the same: is the funding intended to support human rights or a political cause?

Building on the point raised by both Emma Playfair and Raji Sourani, I agree that there is a need for donors and activists to meet in order to build better understanding. The responsibility is shared by both sides. Organizations must refuse to take funds with inappropriate conditions attached, and donors have to learn about conditions so that funding meets needs rather than their own agendas.

*Peter Rosenblum*

Frankly, I think that most of the significant funding issues are the same whether we are talking about international NGOs or local NGOs in the developing world. Funding has been delicate for the human rights movement both because of the real influence exerted by funders and because of the perceived threat to objectivity, particularly, from certain—though not all—government funders.

I worked with an international NGO—the International Human Rights Law Group—that agreed to accept USAID funding at a time when most other human rights groups rejected it, even for development oriented projects. We faced the same arguments that Raji Sourani recounted earlier: USAID urged us to take the money, lest it go to organizations with fewer scruples and less commitment.

It was certainly a trying experience. We had to meet government purchasing and accounting requirements, as well as to fight off frequent threats to our own independent judgment. All of this affects the agenda and the allocation of resources within the organization. In the end, however, I believe we succeeded in retaining our autonomous decision-making power. Nevertheless, there was a strong perception

in the human rights community that we had compromised, and that can undermine an organization.

In my view, the difference between local funding and foreign funding has less to do with reality than perceptions. An organization that relies on local funding may appear more legitimate, more authentic, but that isn't necessarily true. Why would local donors be less manipulative than foreign donors? If the issue is public legitimacy, measured by the breadth of local support, there are other ways to achieve it. Many legitimate human rights groups in the West rely for the bulk of their funds on a narrow range of institutional and wealthy donors – often the same organizations who fund NGOs in the developing world. Of the significant international human rights organizations, only Amnesty International relies on funding through membership. As a result, it has to devote huge amounts of its resources to managing its constituency. Other organizations can raise the essential funds from a small group of donors and demonstrate legitimacy through other channels, for example, participatory activities, consultations, public outreach and press work. Even “fundraising” dinners that Neil Hicks referred to are often used primarily for publicity and constituency building.

*[Developing criteria and addressing legal impediments for accepting funds]*

*Hani Shukrallah*

One of the problems with the debate over funding is its polarized nature, which comes as no surprise given that the debate usually takes place when human rights organizations are under siege. We tend to respond when we are under attack by our governments. In fact, the issue is not so much the source of funding, as the overall dynamic of how we treat it. I would confirm what Peter Rosenblum, Raji Sourani and others have suggested—Arab donors are no better than USAID. What we need are criteria, on the basis of which we can decide whether funding will be useful or harmful in light of what we hope to achieve through the human rights movement.

Let me suggest a few issues that we should consider. One is the effect of funding on voluntary work. In the current state of our laws and political system, volunteer work is the best measure of local support. This is the kind of funding that we succeeded in mobilizing

through the EOHR, for example. My sense is that despite the proliferation of organizations, voluntarism has, in fact, diminished since we began to accept foreign funding.

Another concern is whether funding helps us to democratize the organization, or whether, to the contrary, it contributes to bureaucratization and strengthens the control of those in charge and with the funds to give. The law itself has helped to corrupt the democratic climate in our organizations. It has prevented us, for example, from forming public interest associations with the right to collect voluntary contributions. Had that not been the case, the situation within these organizations would have been very different. The criteria for us should be whether funding privileges democracy or bureaucracy, whether it strengthens or weakens the organization's relations with its targeted public.

There are other criteria that I could cite, including whether funding creates a tendency toward austerity or luxury. There has been lavish spending on activities which should have received less—work that could have been accomplished on a voluntary basis.

Some of these problems exist both in the North and South, as Peter suggested—the tendency towards excessive bureaucracy and professionalism, for example. These issues should form part of the discussion between international organizations and those in the Arab world in an effort to increase the effectiveness of the world human rights movement.

*Mohammed Abdul Malik al Motawakkel*

In Yemen, our experience with local funding was brought to an abrupt end by the government. The Yemeni Organization for Defense of Rights and Freedoms was established in 1992, at which time there was political balance on the Yemeni scene between the Socialist Party and the Popular Congress. The organization put this political balance to advantage to obtain funding from both political parties and from the private sector. After the 1994 war, this balance came to an end, and the government turned against the organization. First, we were unable to obtain local assistance from any source. Then, when we tried to raise money from the sale of land that we had acquired, the government intervened to confiscate the land. The private sector was scared and unwilling to go against the government, and we found ourselves without the means to pursue any activities.

*Ali Oumlil*

In Morocco, legal obstacles have prevented us from obtaining funding. Since the inception of the Moroccan Organization for Human Rights, and before it, the Moroccan Association for Human Rights, they have been denied the necessary legal status to receive funds and carry out income-generating activities. Do we have any recourse? What are the methods that national organizations can resort to in order to fund some of their projects? We need to benefit from the experience of other organizations.

*Asma Khadr*

Oumlil Ali is not alone in facing legal impediments. In Jordan, the Social Institutions and Associations Law—under which all human rights organizations are registered—stipulates that no foreign funds shall be obtained without prior written permission from the minister. This, of course, gives the government control over receiving funds. In recent years, the government has begun establishing special institutions, essentially government “NGOs” headed by a member of the royal family, and not just in the field of human rights. The law under which such institutions operate enables them to gain access to huge sums of money, unlike their NGO counterparts.

Another mechanism to control funding is the Jordanian-European partnership. Under an agreement between the Jordanian government and the donors, all funds pass through the Ministry of Planning. Obviously, organizations must give satisfaction to the government in order to touch the funds. They must not be seen as part of the opposition, for they would be at risk of getting no funds.

## *Session Four*

### *Improving Understanding and Cooperation Between Arab and International Human Rights Organizations*

*Chair: Amin Mekki Medani*

*Amin Mekki Medani*

Participants have spoken to the problems of understanding and cooperation between Arab and international human rights organizations. In this session, we will explore the basis for improving the relationship.

It appears, from what many participants have said, that considerable evolution has occurred over the past years, as the Arab movement has matured and many Arab activists have entered international funding agencies, NGOs, and intergovernmental organizations. But concerns remain, for example, regarding the relationship between international NGOs and Western governments, on the one hand, and the willingness of international NGOs to collaborate fully with the local groups, on the other. How can these concerns be surmounted? Is it possible and, if so, under what conditions?

One issue concerns the roles that each kind of organization should play. Can we foresee an equitable division of labor between local and international organizations? For example, should international advocacy be the focus of international NGOs while local groups focus on grass roots mobilizing and education, or is that too simplistic a view? When international organizations are developing their priorities for the region, what role should the local organizations play? Do we have sufficient understanding of their respective strengths and weaknesses in order to develop a division of labor? Finally, many people have already referred to the need for dialogue as a means of developing the relationship. Is that a sufficient response? In any event, what form should that dialogue take?

We have asked Bahei El-Din Hassan and Neil Hicks to make some opening comments.

*Bahei El-Din Hassan*

The Arab movement's experience with the international human rights community has, by and large, been very positive. Based on my experience with the EOHR, and later with the Cairo Institute for Human

Rights Studies, the Egyptian human rights movement could not have reached its present state had it not been for the spirit of cooperation and assistance of organizations like Amnesty International, the Lawyers Committee, and Human Rights Watch. The same is true, to my knowledge, in other parts of the developing world. There are, of course, negative aspects to the relationship, but it is important to put them in context.

In its early stages, the international human rights movement helped to defend activists under threat in other parts of the world. In 1989, when EOHR was first confronted by the Egyptian authorities, a number of leading figures were arrested and tortured, including Mohammed El-Sayyid Sa'eid. Soon afterwards, Mohamed Mandour, a member of the EOHR Board, was arrested and tortured. The international human rights organizations played a vital role in organizing a campaign for their release.

At this point, human rights organizations were new to the Third World and lacked experience. Perhaps the campaigns would not have been as necessary in a society where some minimal freedom existed. But in the absence of freedom of expression, association and opinion, international solidarity is a must; it is a matter of life and death.

Now, the situation has changed dramatically. Our NGOs spread roots throughout the region. In many Third World countries, there are human rights organizations with as much experience, efficiency, and professionalism as the international organizations that once reached out to assist them. They even surpass the international organizations in terms of first-hand knowledge of the political and cultural context in which they operate.

This quantitative and qualitative development of the human rights organizations in the Third World, not only the Arab world, requires a rethinking of the inherited relations between the international and domestic organizations. In the early phase, the relationship was based on the local organizations providing access to information in exchange for the experience, protection, and solidarity of their international counterparts. Now there is a need for relations based on partnership and equity. This requires mechanisms for continued consultation. It goes beyond a mere exchange of reports, information, evaluation or advice. Consultation has to extend to the type of stances to be adopted and the priorities pursued.

At times, this may be perceived as interference by national organizations in the affairs and priorities of the international organizations,

for example when national NGOs request international NGOs to refrain from adopting a particular stance without consultation. I think we have to put sensitivity aside and recognize that the stances adopted by international organizations have direct effects on the national organizations. There are times, for example, when it is possible to avoid confrontation with the authorities in order to achieve results, and other times when confrontation is unavoidable. Local organizations are in the best position to assess which route to follow. Mutual consultation is an objective in itself.

On some occasions, a contradictory stance by an international NGO may be harmful to the position of the national NGOs. On other occasions, it may discredit the international organization. From a strategic point of view, we would be in a much more powerful position if a number of organizations agree on one stand. In Egypt, I think we have missed many opportunities because we have been slow to evolve beyond the inherited relations between local and international groups.

*Neil Hicks*

The international human rights movement depends on the momentum of the local movement. Twenty years ago, it might have been sufficient for Amnesty International to say, "This government is doing terrible things and must stop." That time is long gone. Now we rely on local groups to be not only sources of information, but also advocates and instruments for change within the local societies.

As a result, we must coordinate if we wish to be effective; we have no alternative. Nevertheless, the national and international media and Western policy-makers still give disproportionate weight to what international organizations do and say. This is not a situation of our creation, and I don't see how we can necessarily change it. It is a reflection of global power relations. Local groups, therefore, could benefit significantly from sending strong, clear, thoughtful messages to the international groups regarding the strategies and information they want the international groups to push, at any given time. Such proposals should be stated very concretely, in a way that is compatible with our resources and our planning.

Finally, I would like to endorse what Bahei El-Din Hassan said about the importance, at times, of a non-confrontational approach. Governments need to be given credit for the good things they do when they do them. Even when we criticize them, we have to find ways to make the criticism constructive. This, again, is a reflection of reality.



We are non-governmental organizations; we don't make policy or law; we don't directly change the way things are done. So we need to *encourage* governments. I think we sometimes have illusions of grandeur, that we can change things by saying so. That is obviously a misconception.

*[Understanding the strengths and weaknesses of international NGOs]*

*Hany Megally*

I began working with Amnesty International in 1977. In the 1970s and 1980s, there were few organizations in the field. As Bahei El-Din Hassan noted, the international organizations focused on issues of protection and solidarity. Amnesty was so concerned with maintaining its autonomy—proving that it had no ties with politics, parties or any other interests—that it refused to cooperate with any other organization. There were no joint statements, conferences or reports. We viewed any other option as a potential trap.

Even when organizations provided information about victims of human rights violations, we insisted, for example, on seeing the family ourselves, interviewing the lawyer, attending the trial, or anything else necessary to verify the information. We rejected coordination with local organizations because we perceived a danger on two fronts: a threat to the organization's autonomy and a danger to those working in the field. Amnesty reports never even referred to local organizations. This was sometimes useful to those organizations as well. It allowed them to establish a distance between their position and Amnesty's. When Amnesty revealed torture, it could rightfully claim to have formed its opinion independently and the local organization could hold it up in the face of the authorities, showing that what they had often said was repeated by an independent, international organization doing its own investigation.

We also didn't consult with local organizations on strategies for the future. At that early phase in the development of local organizations, many were connected to political parties or infiltrated by the state. It was hard to know which were truly independent and we feared that discussion might upset future campaigns.

Nevertheless, as we got to know each other and work together, confidence and solidarity were built over time. Many of the people in this room—people like Raji Sourani, Bahei El-Din Hassan, Mohsen

Awad, and Hani Shukrallah—have been part of that process, almost from the beginning. Even the international meetings, which many consider to be a waste of time, have helped to build relations between the international and the local organizations.

As Bahei El-Din Hassan said, we are now entering a new phase. If our aim is to improve conditions, we must find the means for a more profound cooperation. That requires a better understanding of the local organizations, as many have suggested. But it also requires us to discuss the problems of international organizations.

*Peter Rosenblum*

Another important change in the relationship between international NGOs and local organizations concerns funding. Ten years ago, international NGOs played an important intermediary role between donors and local organizations in much of the world. Human Rights Watch or the Lawyers Committee for Human Rights were often consulted before grants were given to new organizations. International prizes, like the Reebok Award or the Robert F. Kennedy Human Rights Prize, served as a stamp of approval for donors.

Luckily, we've passed that point. Donors have become better educated; many of them have become more international themselves, so that they needn't rely on the opinions of international human rights groups. In fact, the situation has reversed itself to some degree. Donors have begun putting pressures on international organizations to respond to the needs and concerns of local organizations. Grants depend on whether the international NGOs can prove their usefulness to the local organizations. In principle, this is certainly a positive development, but it is not clear whether its impact has gone beyond a mere change in vocabulary. The word "partner" now appears in all grant applications but international NGOs have not necessarily adapted to the loss of power that the word implies.

*Mohammed A. Al Motawakkel*

When it comes to dialogue and collaboration between the international movement and the Arab world, there is no room for sensitivity. The world is shrinking into one large village; those who are concerned with human rights all over the world have to act together for the common objective. There is no harm in our agreeing on specific joint action, provided it serves each of our objectives. What is necessary is total transparency as to objectives and finances, both revenues and expenditures.

*Emma Playfair*

The growth of local organizations should make international NGOs rethink their own role on a continual basis. To some extent that has happened, but not nearly enough. I think local organizations can help in that process

It is important to characterize the different kinds of international organizations and the roles that they can play. First, there is the traditional role that Hany Megally described, where international NGOs fill in for the absence of a local movement. This is still necessary for some countries, where the conditions don't yet exist for a local movement. Groups like Amnesty International and the Lawyers Committee for Human Rights play this role. It is also a role that can be played by local organizations in other countries, and particularly by regional organizations.

Secondly, there is a coordinating role. There are many circumstances in which an international organization may be better placed to coordinate international activity, for example, in developing international procedures at the level of the United Nations.

Third, I think that there's a place for organizations with specialized expertise which no other organization either can or wants to develop. My own organization, Interights, which has expertise in the use of law to protect rights, and HURIDOCs, which specializes in human rights related information systems, would fit this category. These organizations need to be guided as to ways that they can respond to local needs.

Finally, in addition to their monitoring role, organizations like Human Rights Watch and the Lawyers Committee for Human Rights have a particular role in relation to their own governments. Again, arguments presented by such NGOs to their governments with respect to other countries should take into consideration the views of, and ideally be developed in collaboration with, local/national groups.

The most important factor at this stage is coordination. There is increasing coordination in terms of projects, but there is still a serious need for coordination on overall strategy. National organizations should express themselves strongly, but with an understanding of the constraints faced by the international organizations. As Peter Rosenblum mentioned, international NGOs also face the constraints of donors. If such groups now want to shift their emphasis to a more complementary role, as Hany Megally and others are advocating, it may cost them the support of donors and draw them away from other

work that they do. That shift needs to be supported by national organizations.

*[Building equality into the relationship]*

*Mustapha K. Al-Sayyid*

I think we all affirm the importance of cooperation between Arab and international organizations. It is a source of strength for Arab organizations, not necessarily in regards funding, but to promote better defense of human rights. International organizations can bring pressure to bear on their governments; I also believe that Arab governments respond more to international pressure than to that of local public opinion. The experience referred to by Bahei El-Din Hassan regarding the EOHR is a case in point.

On the other hand, there has to be a process for achieving parity and independence. A mother exercises power over her son, but a successful mother enables her children to become independent. The United States exercised its influence over Japan, after World War II, through aid. But the aid never became debilitating. Japan was able to overcome its dependence.

Aid to human rights organizations should be the kind that will enable them to become fully independent. Though I recognize, as Emma Playfair said, that not all experiences are transferable, I think that training in fundraising should be one area of cooperation.

Another kind of training could be focused on launching campaigns. We aren't experienced with telephone and letter writing campaigns used by interest groups in the United States to lobby the government. We should consider that model, rather than the traditional means used by Arab human rights groups, consisting of statements to the press. If an Egyptian organization were to mobilize a thousand of its members to telephone or write to the Minister of the Interior, for example, to object to an arrest or torture of a citizen, it would certainly yield results.

*Hany Megally*

I would like to make a few suggestions about how we might build a more constructive relationship among international and local NGOs. International NGOs face specific problems in developing a regional perspective. Who should be our interlocutors? I have been trying to

find people in the region who can comment systematically on the work of Human Rights Watch in the Arab world—people who can comment directly on our priorities and tell us if they think we should be focus differently. It is easy to find people who work on specific countries. They usually tell us that we are not doing enough in their country. We will never do enough on any one country, and I am the first to admit it.

One important factor is the development of regional coordination. As regional groups like the Arab Lawyer's Union or the AOHR develop, they facilitate coordination with international NGOs. The more groups in the region that get together, the more they develop a sense of regional priorities, which, in turn, sends a strong message to international NGOs. We have begun to see some progress in this regard, for example, with the concerted action taken on Algeria by Arab organizations.

We are clearly at a stage where we can talk about division of labor. There are no black-and-white divisions yet, though some relative strengths have begun to emerge. At the level of the U. N. , for example, we have recognized that it is no longer sufficient for international organizations to act alone. There need to be representatives from organizations in the field and victims from the countries under consideration. This does not mean, though, that local groups should abandon their local constituencies to spend their time attending U. N. or E.U. meetings.

We need to put into place a structure for dialogue between international and local NGOs that takes into account the shift in the balance of power. International NGOs are not in charge, nor should they be. We can all live with a lack of consensus, as long as we understand each other and understand why the lack of consensus exists.

*Ghanim Alnajjar*

We have to understand that international human rights organizations are not fixed and unchanging. They change with time and vary with the personalities and orientations of the people who work there.

The example of Amnesty International is typical. It is one of the largest and oldest of such organizations; it is also a democratic organization with a grass-roots membership. However, it was clear in the mid-eighties that there were shortcomings, for example, in the treatment of the Occupied Territories. I recall the point when the American Section asked the International Secretariat to be more active in the area. Nothing happened until the American Section provided budget sup-

port for a special researcher who settled down in the region for six months. At that point, the quality of the reports began to change.

We tend to view these organizations as a solid block with a fixed plan, but it is not true. These are organizations with their own internal problems. Last year, for example, Amnesty faced a crippling strike. We need to understand the dialectics of such change from which we and they suffer.

*Asma Khadr*

One of the problems with international NGOs is internal democracy. Though many of the organizations have branches in the developing world, they are not necessarily treated as full members. Another problem is language. I realize that many publications are translated into Arabic, though certainly not all. Even the correspondence between local and international organizations is not in Arabic. Like Khadr Shkeirat, I never studied English, but had to learn it in order to deal with international organizations. It was a chore, and I am still not at ease with the language. In order to improve cooperation, we have to get beyond the Arab elites who were trained in a particular culture, and that means getting the international organizations to pay more attention to local languages.

*Bahei El-Din Hassan*

I have one recommendation for the Arab organizations. The coordination we are asking of international organizations will not yield the results we expect unless it also exists among the Arab organizations in the region and among the local organizations in their respective countries.

*Mohsen Awad*

I would like to add to what Hany Megally said regarding dialogue. Dialogue need not have an independent organizational structure, nor a regular pattern, but it must have clear objects and purposes. One of these should be the means of improving the flow of information. Another is to engage in a critical reading of reports issued by organizations.

There have been several positive examples of dialogue over the past five years. One takes place at the periodic meetings organized by the International Commission of Jurists, in connection with the sessions of the African Commission for Human and Peoples' Rights.



Another series of dialogues grew out of the preparations for the various U. N.-sponsored international conferences. Neil Hicks and the LCHR played a role in opening a discussion with different organizations here in Egypt. Finally, Amnesty International organized a discussion following the Vienna conference of 1993, where it brought together 13 organizations. Many of these dialogues were serious and fruitful, but most did not last—with the exception of the ICJ meetings, which continue, but lack the necessary resources to build continuity.

I would also like to touch on the importance of training and exchanges among organizations, which have been vital for building understanding. Over the past ten years, the AOHR has had a number of exchanges with American and Dutch organizations which have helped us to understand the working methods of other organizations, their priorities and mandates.

*[Defining strategy and clarifying the distinction between international NGOs and their governments]*

*Peter Rosenblum*

There will always be inconsistencies and differences in priorities among the human rights organizations. At what point do these interfere with cooperation? Hani Shukrallah and Bahei El-Din Hassan mentioned that international solidarity was important to the EHOR in 1989, when its members were under threat. It's ironic because that came at a time when international human rights organizations—especially Human Rights Watch and the Lawyers Committee for Human Rights—were involved in great internal struggles over the extent of their advocacy on Israel and the Occupied Territories. In other words, the Egyptian organization benefited from international support and solidarity from organizations that were uncertain about providing the same support to Palestinian groups. There might even be some connection, in the sense that U.S.-based groups wanted to balance criticism of Israel with criticism of an Arab state. What are the ramifications for the local groups? Would you have refused the support of international organizations had you known about the inconsistencies? Would you place conditions on future solidarity, for example, concerning positions that NGOs take on Israel or Iraq?



*Mustapha K. Al-Sayyid*

The Western human rights groups have to be sensitive to the impact of their actions and distinguish themselves from their governments. I think, for example, that the Human Rights Watch reports on the Occupied Territories are extremely important and should be better known. Arab public opinion is convinced that international human rights organizations more readily criticize Arab countries than Israel.

One current concern is the debate in the American Congress about the Religious Freedom Act.\* Egypt was specifically mentioned as a country which discriminated against its Coptic minority. I would not deny that there are problems in the treatment of Copts in Egypt. However, the debate has been alarming in Arab countries. There is a great sensitivity, in all Arab countries, when the question of minorities in the Arab world is mentioned in the West; not for lack of awareness that there is such an issue, but because of the suspicion that the West is intent on using the minorities issue in order to dismember the Arab nation and the Arab countries. This is an area where Arab organizations have something to teach the Western organizations about the means and timing for raising a question. It is an area where it is important for the Western human rights groups to distinguish themselves from their governments.

*Neil Hicks*

The debate in the United States over religious freedom, including the question of the Coptic minority, has been framed by the religiously inspired political right, not the international human rights movement. Indeed, there is now a major debate in the U.S. as to whether international NGOs have neglected the issue of religious rights in their work. It is a challenge to which we have to respond. In the meantime, the question of religious freedom will get disproportionate attention in the U.S. It is that issue which will be publicized by the Western press and which the Egyptian government will hear about in bi-lateral meetings. We don't control the public debate in the U.S., of course, and if we want to have some influence, then we need to work together to do that. It's not something which the LCHR or HRW can do on their own. We certainly need your help in that regard.

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\* [ed.] A controversial law promoted by religious rights groups in the United States. The promoters singled out countries with Christian minorities, including Egypt, and threatened economic sanctions. The law that was eventually adopted established an ambassadorial-level position and advisory committee to advise the President and Secretary of State on the promotion and protection of international religious freedom. International Religious Freedom Act, P.L. 105-292 Sec. 2; 112 Stat. 2788, adopted October 27, 1998.

*Raji Sourani*

For many years, the Palestinian human rights organizations had what we may call intimate and special relations with American and European organizations. There were differences, but they were not fundamental. We had continuous and intense cooperation with organizations like the Lawyers Committee, Human Rights Watch, and the International Commission of Jurists (ICJ), despite periods of disagreement.

After the Oslo Accord was signed, the situation changed. I still don't understand why. We didn't differ on the analysis or assessment of the Accord. For us, it was clear that the occupation, in both its material and legal forms, would continue for at least the five years of the transitional phase. We agreed that it was necessary to continue to press the issue of occupation. At the same time, we agreed to focus on the effort to build Palestinian civil society where the sovereignty of the law, human rights, and democracy were concerned.

But it seems as if the agenda of the international NGOs changed immediately after the Accord was signed. The Lawyers Committee appears to have dropped any concern for the Occupied Territories from their agenda. Human Rights Watch has shifted its focus to the Islamic human rights organizations and the human rights violations by the Palestinian Authority. The same is true of the ICJ. While some other organizations have maintained their focus, many of those with historic roots in the struggle and experience with the details have withdrawn, raising questions about their commitment.

*Neil Hicks*

I'm sympathetic to Raji Sourani's frustrations. Of course, more should be done to focus effectively on human rights problems in the Occupied Territories. But to explain our position, I have to explain how the Lawyers Committee operates. We are a small organization with a core activity of work on behalf of persecuted lawyers around the world. We also pursue projects on specific countries or issues on a selective basis. Over the years, we've worked on Kuwait, Iran, Tunisia, the Occupied Territories, Egypt, and Sudan in some depth. But we do that for a short period of time—up to a year or two. Then, we move on to something else. That's the nature of our organization. We don't have the resources of an Amnesty International to maintain a constant monitoring presence. Nevertheless, we are concerned and informed about what is happening in the Palestinian territories, and we have been active in the United States in addressing human rights issues in the context of the peace process.

Again, we are often victim to the political mood in the U.S., including the interest of Congress and public opinion. When we have made statements about human rights in the context of the peace process, more often than not we have been told (sometimes officially) that we are not being helpful. We are told that there is a political process going forward, the only hope is that this political process should work out, and in the mean time we should go away and keep quiet. It's very hard to work against that. I would also note, in the context of the Palestinian territories, that there is no lack of international NGO involvement. There has been a phenomenal amount of reporting. One reason why the Lawyers Committee has not jumped in in recent years is that we haven't seen a vacancy where we could say something additional.

If it looks as if the LCHR is focusing on the Palestinian Authority, it is because it provides a useful opportunity to raise the broad issues about the way human rights have been talked about in the context of the peace process. Conditions under the Palestinian Authority have provided the only occasion that the Lawyers Committee and several other groups have been called upon to testify in Congress on human rights issues in the territories. Our statements to Congress addressed the specific situation, as well as the larger context of the continuing occupation, and how to address the human rights concerns which we all share.

*Raji Sourani*

I'm troubled by Neil Hick's response. We all face political sensitivity. If that justifies changing your agenda in the United States, what about our reality? Politics can destroy us, yet we are expected to stick to our agenda. The first victim of the Oslo Accords has been human rights. It is as if they adopted the slogan, "Sacrifice human rights for peace." I am not saying that international organizations have to work on Israel in order to be credible, nor would I impose political positions on organizations as a condition to cooperate with them. But if an organization is aware of the situation and does nothing about it, where is its credibility? Cooperation between us and the international organizations is not a luxury; it is something crucial.

*Hani Shukrallah*

Among the issues that should be discussed are the relative priorities given to reporting on different countries by the international human rights groups and the importance of distinguishing their positions from

those of their governments and media. Another important issue for discussion is the use of sanctions and aid conditionality. Those weapons have been so misused that they have become harmful. When Human Rights Watch calls for withholding of aid—as it did in the case of Egypt a number of years ago—it hurts the human rights movement in the region. Donor governments tend to use aid, at times, to serve political purposes that have little to do with human rights.

As far as the different roles are concerned, I believe organizations in the South should assume the role of resistance, while international NGOs should carry the role of solidarity. Here I would like to give an example. There was more than one mention of what happened in 1989 as a model of international solidarity with the EOHR when it was attacked, but not enough was said of the context within which this took place. The organization was attacked when it declared its solidarity with the iron and steel workers as the government invaded the factory. This was important, for solidarity was forthcoming in a case of actual resistance, and not because of reporting a certain violation.

*Bahei El-Din Hassan*

I would agree with Hani Shukrallah on the issue of sanctions; it is important to review the use of sanctions as a weapon in general. But the context is important as well as the rules governing their use. Sanctions were a positive and effective tool in the case of South Africa.

I would also note that there has been considerable inconsistency over the years in the treatment of the region by international organizations like Human Rights Watch. There have been few reports on Saudi Arabia or Tunisia, while scores of reports were produced on countries in which the situation was far less serious. Human rights organizations are vociferous when Hosny Mubarak goes to the United States, which is quite legitimate, but the same standard isn't necessarily applied to other visitors, for example, Benyamin Netanyahu. These are the kind of issues that can be addressed through consultation, in order to determine priorities.

*Mohammed Mugraby*

I take strong exception to the suggestion that certain subjects should be avoided. If they implicate human rights, I think it is a legitimate concern of the international community to address them, especially when it comes to the question of ethnic and religious minorities.

Finally, I have heard a lot of criticism of the international NGOs

based on a selfish understanding of what the truth is. Now, there could be lots of truths, and I believe that eventually people will have to recognize or understand the truths of others, in order to help others understand and believe their own truths.

*Salim Nasr*

I have some reservations about using the term “international organization” for all of the groups we are talking about. This is a very heterogeneous group of organizations. Some may be doing excellent work, but it does not suffice that they declare themselves international. If they are truly international, this must be reflected in their governing system and their accountability. We need to look at how the agenda is set, how the resources are allocated, and who their constituency is. In most cases, it would be hard to argue that they were truly international.

With regard to coordination, I believe it should be one of the main priorities for human rights organizations in the region. I say this as an observer from outside and as a sympathizer. There is an urgent need to group and coordinate in such a way as to share experiences and allow development within the region itself. Before requesting outside aid, we should realize that the region does have many material and moral resources, in addition to the possibilities for exchange among the countries and organizations of the region. This does not mean that we must not cooperate with the outside, it only means that we have not taken full advantage of our own scope and potentials, and that there has been much repetition and duplication of efforts.

*Hany Megally*

I appreciate the criticisms that people are raising, many of which I knew applied to Human Rights Watch before I chose to work there. I don't agree with everything that has been said about past relations, but we do want to improve relations for the future. The ultimate goal is effective cooperation. We need to hear from you when there is a problem, when we are doing something that is wrong. As Ghanim Alnajjar said, we are not an immovable block.

One of the most important results that we could reach would be to agree on a means of communication, channels to express opinions as to our respective work, without unduly striking out against each other, or engaging in hostile competition. When Middle East Watch was initiated—and I was then at Amnesty—I felt they sometimes competed

rather harshly, deliberately striking out at us. At the local level, one notes a competition between centers, which is sometimes overt and sometimes covert. We need to find a way of dealing that will allow us to understand one another's views, and to prepare to answer in case of misunderstanding or disagreement.

*Amin Mekki Medani*

Much has been said about "them" and "us," yet, I believe, we should pay attention to areas of joint work. This makes me think of the relation between some of these organizations as a group and between international and regional fora. For example, at the level of the Organization of African Unity (OAU), there is an African Charter and a Commission for Human and Peoples' Rights that meets twice a year. There are nine members of the Arab League who are also part of the O.A.U.\* two thirds of the Arab population is in Africa; important issues are raised and very important work is being done in the Commission. There is no Arab presence however, except for the AOHR, the Arab Lawyers Union, and some organizations from the Maghreb who attend.

As for the League of Arab States, regrettably, there has been a draft Charter for the past 25 years, approved by the Council of Ministers in September 1994,\*\* but unratified by the States. Actually, it would be better if it remains unratified, since it would, as others have mentioned, diminish the rights guaranteed in the international instruments. In any event, such matters are left unstudied and unrevealed. We should focus more attention in that direction.

Meanwhile the U. N. is riven by double standards. There are special rapporteurs only for Iraq and Sudan, as if they were the only two countries where human rights are violated. We must have a dialogue with international organizations on this issue. It is very important.

I would also like to touch on national human rights institutions. The Palestinian Authority for the Rights of the Citizen, established by decision of President Arafat, has done impressive work. In its third report, for 1997, for example, there is sharp criticism of the Palestinian Authority, including, among other things, reports of torture, abuse of power by security forces, and laws of exception. In some states there

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\* [eds.] Algeria, Comoros, Djibouti, Egypt, Libya, Mauritania, Somalia, Sudan, and Tunisia.

\*\* Arab Charter on Human Rights. See Annex for full citation.

are human rights ministers, who are usually little more than window dressing. But it is up to us to engage these national and governmental institutions and work with them to the extent possible.

*Ghanim Alnajjar*

I would like to present a modest proposal that Arab NGOs form a group to monitor sources of information on human rights in the region. Much of this exists on the internet. But we tend to lack the information. We could, for example, make a synthesis of issues and follow the progress of various projects on the region. With time, this could develop into a consultative body for those engaged in regional projects. The benefit will be to reduce the waste, for it is obvious that the absence of information is terrible and may lead to contradictory statements and stands.



# *Annexes*

## *Participants*

**Ghanim Alnajjar** is Associate Professor of political science at the University of Kuwait. He has been a longtime activist within Amnesty International, for which he served on the Mandate Review Committee.

**Mohsen Awad** is the Assistant Secretary General of the Arab Organization for Human Rights (AOHR).

**Bahei El-Din Hassan** is the Director of the Cairo Center for Human Rights Studies. He was previously Secretary General of the Egyptian Organization for Human Rights (EOHR). He is, *inter alia*, a member of the Executive Committee of the Euro-Mediterranean Human Rights Network, and member of the International Council on Human Rights Policy.

**Hafida Chokir** is a lecturer in the Faculty of Law at the University of Tunis. She is a founding member of the Tunisian Association for Democratic Women and a member of the Women's Committee of the Arab Human Rights Institute.

**Neil Hicks** is the Senior Program Coordinator for the Middle East and North Africa at the Lawyers Committee for Human Rights (LCHR), based in New York, and an adjunct professor at Fordham Law School. Previously, he was a researcher on the Middle East for Amnesty International, and Program Officer at Birzeit University, Human Rights Action Project.

**Asma H.S. Khader** is a lawyer and activist based in Jordan. She is the Director of Hamurabi Center of Law and Human Rights. Formerly, she was the Director of Al Haq, in Ramallah (Palestinian Authority). She is a member of the Executive Committee of the International Commission of Jurists and former President of the Jordanian Women's Association.

**Amin Mekki Medani** is a Sudanese human rights activist and lawyer. He is currently the Chief of Mission for the U. N. Office of the High Commissioner for Human Rights in Gaza. Mr. Medani is a founding member and long time President of the Sudan Human Rights Organization and a member of the Board of Trustees of the AOHR.

**Hany Megally** is the Executive Director of the Middle East and North Africa Division of Human Rights Watch (HRW). He was an officer with the Ford Foundation in Cairo and, before that, headed Middle East research at Amnesty International.

**Mohamed Abdul Malik Al Motawakkel** is a Professor of Political Science at the University of Sanaa. He is Vice Chairman of the Human Rights and Democratic Freedoms Organization in Yemen and is a member of the Board of the AOHR.

**Muhamed Mugraby** is a lawyer in Beirut. He formerly taught at the Lebanon University School of Law. He is Vice President of the Commission on the Defense of the Defense of the International Lawyers Association in Paris.

**Salim Nasr** is a Lebanese political sociologist. At the time of this roundtable, he was the Program Officer at the Ford Foundation, in Cairo, for Government and International Cooperation.

**Ali Oumlil** is a Professor of Contemporary Arab Thought at the University of Rabat (Morocco). He was a founding member and then President of the Moroccan Organization for Human Rights (OMDH) and is formerly President of the AOHR.

**Emma Playfair** is the Director of Interights, the International Center for the Legal Protection of Human Rights in London. She previously worked with Al Haq in Ramallah (Palestinian Authority) as Coordinator of Research, and with the Ford Foundation, in Cairo, as Program Officer for Rights and Social Justice.

**Peter Rosenblum** is the Associate Director, Harvard Law School Human Rights Program. He formerly worked with the International Human Rights Law Group, the U. N. Center for Human Rights, HRW and LCHR. He is a member of the International Advisory Council of the Swedish NGO Foundation for Human Rights.

**Mohammed El-Sayyid Sa'eid** is the Deputy Director of the Al-Ahram Center for Political and Strategic Studies.

**Mustapha Kamel Al-Sayyid** is Professor of Economics and Political Science and Director of the Center for Study of Developing Countries, at Cairo University. He is a former member of the Executive Committee of the Arab Organization for Human Rights.

**Khadr Shkeirat** is a Palestinian lawyer. He is the founder and Director of Law, the Palestinian Society for the Protection of Human Rights and the Environment, in Jerusalem.

**Hani Shukrallah** is a columnist and Managing Editor of Al Ahram Weekly. He is a former member of the Board of Trustees of the Egyptian Organization for Human Rights.

**Raji Sourani** is a Palestinian lawyer and Director of the Palestinian Human Rights Center (Gaza). He was formerly Director of the Gaza Center for Human Rights and Law.

**Henry Steiner** is Jeremiah Smith, Jr. Professor of Law at Harvard Law School. He is the founding Director of the Law School's Human Rights Program, and chair of the University Committee on Human Rights Studies.

**Frank E. Vogel** is Assistant Professor of Islamic Law and Director of the Islamic Legal Studies Program at Harvard Law School.

*Nongovernmental Organizations Referred To in Text*

Al Haq, Ramallah (Palestinian Authority)

American Civil Liberties Union (ACLU), New York, NY, USA

Amnesty International (AI), London, UK

Arab Organization for Human Rights (AOHR), Cairo, Egypt

Arab Lawyers Union, Cairo, Egypt

Arab Human Rights Institute, Tunis, Tunisia

Cairo Center for Human Rights Studies, Cairo, Egypt

Center for Legal Assistance, Cairo, Egypt

Egyptian Organization for Human Rights (EOHR), Cairo, Egypt

Human Rights Watch (HRW), New York, NY, USA

International Human Rights Law Group, Washington, DC, USA

Interights, London, UK

Law, the Palestinian Society for the Protection of Human Rights and the Environment, Jerusalem, Israel

Lawyers Committee for Human Rights (LCHR), New York, NY, USA

Legal Research and Resource Center for Human Rights, Cairo, Egypt

Moroccan Organization for Human Rights, Rabat, Morocco

Tunisian League for Human Rights, Tunis, Tunisia

### *Documents Referred To in text*

**African Charter on Human and People's Rights**, adopted by the Organization of African Unity in June 1981, entered into force October 21, 1986. Regional treaty for African States. The Charter establishes a commission, whose function is to promote the rights declared in the Charter, ensure their protection, and interpret the Charter upon the request of member states.

**Arab Charter on Human Rights**, adopted by the League of Arab States on September 15, 1994; open for signature to the 22 members of the Arab League. No ratifications to date. *Reprinted in* 56 ICJ Review 57 (1996)

**Cairo Declaration on Human Rights in Islam**, adopted by the Organization of the Islamic Conference in 1990, *reprinted in* U. N. Doc. A/Conf. 157/PC/62/Add.18 (1993) – and Columbia University Center for the Study of Human Rights, *Twenty-Five Human Rights Documents* 190-193 (1994).

**Convention on the Elimination of Discrimination against Women**, adopted by the U. N. General Assembly resolution 34/180, 18 December 1979; entered into force 3 September 1981. <http://www.unhchr.ch/html/menu3/b/e1cedaw.htm>

**Declaration on Human Rights Defenders** (formally known as the “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms”), adopted by the U. N. General Assembly of the United Nations on December 9, 1998. A/RES/53/144. See the website of the U. N. High Commissioner for Human Rights at <http://www.unhchr.ch/html/intlinst.htm>

**International Covenant on Civil and Political Rights (ICCPR)** is the most widely ratified human rights treaty covering civil and political rights. Part of the “International Bill of Human Rights” (together with the ICESCR—see below). Adopted by the U. N. General Assembly, by resolution 2200 A (XXI), of 16 December 1966; entered into force 23 March 1976. [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm)

**International Covenant on Economic, Social and Cultural Rights** (ICESCR) is the most widely ratified treaty covering economic and social rights. Part of the “International Bill of Human Rights” (together with ICCPR—*see* above). Adopted by the U. N. General Assembly, resolution 2200 A (XXI), of 16 December 1966; entered into force 3 January 1976. [http://www.unhchr.ch/html/menu3/b/a\\_ceschr.htm](http://www.unhchr.ch/html/menu3/b/a_ceschr.htm)

**Universal Declaration of Human Rights** (UDHR) is the premier human rights instrument of the United Nations. Adopted and proclaimed by the U. N. General Assembly, resolution 217 A(III), of 10 December 1948. [http://www.unhchr.ch/html/menu3/b/a\\_udhr.htm](http://www.unhchr.ch/html/menu3/b/a_udhr.htm)