PARADOXES AND DILEMMAS OF INSTITUTIONAL CHANGE: HUMAN RIGHTS AND LIVELIHOODS IN RURAL WAR-TORN ANGOLA

J. ZOË WILSON

Abstract

This case study critiques the conceptual architecture of a United Nations peacebuilding project called the Human Rights Committee (HRC) and suggests areas of further research and potential action to identify mismatches between local context and institution-building efforts that generate disempowering government structures. The committees were designed for implementation in Angola’s war-torn provinces as peace loomed uncertainly in early 2001. The case study assesses the information available in April 2001, and on this basis forecasts how the Committee was set to affect lives and livelihoods, if it was to operate as planned. In the sections below, the study considers three ‘snapshots’ of the small semi-urban city of Uige, capital of Angola’s northern Uige province: formal political institutions; informal landscapes; and how these were imagined in the documents and processes of the Human Rights Committee. The paper asks, ‘what are the implications associated with how well the three fit?’ Findings are presented in six parts. First there is a brief description of the HRC and how various implementers viewed it. Second is a portrait of the capital city of Uige during Angola’s 30-year civil war and the massive displacement of its citizens that followed it. Third is a sketch of the ‘formal’ and ‘informal’ political and civic landscapes of Uige. The fourth section describes how the HRC valued and sought to interact with both the ‘formal’ and ‘informal’ political dimensions of Uige. The fifth section examines the finding that the Committee resembled a top-down, externally driven, state-building project premised on values that were ostensibly universal rather than on vetted knowledge. Concluding suggestions are discussed in the context of the complex relationship between state and society in Angola and the challenges for development.

Introduction

The peacebuilding operation in Angola – and the Human Rights Committee (HRC) specifically – takes its cue from the merger of security and development in the aftermath of the Cold War (Duffield 2001) in which the prevention and resolution of conflict are married to developmental concepts such as liberal governance, democracy and human rights. Both ‘security’ and ‘development’, however, remain unsettled practices of global relations, and are the focus of intense critiques. Many of these critiques relate in one way or another to the charge that mainstream security and development studies tend to operate on the basis of problematic assumptions about the way the world really is and how it really operates. A key feature of these assumptions is the way traditional paradigms of security and development favour elitist and expert knowledge, while excluding and
marginalising the opinions and preferences of those whose poverty has become the *raison d’être* of the humanitarian industries (Abrahamsen 2001; Ferguson 1990; Parpart 1995). Peacebuilding efforts thus may hinder the efforts of recipients to manage their own resources and enrich their local landscapes. This is especially true for Africa, where we see conflict and development explicitly married in the United Nations discourse.3

Angola is a textbook case in terms of the merging of security and development, and the paradoxes and dilemmas involved. The nation has always been at war. It endured one of the most pernicious colonial histories on record, was subject to the bloodiest colonial anti-independence insurgency south of the Sahara, and became one of the worst casualties of South African expansionist policies and covert United States Cold War destabilisation. In the early 1990s Angola was the site of arguably the poorest example of ‘experimental’ peacekeeping.

Today Angola and its geopolitical baggage are no less complex and controversial. Sceptical observers contend that the MPLA,4 long considered the legitimate government, is gatekeeper to a parasitic and predatory system in which a small number of national and international interests, reaching to the highest level of the most powerful administrations in the world, profit grossly – and all on the back of humanitarian catastrophe. To say that Angola’s relationship with the international community is complex is to belabour the obvious. In this polarised context, constructive relationship building among local, national and international stakeholders and efforts to build coalitions for sustainable, equity-based reconstruction and development are a complicated business. With the 2002 military defeat of the rebel UNITA5 and the death in battle of its leader, Jonas Savimbi, Angola finally stands on the brink of long-awaited development and prosperity. Despite the presence of a sizeable UN humanitarian mission, the people of Angola have suffered tremendously from an uneasy and complicated relationship with the international forces. Nevertheless, their future will be scripted by the institutions and policies which international actors bring with their peacebuilding efforts

Relying on field research carried out in Luanda and the northern Angolan province of Uige in April 2001,6 this article explores a UN initiative called the Human Rights Committee. The case study illuminates the tensions and contradictions that arise in attempts to thread a rights-based governance architecture into communities faced with a weak and predatory state apparatus. It is important to note that at the time of research, however, the HRC was embryonic. Thus this article cannot comment at length on how the project played out.7 Rather, the research interrogates the assumptions inherent in the HRC’s architecture and ‘regulatory norms’ with a view to illuminating how well they fit with Angola’s complicated landscapes. The article concludes by identifying crucial areas of further peacebuilding and development research.

**What are the Human Rights Committees?**

Human Rights Committees were initiated by the United Nations Observer Mission in Angola (MONUA) in 1997, and were officially created in the northern province of Uige on 9 November 2000. Conceptually, the Human Rights Committees were designed to serve a non-coercive law-and-order and mediation function and to help bridge the gap left by

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weak or non-functioning government institutions in more than 30 years of war. That is, they sought to create a framework that individuals could use to mediate and minimise interpersonal and state-society conflict, notably abuse, violence and disputed claims to resources. To accomplish this, they sought to build institutional capacity for government and civil society to monitor communal relations and document and consider petitions for redress of human rights abuses committed by the law-and-order forces of the state or by community members against each other. The ultimate aim was to create a social climate in which respect for human rights would become the norm. It was envisaged that each of Angola’s provinces would have an HRC as part of its provincial government system. In most provinces the committees were the responsibility of the UN Development Programme (UNDP). In Uige, however, the HRC was a UN High Commission for Refugees (UNHCR) project. The UNHCR was the lead agency for Uige owing to the high number of internally displaced persons (IDPs) and humanitarian relief operations in the province.

Provincial HRCs typically included eight government officials, one representative of traditional authority and several members of civil organisations, especially religious institutions and NGOs promoting human rights. Committees were designed to operate in conjunction with local volunteer monitors who were elected at community meetings. It was envisaged that the committees would meet regularly and hear complaints and reports from the volunteer community activists, and otherwise co-ordinate human rights awareness activities, such as a local weekly radio show that broadcast information about human rights. In the longer term the HRCs were meant to provide the roots for a social and political culture based on human rights, which could keep political reforms on the ‘right’ path once peacebuilding and reconstruction had begun in earnest.

Discussion at the Provincial Working Groups meetings in Luanda revealed that the HRC project was not uncontroversial. For example, the UNHCR staff and NGO partners remained committed to the instantiation of a quasi-political body in Uige called the Human Rights Committee. In provinces where UNDP led the process, however, both the project and the underlying principles were being set aside. The Office for the Coordination of Humanitarian Affairs (OCHA) representative commented: ‘Initially OCHA was supportive of the parallel structure approach [to institution building], but now we are going in a different direction, towards constructive engagement; we may be going in a horribly wrong direction; if so, we will move back to the first strategy. We are still relying on informal chats with key informants in various organisations to keep us up to date.’

The UNHCR staff, however, expressed a strong commitment to the grassroots credentials of the HRC, with the field officer in charge arguing that it had the potential to mimic the elder council structure common at the village level. That is, it was envisaged that the credibility and utility of the HRC would be enhanced by the structural similarities between decisions rendered by a council of governmental and non-governmental notables at the municipal and provincial levels, and decisions rendered by a council of elders at the village level. This contrasted significantly with the perspective of OCHA and the UNDP, which had begun to see the community-level component of the HRC as something that the central and provincial governments might view as an attempt by the UN to create a parallel UN-sponsored government body. In this light, one high-level UNHCR official commented to the researcher that the UNDP ‘was now just the development arm of the World Bank’.
At the time of field research in April 2001, the Human Rights Committee project remained both conceptually and operationally embryonic. The Committee had been established, a number of community-level meetings had taken place and volunteers selected. UNHCR in Luanda was in the process of putting together a library of human rights related resource materials. The Committee still lacked permanent office space, and government officials only haphazardly attended meetings. Nevertheless, from the steps that had already been undertaken it remained possible to look at the project’s conceptual architecture, and identify some potential implications. That is, it is possible to make some tentative extrapolations that point to areas in need of further research before implementation.

The provincial capital of Uige was a safe area protected by the MPLA army and a United Nations humanitarian presence. Since UNITA rebels were active in the province, most of the people living in the countryside had either gravitated to the city for safety, or had been ‘relocated’ there by the government. In the final years of the war the government forces adopted an aggressive military strategy to force UNITA supporters and civilians alike out of the countryside and into ‘internally displaced persons’ (IDP) centres such as Uige. This was part of a strategy to flush UNITA out of the bush by leaving it no rural support base for food and other needs, and no non-partisan civilians upon which to prey. At the same time, UNITA was stepping up raids against villages. One of its more pernicious practices was the abduction of women and children, who often suffered sexual abuse and were forced into relations of servitude.

The city itself was largely destroyed in the war of 1992, and had not been rebuilt. Most of the buildings were uninhabitable. The city lacked basic civic infrastructure, including water, electricity and phones, except in the case of humanitarian offices and military offices, for which special connection provisions had been made. By and large, basic water and electricity services were supplied by generators. Power from the thermal electric plant was erratic, usually ‘a few hours in the evenings, with frequent power cuts, unstable current and days without any power whatsoever’ (OCHA 2000:9). Municipal buildings, such as the Ministry of Justice, had no access to electricity or water. All the windows were broken, and electrical and plumbing fixtures had been stripped. Few residents had electricity, and the primary source of water was rivers, creeks, unprotected shallow wells, and a dozen rehabilitated streams.

The city had two small bars, one of which doubled as a restaurant, and no stores. All basic necessities available in Uige are found at the central outdoor market, which has an odd variety of wares and manufactured goods, and produce grown mainly in the Uige area or imported by the World Food Programme. The roads to Uige are impassable and air transport is infrequent, which means that prices and availability of basic foodstuffs, especially sugar, could vary widely. According to a Médecins sans Frontières representative, malnutrition affected a large percentage of the population, especially children.

In 2001 the city of Uige was reportedly home to 50,000 people and had over 100 villages. UN officials estimated that 39,000 of these people were IDPs, but the definition is fungible; given Angola’s long history of war, most people are at some stage of displacement. Villages fill the bucolic green spaces that surround the former city of Uige, and, in 2001, new IDP settlements were being formalised on the outskirts of existing villages. A notable aspect of these villages, from the perspective of governance, was the extent to which they existed independently of any state regulation of social, economic or political life.
Power and the Formal and Informal Political Structures in Uige

Based on information provided by the UNHCR in Luanda and other UN agencies in Uige, it is possible to discern at least six striking features of the provincial political system:

1. All key members of the provincial political structure are appointed by the highly centralised presidential system in Luanda; the rest by the provincial administration;

2. The provincial government has essentially no independent decision-making authority, and answers in all things to Luanda;

3. The provincial government receives no guaranteed budget from Luanda and has no discretionary funding capacity or authority, nor does the province itself have any wealth-generating capacity;

4. The court- and prison- based justice system is essentially not functional;

5. The traditional elder/Sobo-based decision-making and conflict resolution systems are largely intact (but unstudied) and govern village and inter-village life;

6. A significant portion of the population has no citizenship or identity papers.

These features make up a political architecture in which the provincial government is accountable only to Luanda and exists in Uige mainly as a conduit for presidential objectives. Provincial political positions are not elected, and the provincial political system has no institutional mechanisms for deliberative democracy or popular accountability. To the extent that the provincial government functions at all, then, it boasts meagre democratic credentials and can be considered authoritarian, top-down and highly centralised. At its disposal is a large number of paramilitary forces that police law and order in the city and its core of international non-governmental organisations (INGO), but not the surrounding village areas. Police and paramilitary forces tend to have an uneasy relationship with the local population, many of whom see them as a threatening or illegitimate authority.

Despite constitutional claims of national ownership, key resources such as oil and diamonds are in the hands of the elite while few institutional mechanisms exist to police resource use, to mediate resource disputes, or to distribute benefits to the wider society.

At the time of independence in 1974, all of Angola’s resources were handed over to ‘the people of Angola’ by the Portuguese, and under the Constitution belong to ‘the people of Angola’. Despite constitutional claims of national ownership, key resources such as oil and diamonds are in the hands of the elite while few institutional mechanisms exist to police resource use, to mediate resource disputes, or to distribute benefits to the wider society. The government retains for itself the ultimate title to land. Elsewhere in the province informal guarantees of land use have been secured, but this was not the case in Uige.

Agricultural land is at a premium in the Uige safe area. Established members of a larger loose confederation of communities have reportedly worked out a seniority plan of land use where subsistence crops are grown, but according to government officials, neither individuals nor villages own this land; this informal tenure is at the discretion of the local administration and not secured by guarantees.

The formal justice system barely functions. It consists of one functioning court in a building without lights, running water, windows or permanent offices. In April 2001 the prison
housed 86 inmates, 68 of whom were awaiting trial. The city had a military and police presence mainly responsible for general order and military functions, but they operated only in the urban core comprising the airport, military and municipal offices, and UN and NGO offices. Officers had limited capacity to function in the villages where most people live, and thus provided little civil protection. Reports of police abuse of power were common and confidence levels in the police among the general population were extremely low, as in other areas of Angola (Manning 1999). The relationship between paramilitary forces and the population in general was manifestly tense.

The vast majority of people are self-organised into village communities. These communities adhere to their own internal political logic reportedly governed by the Sobo – a male elder and traditional chief – in concert with a council of elders. Political life is similarly structured among the internally displaced, the majority of whom integrate into existing communities upon arrival. Where whole IDP communities are relocated or where the UNHCR and its partners have constructed IDP villages, the Sobo systems tend to remain intact or re-emerge. To date, understanding the Sobo system has, in isolated cases, proven crucial to mobilising the community toward common goals. For example, YME, a stream rehabilitation NGO that relies on community labour organised by the Sobo to provide clean water, reported that cooperation from the Sobo was the key determinant of swift project success and community support. Traditional systems also play an important role in dispute resolution. The vast majority of political and law–and-order functions in Uige apply at the village level. It is important to note, however, that they operate mainly in the context of cultural expressions of privilege and responsibility. For example, the YME representative noted that because women had primary responsibility for water provisioning, it could be difficult (but not impossible) to persuade the Sobo of the importance of stream rehabilitation, especially when it brought clean water closer to the village and reduced the women’s workload and time commitment.

It is at the village level where most of the people living in Uige mediate crosscutting social struggles associated with access to productive resources and social freedoms – bounded by issues of class, gender, age, and ethnicity. This is in contrast to the formal state sector, which lacks the legitimacy, the coercive capacity, the pluralist deliberative institutions and structures of accountability to respond to people’s preferences. That is, in Uige the state is clearly a ‘distinct and discrete organisation of power’ (Mohamed Salih 2002:27). As noted, the state does not and cannot operate in or police village areas, and its capacity to extend even the most basic services and thereby justify its existence is extremely limited. This means that while in theory the power of the state confers ‘fixity to otherwise unstable power blocks in society’, the social order is constituted through the state and exists within the parameters laid down by the state’ (Mohamed Salih:28). But this is not yet the case in Uige, where the state is manifestly separate and distinct and whose interests may not coincide with those of the population at large. Perhaps most importantly, it is not an emanation of the collective will and no checks and balances exist to mediate authoritarian or harmful tendencies, should they become manifest (Manning 1999).
The Human Rights Committee and Uige’s Formal and Informal Political Structures

Notwithstanding the potential for any intervention to have accidental but liberating effects, the design of the HRC introduced the risk of undermining existing social and political forms while re-apportioning political power to unaccountable state elites. Four areas of particular concern will be discussed:

1. The HRC failed to engage with local landscapes and indigenous ways of being and knowing, and did not attempt to include the perspectives of the local communities about where they were going or how the various partners wanted to get there;

2. It relied essentially on moral and ideological foundations rather than legal or procedural ones, and thereby overlooked important structural constraints such as the lack of shared liberal social context, a common citizenship status, and a functioning law-and-order capacity;

3. It relied on ‘thin descriptions’ of both the identities of local peoples and human rights in order to make the context seem more amenable to a liberal human rights initiative;

4. Finally, it ignored the potential for current and future structural opposition of interests between rural subsistence farmers and state elites.

First, the Committee was established by the UN – the main driver of the project – and incorporated local voices only marginally, both in the planning stage and organisational design. For example, the Committee reserved only one seat for a representative of traditional authorities, despite the fact that there are over 100 villages nestled in the hills surrounding Uige. Most members of the Committee were state officials appointed from Luanda. The rest represented religious organisations and human rights-oriented NGOs. Given its constitution, it is fair to say that the Committee was premised on assumptions that undervalued the contributions of local and indigenous political forms, while it simultaneously ordered them out of the emerging formal political structure. From the onset, then, the Committee’s structure and operating mechanisms were top-down, highly centralised, and disempowering for the people it was meant to serve.

Second, its attempt to bring certain modes of engagement and certain social identities into being for which human rights is the proper solution lacked any material base. As noted, the formal justice and legal system in Uige was essentially non-functional, and police and military personnel were often seen as predators. Thus, human rights could not be addressed – at least not in the traditional political and civil understanding of the term.

This lack of material basis was underscored by the confusion among the local community volunteers who had been trained in human rights awareness and who were scripted to perform a human rights monitoring function. According to one UN representative, most expressed confusion at their voluntary – and therefore unpaid – status, unsure why they
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were being expected to enforce human rights norms in their villages if it wasn’t a desperately needed remunerative position. Many also noted that enforcement could not be carried out without weapons and police powers, especially if they were being asked act in a quasi-state-like capacity in communities whose relationship with the state was ambivalent at best.

The lack of infrastructure and shared social context was further complicated by the fact that many people in Uige lacked citizenship papers, and at the time of research, the central government was refusing to initiate or consent to a process of recognising citizenship and providing formal legal papers. In this context, it was problematic to assume that government would protect or recognise the rights of ‘non-citizens’, since it would establish a precedent upon which citizenship rights could later be claimed. This dilemma raises profound questions about how people might claim ‘rights’, and the divisions and asymmetries a rights-based system might leave in its wake if some members of the community could legitimately claim rights (as citizens), while others could not (as stateless or displaced people). Thus, the HRC had no real legal or social base, and it lacked crucial elements such as popular legitimacy and equality of application.

Mark Duffield (2001:221-222) has identified the logic behind these non-legal human rights initiatives: ‘Essentially, a distinction [is being] made between human rights interpreted in legal terms and associated with monitoring and enforcement, and human rights understood as a moral force derived from the universality of their application.’

However, to the extent that this approach relies on the ideal of simply bringing the ‘truth’ of human rights, as a pre-determined package, to ‘unknowledged’ peoples, human rights initiatives rely on ‘thin descriptions’ that model social phenomena in minimal measurable terms. They give a comforting appearance of objectivity and seem to travel with ease across cultural and historical boundaries...[and] often assume a taken-for-grantedness that escapes critical scrutiny...Such thin descriptions and images have a tendency to turn into very thick, politicised, and controversial ones the moment they move out of global speech-space and become localised and situated in social reality (Clifford Geertz in Broch-Due 2000:49).

The HRC also used ‘thin descriptions’ of local peoples and human rights in order to create an alien space where the claims of local people could be neutralised and squeezed through liberal moral discourses. This third point is consistent with Duffield’s (2001: 212-213) findings in the case of Sudan where aid agencies have consistently failed to engage with local landscapes and indigenous ways of being and knowing, and instead embarked on political development using a neoliberal model. This liberal model substitutes distinctive social relations and different modes of livelihood for universalistic and atomistic liberal rational actors. That is, the model ‘overcomes the problem of complexity by understanding [local peoples] through pre-existing categories of developmental studies’ – as isolated individuals and archetypical free economic actors. These ‘generic indigenous’ are more attractive subjects of development work because they make an enormously promising case for the sort of intervention a Western development agency is capable of launching – a liberal one (see Ferguson 1994). Lip service is paid to culture and traditions, but in reality local people are emptied of history and cultural specificity and reinterpreted as caricatures from liberal mythology.

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For displaced people (IDPs) the process is compounded (see Duffield 2001) by the assumption that they live in the ‘state of nature’. In this case, the logic is an attempt to transform the object to which it refers – the rational actor in the state of nature – into the liberal citizen. Framed in this way, the most complex dilemmas and vexing paradoxes can be resolved by the introduction of a new rights-based political and moral boundary. The pre-existing context is anarchy. Thus, where we ought to find some evidence of local consultations and sensitivity to local processes, we find only that: ‘All activities of the committee shall be conducted in accordance with the spirit of the Universal Declaration of Human Rights, the African Human and People’s Rights Charter, other international conventions and the Angolan Constitutional Law’ (Republic of Angola 2001:4). These are taken as universal, and thus the peoples of Uige, who have had even fewer opportunities than most Africans to participate in the rule-making and agenda-setting processes, need not be consulted.

Thus, by side-stepping both legal and culturally relevant questions and substituting ‘thin descriptions’ of the local peoples and human rights, the HRC attempts to pre-determine the trajectory of some of the most important aspects of the emerging political system without attempting to get some perspective on ‘a shared community of discourse and argument, consisting essentially of a sense of direction about where the society is headed and how its various partners want to get there’ (Bustelo 2001:10). The HRC in many respects thus resembled a top-down project of transformation and consolidation. Specifically, the HRC was designed to legitimise human rights as the platform from which people understand their place in Angola’s emerging political structures and from which to engage the state. As enticement it holds up rights which the state cannot protect, but which confer upon citizens the duty to recognise that the state is invested with the authority to make binding decisions in the interests of those rights it is supposed to be protecting.

Fourth and finally, the promulgation of the myth that non-democratically installed state elites are in fact invested with the authority and legitimacy to act on behalf of peoples within the boundaries of the states they claim to control has tended, as in Sudan and elsewhere, to have negative implications for rural smallholders. One reason for this is that the levers of power in states characterised by low-intensity or non-democratic political economies tend to be dominated by political elites. Here, as noted in the final section, Angola is no exception. In the current global climate, national elite interests and strategies readily dovetail with those of foreign investors whose interests in exploiting natural resources and cash crop opportunities are often in structural opposition to the interests of rural smallholders. Rural smallholders may or may not have legal title to land and other resources nor access to a sufficiently robust legal system to protect their title. Yet, the ‘right to development’ has often meant that the indigenous rural population is expected to sacrifice access to resources vital to their survival, such as land, water, and forests, for the greater good. ‘These [the resources of the poor] are the very resources that authoritarian development appropriates as an exclusive domain for its destructive interventions’ (Mohamed Salih 2001:58). For example, in the Sudan, the ‘appropriation of Nuba land by a privileged political and business elite in the name of development’ has resulted in over ‘100,000 people being forcibly evicted or displaced by…private agricultural schemes’ (ibid.:48). Luis Hernandez Navarro (2001:117-118), an indigenous rights activist, points out that the threat development poses ‘is
attributable, in part, to the lack of recognition of indigenous political institutions and to their lack of political representation in institutions which wield power at the municipal, state and federal levels.’

The HRC, despite its laudable focus on the values and principles associated with rights, was not designed to challenge the architectures of power that can negatively affect the livelihoods of rural peoples. To the extent that the HRC, then, typifies the deep structure of peacebuilding efforts, there is reason to be concerned about the legacy they will leave for the peoples of Uige, now living on some of the richest agricultural lands in Africa.

Conclusion

‘What keeps a place alive is not the preservation of its past per se, but the continual weaving of the past into the present’ (Marks 1991:9).

Often, governance projects attempt to effect radical transformation in the structures of a society, from structures that contribute to poverty and powerlessness to those which sustain the political and economic fabric of peace and prosperity. This case study has challenged the HRC on the basis of a growing body of evidence that the pursuit of top-down processes of state capacity building premised on claims to universal knowledge may be implicated in the most negative outcomes of development (see for example Rihani 2002). Some of these problems lie with the watering down of concepts such as human rights and democracy in order to make the context out as one that is promising for an unproblematic liberal intervention. Others lie where the imaginary and real contexts meet. Failures that lay the foundation for greater harm are, first, the failure to factor in real cultural differences, low-intensity democratic and authoritarian structures, and the voices and interests of local peoples; second, the failure to understand what political structures might best address local conflicts between resource users or the structural opposition between elite/state (domestic and foreign) interests and rural smallholders.

Specifically, more research needs to be done in Uige proper before peace-building tries its hand at institution-building. As a consequence of the war and Uige’s isolation, very little is known about the structure of interests that operate there, and how institutions might harden them, sealing off avenues to an authentic transformation to post-war order.

One reason why the HRC is an important and telling case is because in Angola, as elsewhere across Africa, the UN has linked the rule of law with human rights, conflating governmental authority with the satisfaction of basic needs and dignity – even in the face of widespread evidence to the contrary. Consolidated Inter-Agency Appeal is to ‘strengthen rule of law’. ‘This project is complementary to capacity building activities already under way and is designed to support government efforts to reform the justice system’. To this end, the UN system will ‘conduct municipal seminars on the rule of law with local authorities and civil society’ (2001:125).
This unwittingly confronts, however, a general social context of ‘profound scepticism about the abilities and intentions of government in general’. Carrie Manning (1999:35,37), for example, documented some local perceptions: ‘We don’t believe in extension of the state administration because all of the forces of society are not in agreement that this process should be carried out. So we simply have vandalism by one side against the other. In a democracy, the government should listen to the ideas of the people who elected them, but in this democracy [Angola], this provision does not exist in practice.’

With respect to law, Manning noted ‘recurring’ themes among respondents in a survey. Only ‘ordinary people were subject to the limitations of the law’ (1999:43). Many people believed that the police made the law (1999:43), and this belief dovetailed with high levels of cynicism and frustration: ‘It is much better to come across a petty criminal than to come across the police’ (1999:38). Similarly in Uige, residents were clearly sceptical and uneasy about the perceived imposition of the new normative and legal standards represented by the HRC. More research needs to be done in order to better understand these tensions and the dynamics underlying them before institution building starts. Part of such research would be a mapping of the structure of interests that characterises state/society relations in order to challenge illusions that elites can and ought to speak for people and communities in general. Even the most cursory review of Angola’s history and contemporary political architecture makes clear that the routine conflation of the ruling elite with society in general – and in this case rural smallholders – is wholly unwarranted. As such, the Angolan case illustrates well the complications and contradictions involved in state capacity building.

These were also in evidence across the UN mission. For example, at inter-agency meetings in Luanda it was revealed that the new central and coordinating body, the Office of Coordination and Humanitarian Affairs, had announced a shift to a strategy of high-level constructive engagement. Most notably this referred to working with and through the government of Angola, while still hoping to alleviate the worst manifestations of war-related vulnerability.

At the same time, however, participants expressed frustration that the government was at times cooperative only to the extent that specific performances could be linked to the dispersal of monetary ‘bundles’. Furthermore, the government routinely played agencies off against each other as part of the performance. For example, it was noted that documents which the government was charged with designing for the World Bank in order to secure the release of poverty reduction ‘bundles’ had been written by UNDP staff after the government had requested its assistance. This way the terms of reference would pass from the World Bank through the government to the UNDP, back through the government and ultimately back to the World Bank. As a result, ‘bundles’ accrued to the government for performances carried out by the UNDP for the World Bank.

Such paradoxes and dilemmas seem to be widespread but largely unresolved. For example, OCHA emphasised the development of ‘Regulamento’ for the eventual adoption by the government. The main emphasis of the ‘Regulamento’ was the diffusion of norms, the creation of architectures of competency and political administration, and the pairing of government departments with UN/NGO partnerships in areas of intervention, such as water and sanitation, land claims and citizenship registration. However, these processes would enhance the capacities not only of a benign developmental state, but also the power, reach and control of any state. ‘Political power,’ as Mann (1986: 26) notes, ‘derives from the usefulness of centralised, institutionalised, territorialisad regulation of many aspects of social relations.’
With this in mind, evidence that the government has unevenly pursued development, enfranchisement, promotion of human rights etc. is widespread (Hodges 2001; HRW 1999; Wilson 2002; Wilson and Mwaka 2003). Elites have also shown a propensity for wielding state power for self-enrichment (see Global Witness 2002). For example, the government has allegedly been responsible for forced displacements for both military and narrow economic purposes. In 2001 the government was widely condemned for the forced displacement of barrio residents from the waterfront slum of Boavista, and for just one week later calling on the international community to respond to the plight of the homeless. Critics charged that government was making room for luxury accommodation, a development later confirmed by widely advertised construction plans.

There were also widespread reports of forced displacements in the countryside. The UNHCR recorded the tragic circumstances of a village that had been attacked, allegedly by the FAA (government forces). The leader (or Sobo) and elders had been shot, and the rest of the village forcibly displaced to the city of Uige. In interviews the military commander confirmed the general thrust of events, but argued that elders were shot in crossfire between government and UNITA troops, and that villagers had been evacuated for their own safety. He also stated that UNITA was in the habit of stealing FAA uniforms and perpetrating atrocities in a battle for the hearts and minds of the rural villagers, UNITA's traditional support base. Interviews with the villagers cast doubts on his claim of a UNITA presence. They insisted that they be allowed to return to their tribal lands and subsistence crops. The military commander confirmed the government would be unable to assist them in this goal in the foreseeable future.

Arguably the legitimacy afforded by the UN (juridical statehood) helps to create and sustain government (and elite) jurisdiction over Angolan resources.

Further, as noted, at the time of research the government remained reluctant to guarantee land title or leasing rights in the province of Uige, and all abandoned lands have fallen under government jurisdiction. Arguably the legitimacy afforded by the UN (juridical statehood) helps to create and sustain government (and elite) jurisdiction over Angolan resources. This would raise the stakes that governing and economic elites might have in ‘unoccupied’, resource-rich lands. Here, again, crucial research needs to be done.

More research is urgently needed to systematically document and synthesise these types of dilemmas and the ways they complicate UN policy. The finding here is that the HRC was not poised to effectively navigate the treacherous post-conflict landscape; rather, there is significant risk that its instantiation would lead to greater harm falling to those it ostensibly sought to help. First, it failed to engage with local landscapes and indigenous ways of being and knowing, and did not attempt to include the perspectives of the local community on where it was going or how its various partners wanted to get there. Second, it overlooked important structural constraints such as the lack of a shared liberal social and political context and the absence of common citizenship status. Third, it relied on ‘thin descriptions’ of both the identities of local peoples and human rights in order to make the context seem, in effect, more amenable to a liberal HRC. Finally, while it is unlikely that it will address the structural opposition of interests between rural subsistence farmers and state elites or to go much distance towards creating an impartial and ordered tribunal for the resolution of local disputes, it is likely to contribute towards the further empowerment of political elites – who at least for the moment remain essentially unaccountable.
That is, in a very real sense, rights are conferred on individuals by states. In the absence of governments that are accountable to the people, ‘not only for the resources they receive and spend, but for the very policies they formulate and execute’ (Mamdani 1995:22), a human rights paradigm asks peoples to accept and legitimise a fundamental re-orientation of the power architecture that further empowers unaccountable elites. From here it may be a slippery slope to the appropriation of lands and resources by a privileged and business elite in the name of development – and sometimes even of the ‘right to development’ – which occurs throughout the developing world. As the victims are often the first to find out, access to resources vital to survival and self-determination and freedom, such as land, water and forests, ‘are the very resources that authoritarian development appropriates as an exclusive domain for its destructive interventions’ (Mohamed Salih 2002:58).

J. ZOË WILSON is a post-doctoral fellow with the Centre for Civil Society, University of KwaZulu Natal in South Africa. She is also a senior research fellow with the Institute for Research and Innovation in Sustainability, York University, Canada.

Endnotes

1 The author thanks the UN High Commission for Refugees, the Social Sciences and Humanities Research Council and the Canadian Department of National Defence for their support.

2 At the time of research the only document which related specifically to the HRC was the Republic of Angola’s Internal Regulations of the Provincial Committee on Human Rights: Uige Province (2001). It provides information about its creation and application, and notes that ‘five other committees were also created’ on 9 November 2000. It gives a skeletal overview of its scope and operational procedures and notes: ‘Having taken note of the lack of a document that regulates the operation of this committee, there is an urgent need to establish regulatory norms that will enhance its effectiveness and orderly operation.’ At the time of research, this had yet to take place. It also notes that: ‘All activities of the committee shall be conducted in accordance with the spirit of the Universal Declaration of Human Rights, the African Human and Peoples Rights Charter, other international conventions and the Angolan Constitutional Law.’


4 Movimento Popular de Libertação de Angola

5 União Nacional para a Independência Total de Angola


7 Given high staff turnover, it was difficult to track the evolution of the HRC. There are strong indications that the project was ultimately abandoned, as it had been in Angola’s other provinces, but this is yet to be confirmed.

8 Regulations for Resettlement.

References


