

critical currents

Dag Hammarskjöld Foundation
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Defending the
Rights of Others:
Presentations
from a Symposium
on Civil Courage

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Defending the Rights of
Others: Presentations from a
Symposium on Civil Courage

Dag Hammarskjöld Foundation

Uppsala 2012

The Dag Hammarskjöld Foundation pays tribute to the memory of the second Secretary General of the UN by searching for and examining workable alternatives for a socially and economically just, ecologically sustainable, peaceful and secure world.

In the spirit of Dag Hammarskjöld's integrity, his readiness to challenge the dominant powers and his passionate plea for the sovereignty of small nations and their right to shape their own destiny, the Foundation seeks to examine mainstream understanding of development and bring to the debate alternative perspectives of often unheard voices.

By making possible the meeting of minds, experiences and perspectives through the organising of seminars and dialogues, the Foundation plays a catalysing role in the identification of new issues and the formulation of new concepts, policy proposals, strategies and work plans towards solutions. The Foundation seeks to be at the cutting edge of the debates on development, security and environment, thereby continuously embarking on new themes in close collaboration with a wide and constantly expanding international network.

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Preface

This volume contains the presentations given at the *Civil Courage in the International Arena* seminar that took place at the Dag Hammarskjöld Foundation on 10 June 2011. The seminar formed part of the activities to commemorate the 50th anniversary of the death of Dag Hammarskjöld. Attended by NGO activists, several of whom have harsh experience of what it means to show civil courage under duress, writers, diplomats and academics, the seminar had as its purpose exploration of the interpretation and practical expression of the concept of civil courage in today's world with a view to strengthening ethical principles in the international arena. It is well known that ethical concerns were profoundly important to Dag Hammarskjöld, both as an individual and in his capacity as the foremost civil servant of the international community. This volume seeks to pay tribute to that abiding legacy.

The seminar took place against the backdrop of the dramatic events we have come to dub the 'Arab Spring'. Since then, however, many new developments have unfolded on the international political stage, not least in the Arab world. These papers should be read in light of the fact that they were written without the knowledge we possess today, a year later.

The aim of this volume is to present inspiring perspectives and substantial analyses of both conceptual and practical matters related to civil courage. We hope the texts offer inspiration and insight to all those engaged in the international arena in the service of peace and justice.

Introduction: Defending the Rights of Others

Jan Axel Nordlander

We are fond of legislating in Sweden, anxiously passing laws about anything to assure an orderly society, safety for citizens and guarantees of equality. We were recently on the verge of legislating on civil courage as well, thereby compelling citizens to act when someone else is robbed in the street, if someone is trapped in a burning house, and so on. Luckily and wisely, the one-man commission on the issue advised the government against passing a law.

You can't legislate about a good heart and about courage: that is a question of the ethics of the individual – and of his society. What you can do is encourage values of altruism, solidarity, integrity and steadfastness. Dag Hammarskjöld personified all these characteristics – and gave his life in the service of humanity. We can't all be like him and nobody can request of us to lay down our lives for a higher cause, although many of you can testify to great personal sacrifice. And yet it is a fact that the very idea of the United Nations, of human rights, stands upon ethical values, values of dignity and justice.

With this in mind, each and every UN official, irrespective of the level at which he or she operates, each 'servant of peace', as

Hammarskjöld put it, represents this UN ethic, or should represent it. Many may be aware of that fact, but may not have received much guidance on what is expected of them, either when it comes to identifying or implementing the UN values or when it comes to examples to follow. One of the purposes of this seminar is to explore this problem. Perhaps it sounds ambitious, but we should try – in humility – to become 'coaches' of international civil servants in this area.

To me personally, the launching of this seminar is as close to realising a dream as I can expect to get, a dream that I had not only during my years as Sweden's ambassador for human rights, but long before that in Burma, in the Palestinian-occupied territories during the first *intifada*, in the slums of New Delhi and on the Iraqi border during the Kuwait war. The rationale behind the dream: civil courage is to a large extent a question of defending the rights of others. The international legal framework for human rights has no doubt taken great steps forward during the past 60 years, but the implementation of the conventions still leaves much to be desired. I fear that the whole legal construction would be largely

irrelevant if it were not for human rights defenders, grassroots activists who fight every day for the rights of others, frequently risking their jobs, their future or even their lives.

Many of you – too many – have such personal experiences. Taslima Nasrin moved me deeply when she exclaimed in an e-mail a couple of weeks ago: ‘There is no place for those of us who speak the truth!’ And yet there must be. The ‘Arab Spring’, of which Noura Younis and Sadik al-Azm were witnesses, seems to have sparked a rediscovery of the role of brave individuals who fight oppression in the name of universal human rights –

in itself a controversial issue that I hope will be the topic of a Hammar skjöld seminar soon to come! In addition, a couple of months ago a new international prize was announced in Sweden: The Edelstam Prize for Civic Courage.

I would like to thank you all, thank you for listening to the summons to come to Uppsala and to share with us your wisdom and your experiences. The image of the situation of the world, of humanity, is as usual not black and white, but greyish. I know that you will make it brighter.

‘Our need to give sense to our lives’: Dag Hammarskjöld, Human Rights and Civil Courage

Henning Melber

On the night of 17-18 September 1961, a plane crashed while approaching the airport of the Northern Rhodesian mining town of Ndola, close to the Congolese border. On board were the second Secretary General of the United Nations, Dag Hammarskjöld, 15 members of his entourage and the crew. No one survived. While half a century later speculation continues that the causes were not simply accidental, it is more important to reflect upon the values Hammarskjöld lived by and died for. They should remind us of the role the United Nations is supposed to play in promoting social justice and human dignity and rights in the global community.

For Hammarskjöld, the United Nations was, as stated in an address at Stanford University in June 1955, ‘an expression of our will to find a synthesis between the nation and the world’. A five-week trip through large parts of Africa, which lasted from 22 December 1959 to the end of January 1960, took him to more than 20 countries. Upon returning to New York, a journalist inquired at the press conference whether the ideological trends in Africa ‘stem from the inner realities facing African life today or whether they reflect the often repeated clichés of foreign ideology’. Hammarskjöld’s clarification left no doubt:

I do not think that the rights of man is a foreign ideology to any people and that, I think, is the key to the whole ideological structure in Africa at present. It may be that the most eloquent and the most revolutionary expressions of the rights of man are to be found in Western philosophers and Western thinking, but that certainly does not make the idea a Western idea imposed on anybody.

The fundamental ethics that were his moral compass as a global leader guided his engagement not only with African realities. Not surprisingly, his role as the highest international civil servant was based on a notion of solidarity. On 26 January 1960, towards the end of his African journey, he declared at the second session of the Economic Commission of Africa in Tangier: ‘Partnership and solidarity are the foundations of the United Nations.’

In an address at the University of Lund on 4 May 1959, he clearly dismissed claims based on any conception of natural superiority and dominance rooted in the biological advancement of some over others, and also questioned the legitimacy sought by dominant classes to justify their privileges:

The health and strength of a community depend on every citizen's feeling of solidarity with the other citizens, and on his willingness, in the name of this solidarity, to shoulder his part of the burdens and responsibilities of the community. The same is of course true of humanity as a whole. And just [as] it cannot be argued that within a community an economic upper class holds its favored position by virtue of greater ability, as a quality which is, as it were, vested in the group by nature, so it is, of course, impossible to maintain this in regard to nations in their mutual relationships.

He therefore concluded:

We thus live in a world where, no more internationally than nationally, any distinct group can claim superiority in mental gifts and potentialities of development [...] no nation or group of nations can base its future on a claim of supremacy.

Hammarskjöld was aware of the dialectics and interrelationship between peace, security and human rights, as his address to the American Jewish Committee in New York on 10 April 1957 clearly demonstrates:

'We know that the question of peace and the question of human rights are closely related. Without recognition of human rights we shall never have peace, and it is only within the framework of peace that human rights can be fully developed.'

He was also aware that the notion of human rights has an explicit socioeconomic dimension, and requires measures for the redistribution of wealth.

For Hammarskjöld, we are confronted by choices. His Cambridge University address

in 1958 highlights the need to position oneself in relation to these choices:

The conflict to different approaches to the liberty of man and mind or between different views of human dignity and the right of the individual is continuous. The dividing line goes within ourselves, within our own peoples, and also within other nations. It does not coincide with any political or geographical boundaries. The ultimate fight is one between the human and the subhuman. We are on dangerous ground if we believe that any individual, any nation, or any ideology has a monopoly on rightness, liberty, and human dignity.

For the Dag Hammarskjöld Foundation, officially established on 2 March 1962 – less than half a year after the Secretary General's untimely death in office – the noble task lies in translating the Hammarskjöld legacy into relevant initiatives and practices today. The aim of these is to strengthen the protection of people and the promotion of human rights, be they social, political, economic or cultural, within the one human family.

We aim to support the normative frameworks upon which all member states of the UN can agree and apply. We are aware of the challenges of selective use, or rather abuse, of the established norms by some who seek to hold the power of definition. We therefore encourage and promote even-handedness in implementing established standards and norms, which should respect differences as much as emphasise relevant commonalities. In this, we also seek to engage and interact with the so-called Third UN, the NGOs and other civil society actors that identify with and promote the values enshrined in the UN Charter for Human Rights as well as subsequent conventions and treaties seeking to enhance human well-being.

The annual Dag Hammarskjöld Lecture for 2011, co-organised by the Foundation and Uppsala University, was presented exactly 50 years after Hammarskjöld's death by Jan Eliasson, former Swedish minister for foreign affairs and president of the United Nations General Assembly. He recalled as a highlight of his General Assembly presidency the gathering of 155 heads of state and government from the 188 countries present for deliberations from 14 to 16 September 2005:

This was the largest gathering of world leaders in history organised to set the UN on a new course, one more aligned with meeting the challenges of the 21st century. The basis for the discussion was Secretary-General Kofi Annan's report 'In Larger Freedom,' which in turn built on the work of the High-level Panel on Threats, Challenges and Change. After long and arduous negotiations, a World Summit Outcome document was finalised and adopted on 16 September 2005.

He then quotes a key paragraph in the Summit Outcome:

We acknowledge that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being. We recognise that development, peace and security and human rights are interlinked and mutually reinforcing.

This fundamental declaration, which betokens agreement of all the representatives of the world's people at the level of state and government, also reflects the foundation's spirit and ambitions, in line with the Hammarskjöld legacy that we seek to keep alive. Hammarskjöld, while emphasising the need for an autonomous international civil service, never equated this

with neutrality, with not taking sides. As to his own understanding of the role of international civil servants, he insisted in an address at Johns Hopkins University in Baltimore on 14 June 1955 that 'many ethical problems take on a new significance and our need to give sense to our lives exceeds the inherited standards'. He insisted, in other words, that inherited and conventional ideas would not protect us:

Intellectually and morally, international civil service therefore requires the courage to admit that you, and those you represent, are wrong when you find them to be wrong, even in the face of a weaker adversary, and courage to defend what is your conviction even when you are facing the threats of powerful opponents. But while such an outlook exposes us to conflicts, it also provides us with a source of inner security; for it will give us 'self-respect for our shelter'.

As an autonomous foundation and a part of international civil society, we are aware that change is often the result of local initiatives from below. These require social movements in which individuals display the virtues of civil courage, often at the risk of their own lives. Speaking truth to power is generally not a leisure activity but has enormous consequences. People, nonetheless, show in many situations and different places that they are willing to sacrifice material security for moral and ethical values. Institutions, including the UN system, require such challenges, forcing them to (re)position and take sides. All too often, however, those displaying civil courage are let down. But at times, they receive the support they deserve. For the Dag Hammarskjöld Foundation, it is our express aim to serve as a reliable ally and partner in efforts to promote and enhance human rights for all.

Reflections on the Concept of Civil Courage

Ulla Gudmundson

I feel honoured and slightly embarrassed to speak on this topic in the presence of people who know infinitely more about the subject, in theory and practice, than I do. However, the concept of civil courage is one that has interested me personally for more than 40 years. It began in 1970, when I took part in an international youth seminar in India, to celebrate the centenary of Mahatma Gandhi's birth. There, I became acquainted with Gandhi's concept of *Satyagraha*, or civil disobedience. It impressed me deeply.

Civil disobedience and civil courage are closely related. Civil disobedience is an act of defiance, a refusal to bow to an unjust law or an unjust political system. Civil courage is the state of mind that makes this kind of act possible.

If you look up 'civil' in *Roget's Thesaurus*, some of the associated words are 'well-bred', 'courteous', 'kind', 'considerate' and, of course, *civilised*. This gives us a clue to a key aspect of civil courage – a reluctance to use violence. I deliberately use the word 'reluctance' rather than 'refusal', since I think there are situations in this tragic world where violence and even killing may be 'the lesser evil' (the pacifist Gandhi would

not agree with me here). Dietrich Bonhoeffer, the German theologian and Protestant minister, who more than anyone else has inspired these reflections, was hanged by the Nazis for taking part in a conspiracy to murder Hitler. Bonhoeffer was a Christian, and by all accounts a kind, considerate and civilised man. To take part in an assassination plot must have gone against his deepest convictions. It is said that he was persuaded to take part only after having been shown photos of Nazi atrocities. Presumably, he drew the conclusion that to combat radical evil, tyrannicide could be justified.

But 'civil' is also related to *civic*, a word that in turn is related to the Latin word *civitas*, from which stem the English words *city* and *citizen*. In *Roget's*, both 'civil' and 'civic' are associated with 'national', which is one of seven sub-headings under 'Humankind'. The others are: humankind, anthropology, person, social group/society, nation and human.

Can it be summed up better? Civil courage: daring to stand up for yourself as a person, as a citizen and as a member of society. As a human being. For humankind.

The civilly courageous person is not an anarchist or a nihilist. In *Resistance and Submission*, the collection of his letters from prison, Dietrich Bonhoeffer writes about the strong wish of the civilly courageous person to *stay* within the law, or to return to that state as soon as possible. He or she cares about society and respects its rules, but puts the spirit of the law above the letter. Astrid Lindgren, the Swedish writer of children's books, put it succinctly in *The Brothers Lionheart*: 'There are things which you must do, even if they are dangerous, because if you don't you are not a human being, but just a little shit.'

The Brothers Lionheart is essentially a story about courage. Courage is only needed where risk is involved. Let me tell you a story. A year or so ago, I was obliged, in my professional capacity, to reply publicly to a Jesuit friend who, in an editorial in a Swedish Catholic magazine, criticised the Swedish minister for international development. The minister had said that Swedish cooperation with Uganda could be affected if the Ugandan parliament passed a law authorising imprisonment and, in extreme cases, executions of homosexuals. My friend did not approve of the law, but argued that one must take history into account and allow Ugandan culture to evolve at its own pace. I, on the other hand, insisted that the right to life was a basic human right, a principle that could not be treated as a cultural issue.

Subsequently, another Catholic friend complimented me on my 'courage' in publishing this critical reply. I was flabbergasted. For, of course, writing what I wrote took no courage at all. I do hold the views I expressed, but I could just as easily have been a dead fish, floating belly-up down the mainstream

of a politically correct Swedish discourse. Everyone I identified with would have applauded had they read the article. I risked absolutely nothing.

So, civil courage involves risking something. It could be life. It could be freedom. It could be your right to publish, if you are a writer. It could be your position and/or your livelihood. It could be alienation from a community with which you identify, which you feel part of and love. It could be your family. Sartre writes, I think in *Existentialism is a Humanism*, about the stark choice faced by the young man who feels he should join the French resistance movement, but who must then desert his aged mother. How could Aung San Sui Kyi stand not seeing her boys for so long, or her husband when he was dying of cancer?

Civil courage means risking alienation, or isolation. There is pain. But there is also hope. The civilly courageous person takes that risk precisely because she cares about her community and believes in its future. Defying an unjust law or an unjust system can be an expression of a deeper loyalty, a more fundamental commitment.

One interesting question is this: does it matter what you stand up *for*? Is the positive content, the purpose, of the act important? Most of us would, I think, be inclined to answer yes. So would I. We regard as civilly courageous those who stand up for freedom, justice, human rights, values that we consider the basis of our societies. But this is tricky. Who evaluates the moral content of an action? How do we regard a Muslim woman who insists on breaking French law by wearing a veil?

Having absolute, cognitive certainty that you are in the right is of course impossible. There is no Archimedean point from which we can observe the world and take our bearings. We are in the midst of it. It is we who invest the world with meaning. Words like ‘freedom’ and justice’ can be abused. Some of the world’s worst dictatorships call themselves ‘democratic’.

So, we have no choice but to look within ourselves. Religious thinkers such as St Thomas Aquinas or Cardinal John Henry Newman, and many non-religious ones too (for instance the Italian writer Umberto Eco) would say that conscience is the right guide. There are political parallels. The political philosopher Michael Walzer has argued that the only justification for a humanitarian military intervention – a breach of the sovereignty principle enshrined in the UN Charter – is government behaviour that is a ‘shock to the conscience of humanity’. Dietrich Bonhoeffer goes one step further. He claims that even conscience can lead you astray and makes the interesting point that a bad conscience is better than a deceived conscience. Still, one must use one’s judgment to the best of one’s ability, act, ‘engage with history’ and take responsibility for what one does.

One of the aspects of religion is to provide moral guidance. And religion has often provided the psychological strength to defend Right against Might. It was certainly so in Bonhoeffer’s case. It was his trust in God and in divine grace that sustained him in prison. Dag Hammarskjöld, too, found the strength to withstand the enormous political pressures of his office as UN Secretary-General in his deep belief and trust in God.

‘Spiritual maturity’ was for him the key requirement in a political leader.

When we in the West speak of civil courage, we usually refer to activists who stand up for values we recognise against dictatorships in other parts of the world. But can we also appreciate civil courage in people who hold, express and fight for values very different from our own? In a pluralistic, democratic society this is something we must learn to do. The French Enlightenment philosopher Voltaire is famous for his saying: ‘I may hate your views, but I am willing to lay down my life for your right to express them.’ One of the very few things my father and I agreed on when I was in my teens was that Bishop Bo Giertz in Gothenburg, who fought tooth and nail against women’s ordination in the Swedish Church, was civilly courageous. I at least – I am less sure about my father – did certainly not agree with Bishop Giertz’s views, but both of us could respect his non-opportunism.

How far this essentially liberal approach can carry us, and how it can be applied in today’s multicultural societies, is a huge question that far transcends the scope of these reflections.

So I content myself with summing up: the civilly courageous person is

not an opportunist

not a fanatic

not an anarchist or nihilist

not a passive observer or critic of society.

He or she is a free, responsible, compassionate, moral human being, prepared to take risks in engaging with history.

On the Courage to See, to Speak and to Act

Elisabeth Gerle

Courage is a scarce commodity. In fact, it is not a commodity at all since it cannot be bought and sold. If it could be bought for money, it would have very little to do with real courage. In this sense, it is similar to love, for as Paul McCartney and the Beatles insightfully sang, ‘Money can’t buy me love.’ And yet the relationship between money and courage is not unimportant. It may be easier for people in financially secure situations to be brave by virtue of their economic independence. However, as money may also corrupt people and make them more cautious than they would otherwise be, the pursuit of status or the ambition to gain or keep high positions may impede courageous acts. Yet as psychological research has shown, it is almost impossible to predict who will be brave in a certain situation and who will not. The moral strength usually associated with courage is not always visible before it is tested.

In this essay, I argue that courage has to do with what a person sees and allows her/himself to see. Emmanuel Levinas, the French-Jewish philosopher, has contended that ethics is basic to life, that it comes ‘before philosophy’. Central to Levinas’s philosophy is the notion of the face as an encounter with the other as truly different from and dissimilar to me, hence other in the strong sense of the term. It is often understood that empathy emerges

when people recognise similarities among each other, that is, the realisation that I could have been the other. Levinas turns this notion upside down by claiming that the other truly is an-other, not the same. In his thinking, the face of the other stands as a sign of infinity, alterity and transcendence when I meet this other, unexpectedly, as an encounter with the Almighty. In such experiences, he writes,

... a calling into question of the Same – which cannot occur within the egoistic spontaneity of the Same – is brought about by the Other. We name this calling into question of my spontaneity by the presence of the Other ethics. The strangeness of the Other, his irreducibility to the I, to my thoughts and my possessions, is precisely accomplished as a calling into question of my spontaneity as ethics. Metaphysics, transcendence, the welcoming of the Other by the Same, of the Other by Me, is concretely produced as the calling into question of the Same by the Other, that is, as the ethics that accomplishes the critical essence of knowledge.¹

It is precisely in this form of alterity that the face demands of me not to kill but to protect. Levinas claims that this is the basic ethical demand, a demand which, sadly, is constantly neglected. The centre of attention of this

¹ Emmanuel Levinas (1969), *Totality and Infinity*, Pittsburgh PA: Duquesne University, p. 33.

essay is the fact that some people are able to transcend the specific contexts of which they are part and to thereby see the face and vulnerability of the other. Why this takes place is not easy for me or anybody to discern, but I will suggest some features that may influence the materialisation of such transcendence.

Three Examples

I take as point of departure three different persons who have shown considerable civil courage: Dag Hammarskjöld, Oscar Schindler and Nawal El Sadawi. Referring to the broad contours of the lives of these people allows me to discuss the necessity *to see*, that is, the courage to observe, the courage to speak and the vital courage to act.

To begin with, we should consider three critical aspects. The first has to do with a person's social position, which relates to dimensions of class, gender, ethnicity and religious/cultural origin. These dimensions often interact, necessitating the adoption of an intersectional perspective. Social situatedness, that is, the positions in life we are in, affect what we see, what we are able to observe and maybe also whether we are willing to discover new perspectives. This first aspect is in turn, related to the second aspect: how a person frames reality and the relationship between language and reality. Finally, the third critical aspect is the ethical response that emerges, in other words, how a person acts in relation to what he or she sees and grasps.

In this light, this paper deals with challenges concerning how to relate to identity, 'reality' and ethics from three axis points: vision, language/imagery and agency.

Dag Hammarskjöld, an icon and hero for many here, came to the United Nations as its highest officer, Secretary-General. He was

brought up in a family with a tradition of holding high office, and was trained and expected to follow in the family path. From a contemporary point of view, his background can be described as privileged, traditional and conservative, steeped in Western values. For Hammarskjöld and his environment, these perspectives were understood to be universal, not particular. What I see as especially interesting is Hammarskjöld's personal struggle and his ability to remain open-minded to new aspects of reality. What he experienced in Africa, in the context of the newly decolonised Belgian Congo, confronted him with a new reality. What he saw changed his perspective and gave rise to a new way of analysing what was at stake and also to new actions.

Oscar Schindler (1908–74) was also born in privileged circumstances, raised as he was in a business family. His experience of the exploitation of the Jews as cheap labour, or slave labour, led to an awakening to the suffering of the world and to the need for ethical action: it represented an encounter with the face of the Other in Levinas's sense of the term. Prior to that, Schindler had joined the Nazi party and, being an opportunistic businessman, he had tried to make money after the invasion of Poland, which led him to take over a factory in Krakow, subsequently renamed *Deutsche Emaillewaren-Fabrik* or DEF. Schindler obtained approximately 1,000 Jewish forced labourers to work in his factory, who were to be sent on to the camps.

Witnessing a raid on the Krakow ghetto in 1943 when soldiers rounded up the inhabitants for shipment to concentration camps, Schindler was appalled by the murder of many of the Jews who had been working for him. After the raid, he increasingly used all of his skills to protect 'Schindler's Jews', as they came to be called. Schindler went out of his

way to take care of the Jews who worked at DEF, often calling on his legendary charm and pleasing manner to help his workers get out of difficult situations. He is estimated to have saved over 1,000 Jewish lives.

What is interesting is that a person who was born into an ethnic German family and a member of the Nazi party did change his perspective, and used money and contacts to protect Jews. Why did he do so? The answer is because he came to see things in a new way and learnt to respect the people working for him, even if they were considered an inferior form of the human species according to Nazi ideology. He reacted to the inhuman treatment of the Jews that he had seen in the Krakow ghetto and is quoted to have said that you cannot treat people you know badly. Whether Schindler's changed attitude was the result of a new form of empathy or if he came to see the Jews in their alterity remains an open question. What did take place, though, was an encounter in Levinas's sense of the term and a meeting that transcended the social anonymity inherent in modernity.²

What links both these two men is the fact that they allowed themselves to change their perspectives and deepen their outlooks. Dag Hammarskjöld is known for his integrity and the seriousness with which he assumed his responsibility in office and Oscar Schindler, while initially an opportunistic businessman without much concern for human beings around him, allowed himself to see and to change. They were exposed to new circumstances of great suffering. Both responded in ways that were courageous. They took great risks for themselves in order to help others. Both had to pay a high price.

Nawal El Sadawi's background and position are different. She was born in 1931 in the

small village of Kafr Tahla, and was the eldest of nine children. Her father was a public servant in the ministry of education and had fought against the rule of the king and the British in the revolution of 1919. As a result, he was exiled to a small town in the Nile delta and the government further punished him by not promoting him for 10 years. He was a relatively progressive person and taught his daughter Nawal self-respect and to speak her mind. He also encouraged her to study the Arabic language. Both her parents died at a young age, leaving Sadawi with the sole burden of providing for a large family.

Although Nawal El Sadawi's family background was fairly privileged, she was born a girl and, as such, she was exposed to genital mutilation. She later became a writer, activist, physician and psychiatrist. Her books are read all over the world and she has made many people see new things through her courage to speak and write. She, too, had to pay a price by being expelled from her home country for periods of time.

Vision and Situatedness

The term situatedness traditionally refers to the fact that a person's social position influences his or her identity as well as his or her ability to see and understand. The predominance in modern society of a form of atomistic individuality, independent of context and historicity, is today being challenged in favour of a more complex understanding of personhood and how a person becomes an agent. If Thomas Hobbes in *Leviathan* argued that freedom is equal to a lack of resistance and that a free human being is somebody who is allowed to do what she wants to do, limited only by strength and wisdom, John Stuart Mill stated, some 200 years later, that the only freedom worthy of the name is the freedom to pursue one's own

² See, Zygmunt Baumann (1989) *Modernity and the Holocaust*. Ithaca: Cornell University Press.

self-interest as long as that does not mean depriving other people of the same ability. Such philosophical thought, which underpins a negative conception of freedom, has played a crucial role in Western society.

Contemporary Western philosophers are, however, more aware of how intertwined human lives are and they claim that the individual is far less atomistic than has traditionally been held to be true in Western philosophy. Freedom is not merely an abstract notion – it is dependent on social context. The social and bodily dimensions of human existence greatly influence our perception as well as our capacity to broaden our horizons and discover new perspectives.

Being born into a family in which it is customary to hold high office is different from being born into a family where you are expected to become a business executive. Being born among the rural poor is even more different, and it certainly matters whether you are a boy or a girl, black, coloured or ‘white’. Hammarskjöld, Schindler and Sadawi were born into fairly privileged families, although, of course, gender made a crucial difference. El Sadawi could not even count on her father to protect her physical integrity. However, what links these three people is the fact that all of them decided to act, speak and write not only in pursuit of their own happiness but in the service of many more. All of them were able to transcend their upbringing and allow themselves to widen their perspectives.

Language and Imagery

The human rights discourse today influences the language of rights and justice. Justice, and even more so righteousness, are fundamental pillars of the Judaeo-Christian tradition, while notions such as compassion and tolerance have been associated with Eastern traditions such as Buddhism. To describe

East and West in such dichotomous fashion is, of course, to neglect the fact that justice, compassion, love and tolerance are integral parts of all world religions.

Most religions today seek to claim they have been sources of inspiration for the development of human rights. But as Hannah Arendt suggests, the spokespersons of world religions at least ought to ‘send a thank-you card to Modernity and the Enlightenment, for having led them to the delayed – fifteen centuries late! – discovery of the latent elements of human rights and pro-religious rights in their treasury’.³ The role of religion in promoting or hindering the development of human rights makes for an intense debate, which I do not have time to develop here. It is sufficient to stress that women tend to be assigned a subordinate position in most religious traditions and in secular contexts as well. The relationship between the religious and the secular is also more interactive than is presumed in contemporary political debates. Elsewhere, I have argued that the role of religion in the development of human rights has been ambivalent.⁴ There is certainly a precedent for justice, human dignity and tolerance in ancient religious texts, but one is equally likely to find expressions of xenophobia, sexism and prejudice in them.

3 Martin E. Marty (1996), ‘Religious Dimension of Human Rights’, in John Witte, Jr. and Johan D. van der Vyver (eds), *Religious Human Rights in Global Perspective: Religious Perspectives*, Leiden/Boston: Martinus Nijhoff Publishers, pp. 1–16.

4 See Elisabeth Gerle (2006), ‘Religious Diversity and Human Rights-Clashes and Convergences in Asian European Dialogues’, in Göran Therborn and Habibul Hague Khondker (eds), *Asia and Europe in Globalization: Contents, Regions and Nations*, Leiden: Brill; Elisabeth Gerle (2006), ‘Various Interpretations of Human Rights for Women: Challenges at United Nation’s Conferences’, in Jonas Grimheden and Rolf Ring (eds), *Human Rights Law: From Dissemination to Application*, Leiden/Boston: Martinus Nijhoff Publishers; Elisabeth Gerle (2003), ‘Multicultural Society: Dilemmas and Prospects’ in Viggo Mortensen (ed.), *Theology and the religious dialogue*, Grand Rapids/Cambridge: William B. Eerdmans Publishing.

It is important to acknowledge that the Enlightenment tradition, too, expressed and developed phenomena such as racism, sexism and homophobia. Enlightenment philosophers were critical of the hierarchical mindsets preached and practically expressed by clerical authorities. However, the Enlightenment itself instituted new hierarchies based on race, legitimised by ‘scientific knowledge’.⁵ Here, I merely confine myself to pointing out that both religion and the secular Enlightenment have contributed in complex ways to the development of human rights, even if they also have shady sides.

The international community has adopted a number of multilateral human rights treaties. The most significant are the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, both of which came into force in 1976. These treaties forbid discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The two covenants, along with the UN Charter, the Universal Declaration of Human Rights and the Optional Protocol to the Covenant on Civil and Political Rights (1976) constitute a body of law called the International Bill of Human Rights.

The codification of human rights in the Universal Declaration of Human Rights in 1948 took place before the wave of decolonisation swept the world. However, since then the United Nations has become increasingly inclusive and global in scope, which is manifested in, among other things, the Declaration on the Right to Development (1986), the Convention against Discrimination based on Race (1966/69), the Convention on the Elimination of All Forms of Discrimination against Women (1979/81) and the resolu-

tion on ‘Migrant Workers and their Families’ (1999). Today, an increasing number of people see themselves as not only being embraced by human rights but as actively participating in bringing about new developments.

Human rights discourse is today being spread globally, creating new values shared by many people across the world. This is sometimes construed as a form of neocolonialism whereby Western values are universalised by way of enforcement. This critique is important, for human rights talk is too often hypocritical. It is addressed to the other as a demand, and too seldom applied to the shortcomings of Western societies. Guantanamo and Abu Ghraib, as the emblems of the reproduction of colonialism, cast a dark shadow over the language of human rights. Thus it is vital that the quest for justice address such hypocrisy and double standards. In other situations, it may be important to scrutinise whether what is traditionally referred to as universality does not in fact entail the universalisation of Western norms and priorities.

The African notion of *ubuntu* designates the fundamentally social and cultural basis of human identity, the fact that human beings are relational beings, not isolated atoms. In place of the Cartesian axiom *cogito ergo sum*, *ubuntu* maintains that ‘I belong and I participate, therefore I am.’ The bishop of Lund, Sweden, Antje Jackelen, who is also a professor of systematic theology, holds that the Cartesian view, while encouraging critical thinking, individualism and perhaps also civil courage, needs to be supplemented by the tenets of *ubuntu* to counteract those individualistic aspects that are damaging to the well-being of communities.⁶ If community is seen as constitutive of personhood in *ubuntu*, Jackelen maintains that Cartesian thinking may also

5 George M. Fredrickson (2003), *Racism: A short history*, Princeton: Princeton University Press.

6 Antje Jackelen (2011), *Gud är större (God is more)* Lund: Arcus, pp. 91–2.

be necessary to foster a healthy community.⁷ Acts of civil courage are often the result of an individual willing to take risks for higher goals, which may jeopardise his or her inclusion in the community. Furthermore, totalitarian and autocratic regimes often draw on the rhetoric of ‘Asian’ or ‘African values’, which emphasise an orientation towards the community. Such rhetoric may certainly be a way to protect autocratic, patriarchal interests. It is not infrequently the women in these communities who speak out in favour of human rights, including rights of the individual and freedom of expression as important aspects of freedom, and this is also crucial for combating hunger and social exploitation.⁸

The United Nations has become a global site of struggle among different perspectives and ideologies. Liberal democracies support universal human rights while totalitarian regimes may invoke notions such as Asian values, claiming that Islamic or African values are incompatible with human rights, freedom of expression and individual freedom.

Hence, I would argue that self-reflexivity, awareness of the importance of situatedness and sensitivity to the memory of victims are necessary ingredients in a global human rights culture. Human rights discourse needs to be challenged when it is used for geopolitical reasons and with double standards.

Furthermore, even the legitimacy of human rights as a concept has been questioned. The issue here has to do with the intense philo-

sophical debate on how to understand the relationship between language and reality. The Italian philosopher Gianni Vattimo argues that the language of human rights is the best language yet available.⁹ He holds that this language may be developed and become more solid and convincing and thereby takes a positive view of the future. Richard Rorty, the American pragmatist philosopher, contends that by talking about human rights, by ceaselessly referring to it and making it a key value in society and international policy formation, we are effectively creating a human rights culture. I am in agreement with Vattimo and Rorty that language shapes reality. Words are important, what we say and how we say it affects not only the future but the history of the present, to use a Foucaultian term.¹⁰ Words can nurture the courage to strive for justice, as much as they may also prompt behaviour premised on individual self-fulfilment.

What we are able to see is not only related to language, however, but also to frames, or ways of framing reality, as the philosopher Judith Butler points out. What pictures we see and the context within which they are placed affects whether human beings are seen as human beings or not. In her book *Frames of War – When is life grievable?*, Butler lays bare the ways in which war becomes dehumanised in rhetoric and imagery (the book makes ample use of photos from Guantanamo and Abu Ghraib).¹¹ Thus, it is not only language but also the framing of imagery and reality that influence what we are able to see. Enemies portrayed as less than human are not

7 Ibid., p. 92.

8 In *Poverty and Famines: An Essay on Entitlement and Deprivation* (1981) (Oxford: Oxford University Press), Amartya Sen demonstrated that famine is not only the result of lack of food, but is also caused by inequalities built into the mechanisms for distributing food.

9 Gianni Vattimo (1997), *Beyond Interpretation: The Meaning of Hermeneutics for Philosophy*, Oxford: Wiley.

10 Michel Foucault (1970), *The Order of Things: An Archeology of the Human Sciences*, New York: Pantheon, p. 320.

11 Judith Butler (2009), *Frames of War: When is life grievable?* London: Verso.

grievable because we have never genuinely seen them as human beings.

I would like to conclude by discussing the crucial question of ethical response, that is, what it is that makes it possible to act on the basis of what we see and understand. Skewed ways of framing may prevent people from seeing precarious lives crying out for courageous action to foster justice and human rights.

Global responsibility

All three of the persons referred to in this paper – Hammarskjöld, Schindler and Sadawi – took action in response to what they perceived as wrongdoings. Experiences of suffering and injustice provoked an ethical response. The courage to act in these particular cases may have been influenced by family traditions that encouraged strength and independence, but the question remains how such attitudes can be fostered, how it is possible to nurture a culture of civil courage.

The French philosopher Jacques Derrida has argued that justice is the experience of what we are unable to experience. He claims that ‘justice is an experience of the impossible: a will, a desire, a demand for justice’.¹² Hence, it is important to be aware that Law is not the same as Justice. While Law is calculable, Justice is incalculable, ‘it demands that one calculate with the incalculable’.¹³ Derrida’s utterance must be understood within the context of a French and partly Jewish tradition: it draws on and develops Levinas’s thinking on transcendence. Here, life and courage have to do with going beyond the present and its various contexts in pursuit of a conception of justice

closely aligned with righteousness, not only with what is right or wrong. This conception is premised on a vision of the future rather than a backward-looking glance. The question is: How can we achieve that in reality?

The political philosopher Seyla Benhabib does not dwell on these philosophical (quasi-eschatological) issues. Her intellectual project is geared towards working out in a neo-Kantian spirit a notion of, what she calls, cosmopolitan federalism. Her work is in the tradition of Jürgen Habermas, but it emphasises a stronger sense of the post-modern challenges of social and cultural diversity. Benhabib centrally claims that the dichotomy between personal self-protection and our duties to others is false. Her project is to work out a philosophy of a just, planetary order where every human being is seen as a legal rights carrier. The international order is organised on the basis of relationships between states, but there are moral duties between people that extend the territorially bound state-centred perspective.¹⁴

One example of such a moral duty is the claim to provide refuge for asylum seekers. However, this is regrettably a right that is circumscribed and challenged in many countries. Benhabib has devoted much work to the question of how to integrate migrants and refugees. She has tried to rethink notions of citizenship in ways that are less static, arguing that the distinctions between ‘citizens’ and ‘aliens’, ‘us’ and ‘them’, could (and should) be made more fluid and negotiable through democratic iterations. She warns against conflating the *ethnos* and the *demos*: ‘The presence of others who do

12 Jacques Derrida (2002), *Acts of Religion* (ed. Gil Anidjar), New York: Routledge, p. 244.

13 Ibid.

14 Seyla Benhabib, (2004), *The Rights of Others, Aliens, Residents and Citizens*, Cambridge: Cambridge University Press, pp. 39-44.

not share the dominant culture's memories and morals poses a challenge to the democratic legislators to rearticulate the meaning of democratic universalism.¹⁵

Rather than undermining the culture of democracy, such challenges may 'reveal the depth and the breadth of the culture of democracy'.¹⁶ For Benhabib, this is a way to move towards a postmetaphysical and postnational conception of cosmopolitan solidarity that increasingly brings all human beings, by virtue of their humanity alone, under the net of universal rights. It does not, however, chip away the exclusionary privileges of membership:

While the demos, as the popular sovereign, must assert control over a specific territorial domain, it can also engage in reflexive acts of self-constitution, whereby the boundaries of the demos can be readjusted. The politics of membership in the age of the disaggregation of citizenship rights is about negotiating the complexities of full membership rights, democratic voice, and territorial residence.¹⁷

Yet another perspective relevant to this discussion is offered by Chantal Mouffe.¹⁸ She can be read as opposing the cosmopolitan ethics articulated by Benhabib. Mouffe offers criticism of liberal rationalism and its individualistic foundation because, she claims, it gives rise to a post-political condition. This condition is one in which major political disagreements have supposedly come to

an end, subsumed under the logic of liberal capitalism. However, such a perspective does not acknowledge the existence of collective identities and their passionate nature. Mouffe argues that adherence to basic democratic values, such as freedom and equality, and to democratic institutions is not founded on rational deliberation, as Habermas and Rawls claim, but on our fundamental 'ethical-political' nature. She certainly does not espouse a universal morality that, ever since Kant, has left no space for rational disagreement, thus failing to take into account the deeply pluralistic character of human societies.¹⁹

Instead, she holds that the condition of democracy is a 'conflictual consensus' characterised, on the one hand, by agreement on the basic values of freedom and egalitarianism and, on the other, by disagreement over how these values ought to be implemented. A distinction needs to be made between those who accept these basic values but fight for a different interpretation of them and those who do not accept them at all. Deliberative democracy assumes goodwill and well-reasoned, cool-headed deliberation among people of different backgrounds, but antagonists cannot be reduced to rivals whose interests can be solved through pure negotiation or deliberation, which would effectively eliminate the *agonistic* element. While *antagonism* emerges between real enemies, between an 'us' and a 'them' who do not share common ground and hence threaten to destroy the political community, the concept of *agonism* constitutes a different option in which the parties acknowledge their opponents as adversaries in a shared political culture, not as enemies.

15 Ibid., p. 212.

16 Ibid.

17 Benhabib, *The Rights of Others*, p. 48.

18 Chantal Mouffe (2005), *On the Political*, London: Routledge. The following section draws particularly on pp. 8, 20–1, and 120–30.

19 Ibid., pp. 121 ff.

Mouffe's fundamental point of departure is that as human beings we cannot help but recognise our differences. And yet, paradoxically, it is by recognising these differences in an agonistic way that we are truly able to articulate, and thereby might hope to overcome, our grievances. This agonistic perspective takes conflict seriously, but the crucial point is that conflict is seen as political rather than as an issue of right or wrong, good or evil. What she describes as a 'post-political' perspective does not allow real alternatives to emerge in the political arena because of the neoliberal economic hegemony. Politics, she argues, cannot be reduced to technical, administrative issues to be solved by experts. Politics needs real alternatives from which we can choose. A consensual attitude does not give rise to reconciliation but rather the opposite, that is, to versions of antagonism that an agonistic perspective could have prevented. Rather than aiming for neutral and objective procedures supposed to balance divergent interests, Mouffe argues that the task of politicians and political theorists ought to be to create a public space where different hegemonic political perspectives confront each other. This is, in her understanding, necessary, *a sine qua non* for the effective exercise of democracy. 'Deliberation' and 'dialogue' are meaningless without real alternatives.

An ethics of expanding vision (what we see) by way of the deconstruction of frames (Butler), allowing new voices to be heard and to truly see the face of the other, is a moral phenomenon. To nurture such attitudes, societies need to create spaces for genuine encounters between human beings from various traditions. This ought to become a political goal, locally as well as globally. In this process, both

reason and emotion are involved. Personal stories and narratives may evoke a stronger ethical response than rational deliberations. A society that establishes enclaves where people of different ethnicities or classes rarely meet undermines the potential of personal encounters and the sharing of life stories to nurture a culture based on empathy.

A major challenge today is recognising and coming to grips with the way in which neo-nationalists, the far right as well as the ultraliberals, pave the way for xenophobia all across Europe. It is obvious that a simplistic and sharp opposition between the universal and the particular underwrites the creation of a populist rhetoric predicated on 'us' versus 'them'. While neonational parties in Europe stress a particular, often Christian, historical heritage, neo-atheists in the West invoke universal human rights, especially women's rights and HBTQ (homo, bi-, trans-, queer) rights, which are being kidnapped by a xenophobic agenda directed against Muslims. The rhetoric often entails an aggressive anti-religious sentiment, which can be described as secular in a fundamentalist way. In my view, the distinction between secular and secularism is useful. While I think that it is important to affirm secular states, where state power and religious institutions are separated, this is not tantamount to a secularist hegemony where state and society pursue an anti-religious agenda and give priority to anti-religious or atheistic alternatives. Such an agenda is also dangerous insofar as it keeps people apart rather than establishing arenas where different perspectives can compete. The rhetoric of neo-nationalists and ultraliberal neo-atheists in different ways disguises political and economic structures of power.²⁰ The

²⁰ I have written more extensively on this in Elisabeth Gerle (2010), *Farlig förenkling: Om religion och politik utifrån Humanisterna och Sverigedemokraterna*, Nora: Nya Doxa.

British theologian Tina Beattie holds that this is a smoke-screen hiding more important issues of power and justice.²¹ Civil courage may be needed to address these issues, which often are framed in an 'us and them' rhetoric.

Totalitarian regimes, on the other hand, exploit religious belonging in defence of patriarchal power structures within the family and in society. Beattie maintains that if modernity created conditions for religious and scientific fundamentalism, postmodernity, with its scepticism about truth claims, has created a cultural and ethical vacuum that breeds extremism and identity politics.²²

For Chantal Mouffé, these manifestations of identity politics are symptoms of the lack of agonistic politics from which deep, uncontrollable antagonisms emerge instead. The model of Western modernity characterised by the spread of instrumental rationality and atomistic individualism is not the only adequate way to relate to the world and to other human beings.²³ Mouffé claims that a pluralistic world order 'requires discarding the idea that there is only one possible form of globalisation, the prevalent neo-liberal one'.²⁴

Hence, the fact that the United Nations, as well as local or regional communities and national states, are sites of struggle may be basically sound and this might help us realise that the world is not a place of consen-

sus. Conflicting discourses may be managed politically, while open and structural violence leads to oppression and poverty. Stark polarisation and antagonism can thus be challenged in favour of agonistic politics, which acknowledges conflicting interests while pursuing ways to deal with them politically. Rather than favouring one-sided dogmatism that inhibits the creative and social dimensions of human existence, locally or globally, we need to nurture collective visions to challenge corrupt and unjust structures.

Human beings are fundamentally dependent on the communities in which they exist. The three individuals discussed in this essay did not have to challenge their basic belonging to be courageous. They did, however, have to extend their loyalties. When it comes to Nawal El Sadawi, courage had severe consequences, such as being forced into exile. For women around the world, the threat of being expelled by family, tribe, religion and country is stronger than for men. In order to be able to nurture individual courage, societies need to allow and encourage manifold communities where individuals can find strength, economic support and solace. Some of these communities may at first be alternatives, but the emphasis ought to be on openness in order to belong to more than one community.

An ideal society provides space both for belonging and for the possibility of dissent to challenge basic values. As I have argued above, the international community ought to make it a political goal to create a space for people to meet in order to widen comfort zones and to create multiple layers of belonging.

21 Tina Beattie (2007a) 'The end of postmodernism: The "new atheists" and democracy', [www. OpenDemocracy.net](http://www.OpenDemocracy.net), accessed 20 December 2007. See also, Tina Beattie (2007b), *The New Atheists: The Twilight of Reason and the War on Religion*, UK: Darton, Longman and Todd.

22 Beattie, 2007a.

23 *Ibid.*, p. 123.

24 *Ibid.*, p. 127.

The Courage to be Free: The Case of Human Rights Defenders in Burma

Bo Kyi

I come from a country where fear is pervasive: fear of imprisonment, fear of torture, fear of losing one's home or loved one, fear of losing one's dignity, fear of poverty, fear of forced labour. A country where basic human rights are nonexistent, where people are stripped of their dignity on a daily basis. For decades, the structure of an oppressive military regime has hovered menacingly over its citizenry, ruthless, immune and power hungry. Ever since democracy came to an abrupt end in 1962 following a staged military coup, people have had to conform to survive. The behavioural patterns needed to endure a hostile and impersonal environment are reproduced, passing from generation to generation. There comes a point when fear is internalised, when people don't even realise they are living in fear, when fear becomes a sense of comfort. Some conform only outwardly, keeping their dissenting thoughts to themselves, leading dual existences as intellectual schizophrenics. An even smaller minority refuses to conform either inwardly or outwardly, choosing instead to break entirely with the system, refusing to have its human spirit disfigured at the hand of a brutal regime. The courage of this minority comes not from an absence of fear, but a resistance to fear, a mastery of fear.¹

A common street sign in my country reads:

The people's desire: Oppose those relying on external elements, acting as stooges, holding negative views; Oppose those trying to jeopardize the stability of the State and the progress of the nation; Oppose foreign nations interfering in internal affairs of the State; Crush all internal and external destructive elements as the common enemy.

A monk is brutally tortured for peacefully waiting outside the prison gates, curious to hear the outcome of Daw Aung San Suu Kyi's trial. A couple is thrown into jail for helping a victim of a car crash. A charity worker is arrested on his way back from a blood donation drive for including the phrase 'national reconciliation' in an e-mail. A student, 21 years old, is handed a sentence of 106 years for calling for an independent student union. These are not isolated cases, but are evidence of a systematic and widespread silencing of dissent, are appalling everyday accounts of how non-violent citizens are treated, coupled with an ingrained culture of impunity. This is the reality of life in my country, Burma.

¹ To paraphrase Mark Twain's definition of courage.

As I write this,² 1,992 political prisoners languish behind bars, a number that has stayed above 2,000 since 2007. All of these people have one feature in common: they dared to speak out against a hostile and powerful authority. Each act of dissent sends a clear message: fear is your weapon, courage is ours. Sacrificing material and physical well being, those who choose to dissent are aware of the risks: loss of a job and security, an interview with military intelligence, constant harassment by the authorities, a life behind bars, exile or even death. And the rewards? Most know their actions will not directly result in a revolution or even approval from friends and family. Instead, their hope is to shed light on how the government operates through a network of oppression and isolation, to enlarge awareness of how all are being denied their fundamental human rights, to increase their unease and dissatisfaction with the ruling authorities. Most importantly, they inspire those around them to act. Martin Luther King may have been referring to the civil rights movement in the United States, but his words ring true for Burma as well:

Cowardice asks the question: is it safe? Expediency asks the question: is it political? Vanity asks the question: is it popular? But conscience asks the question: is it right? And there comes a time when one must take a position that is neither safe, nor political, nor popular – but one must take it simply because it is right.

Those who live in a country with just laws, where basic human rights are respected and violators are held accountable, may not understand the enormous courage required to speak out in an environment rife with institu-

tionalised fear. The person sitting next to you may be an informer for the government, the computer you use at the internet café is heavily monitored, you routinely see your friends and loved ones go to jail. These learned experiences remain stubbornly inside you, eroding your value as a human being, your dignity. One of the most insidious aspects of fear is that it is contagious, rapidly spreading, silencing and paralysing ordinary people as well potential political activists. ‘Super art invisibility/the power to make your body disappear/I dread invisibility/I fear you will next have your mind disappear.’³

The real purpose of the 109 labour camps, the 42 prisons, the unknown number of torture cells and secret detention centres is to impose silence on the internal enemy in the most basic and fundamental sense. As Elie Wiesel, Nobel laureate and Holocaust survivor said, ‘Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.’ The source of strength of a military regime comes from the inertia of fear and passivity. All those who have ruled over my country for the past few decades have had such a stranglehold on power, it hasn’t occurred to them their victims might again rise up and tear down the barrier of fear. Yet, as Daw Aung San Suu Kyi once said, ‘even under the most crushing state machinery courage rises up again and again, for fear is not the natural state of civilized man.’⁴

2 In preparation for a conference in June 2011.

3 “Zawgyi and Invisibility.” Poem interpreted in Maung Tha Noe (2001), *Burmese Language and Literature* (Rangoon: Myint Myat Thu Publishing House), pp. 273-278.

4 Aung San Suu Kyi, *Freedom from Fear*. This piece was first circulated as her acceptance message for the 1990 Sakharov Prize for Freedom of Thought in July 1991.

The most courageous act in the face of a brutal dictatorship that attempts to crush the human spirit is the act of saying ‘no’ to injustice. For those of us growing up in a Buddhist country, this is nothing new. Lord Buddha taught that amid the domination of evil forces, self-respecting people must resist evil, at least in their minds, by saying ‘No, I don’t support it’, even if they are not able to engage in physical and verbal resistance. I believe the courage to say ‘no’ is a foundational value of civil courage and one of the greatest defences of human freedom and dignity.

My story

In my own personal life, I faced such a challenge – the challenge of whether or not I could defend my freedom and dignity. After being released from prison in 1993, I chose to be a private teacher, staying independent of the military junta. However, military intelligence would routinely come to my house to check up on me, going so far as to interrogate my students and even their family members. Each time I met with them, they would try different tactics: at one moment they would ask me to divulge information on the underground movement, and then in the next instance they would offer me incentives to work with them. I was determined to maintain my dignity and not to allow them to frighten me. I would always answer ‘no.’ I would refuse to cooperate with injustice. Of course, I had to face the consequences and I paid a heavy price; torture, imprisonment and ultimately exile.

On one occasion in June 1994, the local military commander came to me and pressured me to become an informer. I held up my hand in front of both of us, and explained how I see one side and he sees the other

side; each side looks different to us. But if I turned my hand sideways, we would have the same view. I wanted to be on the side of the people, and he wanted to be on the side of the government. I was only willing to work together with him if we met in the middle.

Needless to say, we didn’t come to an agreement. A few days later, my house was unlawfully raided and I was taken to a secret interrogation centre. They continued to ask me to become an informer for them. I was faced with two paths. I could go to prison, or I could betray the struggle. As much as I cared about my parents and sisters and brother, I knew it would be wrong to trade their financial security for a dishonest life. I gave them my final answer: ‘I will go to prison.’ As former political prisoners, we know only too well how terrible life is in prison. We are even more afraid than others of being thrown back in there. But our other option, to work as informers for the military intelligence means betraying not only our conscience but also the people who have died while fighting for democracy and human rights in Burma, our brothers and sisters who sacrificed their lives for the cause.

That afternoon, the police received instructions from the commanding officer and I was placed in police custody, charged under Section 5J of the Penal Code, falsely accused of poisoning people’s minds with three poems. Three poems I had never written. The true reason for imprisoning me was because I had the courage to say ‘NO to injustice’, and for this I was given five years. But I never regret the choice I made. I knew instinctively that while they could put me in prison, they could not imprison my self-respect and I felt my dignity with me every day of my prison experience. My conscience remains clear.

When I was released from prison, I made a decision that I thought I never would: I chose to live the life of an exile. The alternative was to face constant harassment and the threat of re-arrest, which could have landed me in prison for over 40 years. At least on the Thai-Burma border I would be able to raise international awareness of the struggle for democracy in my country, and ensure that my fellow political prisoners would never be forgotten. My life in exile is the lived expression of an explicit commitment to the struggle for democracy that forced me to leave my country. My sole reason for being is to honour this commitment, and pay tribute to those who are still fighting the struggle from inside.

In comparison, the price I paid for my choice is not as high as that paid by my colleagues who chose to remain inside the country and risk re-arrest by acting as unassuming safeguards of democracy and human rights. For many of them, as it was for me, their understanding of the negation of human rights has been formed by their personal experiences: imprisonment, harassment, death threats, torture. I would like to share the stories of three of my comrades who continue to hold high the torch of freedom in perilous terrain. I defer to them and their ability to sacrifice their lives to uphold the moral fabric of our society.

Their stories are not those of victims. A deep sense of responsibility, moral integrity and courage defines each of them, and with it the affirmation of hope and change. They are the Kings, Mandelas and Gandhis of Burma, leaders who command respect for their long list of achievements, and have a great capacity to ignite change. Out of their testimonies emerges a unified portrait of the power of courage and determination in the face of

injustice. Isolation is our worst enemy, and exposure of the atrocities is our main goal and hope. Each of these accounts of civil courage is told in the hope that their actions will send an important moral message: the triumph of honour and dignity over blatant human rights violations, and the importance of international solidarity to ensure they will not be forgotten.

Min Ko Naing

Min Ko Naing has been one of the most prominent and outspoken opponents of the military regime. His original name is Paw Oo Tun, but he acquired his adopted name – meaning ‘conqueror of kings’ – during the 1988 popular uprising. His life story demonstrates that people can choose a way of life that honours dignity by risking life itself. In the mid-1980s, Min Ko Naing began to express his political dissent through poetry and satirical cartoons. During the Burmese New Year, he and his troupe would perform plays highlighting the lack of freedom and democracy in Burma and satirising the country’s corrupt officials and dictators. He and his fellow students also formed a clandestine study group that met to discuss current affairs and how to effect democratic change in Burma.

Min Ko Naing strongly believed in the power of peaceful and non-violent student movements and went on to lead the ‘civil disobedience’ movement in opposition to the regime’s oppressive laws banning gatherings of more than four people. His speeches, public pledges and poems caught the imagination of the people, and made him a leading light in the peaceful opposition movement to military rule. He became an inspirational figure, not only to his fellow students, but to all people in Burma.

On 28 August 1988, he was elected chairperson of the All Burma Federation of Student Unions at the first student conference since 1962. After the military brutally crushed the popular uprisings in August 1988, thousands of students and other activists escaped to the border. Some started an armed struggle alongside established ethnic minority resistance groups, and others fled to safety across the Burmese/Thai border. However, Min Ko Naing refused to flee to safety, choosing instead to remain inside Burma to continue his pro-democracy work. In an interview with *Asia Week* magazine in 1988, he said, 'I'll never die. Physically I might be dead, but many more Min Ko Naings will appear to take my place.'

Min Ko Naing was detained in March 1989. He was held incommunicado, without charge or trial, until he was sentenced in December 1991 to 15 years of imprisonment. He was released in November 2004 after spending more than 15 years in solitary confinement. In an interview with Radio Free Asia (RFA) following his release, he said, 'It gave me confidence in prison to know that although my journey is rough and dark, I am not alone, and I am with my comrades. As a result, I have finished the long journey.' He also thanked people around the world for their support:

While we were in prison, they gave their support and encouragement to us; they did their best for us. We felt like a person in a winter river that catches sight of a small light far away. We did not feel it directly; we partially felt it. However, it's enough for us. We will never forget their support. Please, give our thanks to all those who worked for us.

In September 2005, Min Ko Naing, together with other prominent activists from the 1988 uprising, helped found the 88 Generation Students group. On 27 September 2006, he, Min Zeya, Htay Kywe, Ko Ko Gyi and Htay Win Aung aka Pyone Cho were arrested by special police forces for their pro-democracy activities, including the 'White Sunday' campaign, which began in early 2006. Every Sunday, around 100 pro-democracy activists wore white clothing similar to that worn by political prisoners and went to visit the families of political prisoners in an act of solidarity and protest. All the activists were released on 11 January 2007. Only two months later, they reinitiated the White Sunday Campaign.

In August 2007, Min Ko Naing led demonstrations against the regime's economic mismanagement, hikes in fuel and commodity prices and the falling standard of living. On 19 August 2007, 88 Generation Students activists, including Min Ko Naing, led a march by more than 400 people from Rangoon's Kokine junction to Tamwe market to protest high fuel prices. The activists, who had just attended a memorial service for the late National League for Democracy leader U Kyi Maung in Bahan township, walked to Tamwe instead of paying for bus fares pushed higher by increased gas prices. The Burmese government had raised the price of subsidised fuels by between 100 and 500 per cent, causing the cost of public transport and a number of staple commodities, such as rice and cooking oil, to increase dramatically. Min Ko Naing said that Rangoon residents who witnessed the protest voiced their support for the group's move. 'We were applauded by people riding on buses. Some even got off the buses and joined us as we walked,' he told the Democratic Voice

of Burma media organisation. The regime was not as appreciative. Only days after the march, Min Ko Naing and his fellow activists from the 88 Generation Students group were arrested once more, this time sentenced to 65 years of imprisonment.

Min Ko Naing is one of the longest serving political prisoners and has become a symbol of resistance for the Burmese struggle. His willingness to sacrifice himself serves as a vital moral boost for human rights activists to this day. Even though absence has been forced upon him, his tenacious spirit and long list of accomplishments continue to speak to the future of a democratic Burma. More often than not, many sceptics and so-called pragmatists ridicule those who uphold the principle of justice, and dismiss them as irrelevant and unstrategic. They tend to blame the victims. They would argue that Daw Aung San Suu Kyi is too hard-line in her political views and actions, that Min Ko Naing is naive and that all democratic activists, with their 'lofty ideals', are unable to outmanoeuvre the cunning junta. These criticisms are misplaced. While the realist approach should be given consideration, opportunistic political policy with an 'end justifies the means' approach is not what we want to adopt. We cannot build a society in which democratic citizenship can flourish through violence, manipulation and corruption. If we do not consider the moral appropriateness of the means that we use in the struggle for a moral end, then we will see the same evil, the same pattern of abuse in our society over and over again.

Moral means do not mean hard-line actions. Min Ko Naing and many other political prisoners, including myself, who were tortured

in prison camps and interrogation centres never raise a desire for revenge against our perpetrators. Instead, we place emphasis on the need for national reconciliation in our conflict-ridden society, not retaliation. We fight for dignity and human rights and accept that there must be negotiation and compromise in our journey to get there. We have to work with the military forces not only to protect our dignity but also to defend their personal and professional integrity. As I said before, Min Ko Naing believes that a life with dignity that ensures a moral end as well as means, is worth even more than life itself. It is for this reason that he motivates me and thousands of other people of Burma.

Khun Tun Oo

Khun Tun Oo is one of the most influential ethnic leaders in contemporary Burma. He was an elected member of the Burmese parliament and is the most senior political representative of the Shan, the largest of Burma's ethnic minorities. He is also the chairperson of the Shan Nationalities League for Democracy (SNLD), which gained 23 seats (5,268 votes) in the 1990 elections. During the elections, his party narrowly beat Aung San Suu Kyi's party in Shan state, Burma's biggest.

In 1998, eight years after the junta ignored the election results of 1990, SNLD and three other ethnic parties worked on a coalition agreement with the National League for Democracy (NLD), the biggest party, and led by Aung San Suu Kyi. They set up the Committee Representing the People's Parliament (CRPP). Since that time, authorities have cracked down on Khun Htun Oo and his party. Khun Tun Oo was one of the first people to press the junta to talk first and foremost to Aung San Suu Kyi before enter-

ing into tripartite political dialogue involving the military on one hand and the democratic forces and ethnic minorities on the other. He once said, 'Two-way talk is important before the tripartite dialogue. When there are reconciliation conditions, we want talks to be tripartite. I hope it will happen.'

In 2004, the SNLD party boycotted a junta-sponsored national convention. It was widely recognised as a sham convention. Previously, the party had remained in the convention process for 11 years because it wanted to cooperate with the junta for the sake of the country. As a result of the boycott, the junta watched Khun Tun Oo more carefully in order to take action against him.

Khun Tun Oo was arrested on 9 February 2005, after he took part two days earlier in a private meeting over a meal with other senior political representatives to discuss the authorities' plans for political transition. The authorities arrested the other leaders present at the meal, including Major General Sao Hso Ten of the Shan Peace Council and two members of the State Army North cease-fire group. The leaders were denied access to family members, in some cases for up to nine months. Khun Tun Oo was sentenced to 93 years of imprisonment. After sentencing, he and the other leaders were sent to different prisons very far from their homes, without official notification to their families.

However, Khun Tun Oo remains strong. He reportedly sent a secret message from prison. The message is as follows: 'We didn't commit any crime. We reaffirm our aim to empower our people to bring peace, justice and equality to the people.' Khun Tun Oo's story shows the value of justice and dignity in the journey

to overcome ethnic divisions and other differences so as to foster solidarity and unity in a multiethnic society, an essential element in national reconciliation.

Zayar Thaw – Youth Leader

On 24 September 2007, the streets in over 25 cities in Burma were swelling with hope. Burma turned the colour of saffron as thousands of monks thronged the streets, chanting the Metta Sutta, a prayer of compassion and loving kindness. What no one expected was for the colour of saffron to turn crimson red. The military generals opened fire on the crowds, and monks were brutally beaten in public. Accounts emerged of a crematorium operating day and night to destroy evidence of the massacre. The evidence cannot be burned from the collective memory, however, where it remains a black stain on the national consciousness.

Like many Burmese, Zayar Thaw, a famous musician, was unsatisfied with the outcome of the so-called Saffron revolution, but where he breaks with the majority is his commitment to change, despite knowing the cost. He decided to take advantage of the wave of hope that drove people to the streets and that glued international onlookers to their television sets. A month later, he helped organise Generation Wave, an underground youth activist organisation that seeks to attract the younger generation to activism by using creative means such as hip-hop or graffiti. He led a widespread sticker campaign immediately following the Saffron Revolution, placing bumper stickers that read 'Change New Government' on cars carrying the CNG (compressed natural gas) logo. He has worked closely with the secret organisation Freedom Fighters to produce a CD called 'Oh Myan-

mar', which includes the 'NO NO NO' song to accompany the 'Vote No Campaign' in the May 2008 referendum on the constitution.

Zayar Thaw had initiated his youth mobilizing efforts back in 2000. Along with three other musicians, including Yan Yan Chan, who was also recently imprisoned, he founded Burma's first hip-hop group, Acid. The group quickly became very popular throughout Burma and its first album achieved number one spot for two months after its release. The group's music aims to speak directly to the youth, and highlights the importance of politics in daily survival. All of its songs send out a clear message: if you want the situation to change, you must stand up and change it yourself. The lyrics are often seen as thinly veiled attacks on the government, though the criticism springs from recounting the day-to-day experiences of life in Burma. After the Saffron Revolution, the government became even more suspicious of hip-hop and rap music, associating it with rebellion against social and political norms and fearing that it would encourage youth to challenge the government's power.

Zayar Thaw was at a restaurant with friends at the time of his arrest in March 2008. He was charged under section 6 of State Law and Order Restoration Council Law No. 6/88 for forming an illegal organisation and, additionally, for having in his possession the equivalent of 30 dollars in Thai, Singaporean and Malaysian currency. Minutes before he was sentenced, he made the following statement:

I feel sad, but not because of my imprisonment. As a citizen, I exercised my rights to freedom of opinion and expression, freedom of peaceful assembly and

association, according to Articles 19, 20, 21 included in the 30 Articles of the Universal Declaration of Human Rights. Without basic human rights like those, while many people are being imprisoned, charged under sections of law, how can we believe that 2010⁵ will bring true democracy and human rights? I feel sad for the future of our country and people when I think about these facts. These words come from my heart. I wish to say to people, 'Have the courage to reject the things you don't like, and even if you don't dare to openly support the right thing, don't support the wrong thing.'

After spending three years behind bars, where he was subjected to torture and ill-treatment, Zayar Thaw was one of a handful of political prisoners released in May 2011 under a highly criticised amnesty that saw the commuting of death sentences to life and the reduction of prison terms by one year. His release is soured by the continuing imprisonment of 15 members of Generation Wave. Zayar Thaw has acquired a heightened sense of urgency about his political work, and this was only sharpened during his time in prison. Immediately following his release from prison, he spoke to media, saying he will work tirelessly to ensure the release of all political prisoners, because it would be wrong to call Burma a democracy when there are still prisoners of conscience. Displaying an admirable level of compassion and maturity for someone who was imprisoned under the age of 30, Zayar Thaw refuses to speak publicly about his torture or to directly condemn the government so as to show that he holds no grudges against the individuals who held him captive.

5 Referring to the elections held in Burma in late 2010.

The unity and empowerment following a mass movement is often transitory, with the demands of the political opposition too great, the stakes too high. The experience can be even more disenchanting for the youth of a nation, who are so vital to social movements and future change. The situation for Burma's youth is particularly dismal, as the vast majority are unemployed and universities are often closed. Zayar Thaw represents a spirit of hope among the younger generation and offers a creative outlet dovetailed with concrete change as a means to keep the movement alight. The youth, disillusioned by the return to the status quo after the Saffron Revolution, desperately need a clear vision for change and a channel through which to convey their frustrations, hopes and grievances. Zayar Thaw's maturity and eloquence are needed now more than ever. His story clearly disproves the argument that Burma's democracy movement is no longer capable of inspiring and recruiting a new generation. For as long as injustice exists, those who hold human dignity as fundamental to the moral fabric of society will continue to fight for justice.

Conclusion

Although those who speak out against injustice already face numerous obstacles in Burma, the widespread stigmatisation and criminalisation of human rights defenders is particularly worrisome. In the past and present, human rights organisations and individuals have been cast as the internal enemy. The charges against individuals are intended not only to lead to their imprisonment, but also to discredit them and damage their reputations. Not only does this undermine the determination of human rights defenders to continue in their quest to uproot injustice, it also has a negative effect on the development of a national culture of human rights. But in a country like Burma,

where the people are living day to day under an extreme dictatorship, the human rights situation must not be viewed as simply a domestic problem. These human rights abuses are also a source of instability for neighbouring countries and, ultimately, have wider regional ramifications. In fact, the regional implications may provide the necessary motivation for concerted international intervention in Burma's intractable crisis.

For this reason, the international community should not be misled by arguments of political expediency, nor should countries turn a blind eye for their own economic gain. In particular, international institutions, from the United Nations to international NGOs such as the International Crisis Group, must not compromise their primary values for a more pragmatic approach. At the international level, when the democracy movement and human rights organisations raise the need for the establishment of a commission of inquiry on war crimes and crimes against humanity in Burma, some foreign observers disregard this idea, attacking the democracy movement leaders as 'spoilers' who are trying to disrupt the military-led political process, a process they regard as 'something better than nothing'. Even when Tomás Ojea Quintana, the UN's special rapporteur on human rights in Burma recommended that the UN establish a commission of inquiry, some of the regime's apologists continued to resist the idea. However, what they have missed is that we do not advocate a commission of inquiry as a political bargaining chip or as a means of retaliation. We urgently advocate a commission of inquiry in the belief that at the heart of truth is justice and that the search for truth and justice has the potential to end impunity, deter future perpetrators, stop rights violations and save lives.

Civil courage is about the courage to say ‘no’ to injustice. Burma’s political prisoners have again and again shown civil courage in the face of unimaginable pain and suffering. For them, the pursuit of a free and just society comes at a cost, a cost they are prepared to pay for their people. The international community should draw inspiration from Burma’s political prisoners, its unsung heroes, such as Min Ko Naing, Khun Htun Oo and Zayar Thaw, and stand up against injustice. It is high time the international community played its part to ensure the full realisation of human rights, justice and democracy in Burma. The international community has long been aware of the systematic nature of the rights violations in Burma and a new principled approach is urgently needed. The Burmese people deserve no less.

Epilogue

April 2012

In the year that has passed since this paper was presented, unforeseen changes have taken place in Burma. The government, which came to power through the widely criticised 2010 elections, has taken several steps towards a more open society, including, significantly, the release of prominent political prisoners. Both Min Ko Naing and Khun Htun Oo were released on 13 January 2012, together with several hundred other high-profile political prisoners. They were met by crowds of cheering supporters and immediately resumed their political work. Most of Zayar Thaw’s fellow Generation Wave members have also been released, while Zayar Thaw himself joined Aung San Suu Kyi’s NLD and stood as a candidate in the by-elections on 1 April. NLD won 43 of the 44 seats contested and Zayar Thaw became Burma’s youngest MP-elect.

Despite these positive developments, Burma still has a long way to go to real freedom and democracy. Hundreds of political prisoners remain imprisoned and the laws frequently used to incarcerate activists are still in place. The prisoner amnesties have not been unconditional and no remedy has been offered to those released. Moreover, the fundamental problems of impunity and lack of accountability are still to be addressed, whether through domestic or international mechanisms.

However, the public euphoria shown during NLD’s election campaigning and at its victory, as well as the large crowds welcoming the prominent political prisoners as heroes upon their release, demonstrate a change of atmosphere in Burma. Such public support for political activists and opposition politicians has been unimaginable for decades – not because the support hasn’t existed, but because open expressions of it have been held back by fear. More than anything, the recent developments raise the hope that the people of Burma will increasingly dare to participate in politics, and that those in the forefront of the struggle for justice – Burma’s previously ‘unsung heroes’ – will now be recognised as the invaluable assets and role models they are. Undoubtedly, however, the deeply rooted fear generated during decades of oppression will not disappear overnight. It will take years before people will start to trust the government, and the government still has a lot more to do before it deserves to be trusted. In Burma’s changing political climate, courageous people who stand up for what is right – who say ‘NO’ to injustice – are arguably needed more than ever. They are needed as watchdogs over the change process to guarantee that the changes will truly benefit the people of Burma this time.

Experiences of a Human Rights Defender in Zimbabwe

Jestina M. Mukoko

In January 2009, after I had been held incommunicado for 21 days and spent a few weeks in a maximum security prison subsequent to being abducted by state security agents in early December 2008, I took the witness stand in the Harare magistrate's court to challenge my abduction, torture and the fact that I had not been protected by the law during this period. Prior to that, given the urgency of the matter, my lawyer had taken the challenge to Zimbabwe's highest legal authority, the supreme court, but was advised to take the challenge back to the lower court so that the matter would be referred from there. My lawyer took heed of the advice and prepared me to take the witness stand. At the time, because I was keen to be with my family again, I did not think much of the challenge: all I wanted at the time was for the courts to grant me bail so that we could be reunited.

Realising that my family and I did not see the merit of the challenge at the time, my lawyer took the time to explain that as a legal practitioner she had an obligation to demand accountability from whoever was responsible for my unfortunate situation. She explained that if this did not happen, she would be questioned in the future as to what steps she

had taken to ensure the rights of her client were protected. On the strength of this explanation, I then took the time to explain to my family the merits of the challenge.

When the challenge was eventually heard in the lower court, we were keen to have the matter referred to the supreme court, which sits as the constitutional court in Zimbabwe. The magistrate in the lower court made a statement and ruled that the challenge was neither frivolous nor vexatious.

According to section 13 (1) of the constitution of Zimbabwe 'No person shall be deprived of his personal liberty save as may be authorised by law in any of the cases specified in subsection (2).' The cases specified in section 13 (2) did not apply to my situation. In section 13 (3), the constitution further elaborates the protection of the right to personal liberty by stating that 'Any person who is arrested or detained shall be informed as soon as reasonably practicable, in a language that he understands, of the reasons for his arrest or detention and shall be permitted at his own expense to obtain and instruct without delay a legal representative of his own choice and hold communication with him.'

When I was abducted from my home in the early hours of 3 December 2008, I did not know why I was being detained and neither was I permitted to instruct a legal representative until 23 December, when I was forced to sign a warned and cautioned statement in the absence of my legal representative.

Section 13(4) states in part that:

... if anyone is arrested or detained for purposes of being brought to court or upon reasonable suspicion of having committed or being about to commit a criminal offence, shall be brought without undue delay before a court; and if any person arrested or detained upon reasonable suspicion of his having committed or being about to commit a criminal offence is not tried within a reasonable time, then, without prejudice to any further proceedings that may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including in particular such conditions as are reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial.

During the 21 days I was incommunicado, I was not brought before any court of law, and in that time I was tortured. Besides, I found myself in unlawful detention from 3 December following an act of enforced disappearance that made headlines the world over. In those twenty-one days of unlawful detention, I faced a barrage of questions about the operations of my organisation, the Zimbabwe Peace Project, which, since its establishment in 2000, has been monitoring and documenting cases of political violence. Besides physical torture, which I endured on the first and

fifth day of my detention, I also experienced psychological torture, which was much worse than the sustained assault on the soles of my feet, when two men took it in turn to inflict pain, and the two hours that I had to endure kneeling on gravel. As the days dragged on, I was not sure if I would see my family again, and being a single parent my worst worry by far was my teenage son.

Section 15 of the constitution of Zimbabwe speaks about 'Protection from inhuman treatment', and in sub-section (1) it is stated that 'No person shall be subjected to torture or to inhuman or degrading punishment or other such treatment.'

When I was forced out of my home, I was in my night clothes without underwear, without my glasses and barefoot. I appealed to the team that came to take me away that I needed to dress decently, but the request was turned down. Although there was a woman on the team of captors, I was made to lie on the lap of a man. Being in my night clothes and not properly dressed, I feared that I could be raped. When we were about to get to the detention centre, I was blindfolded and this was the order every time I was driven away from the place and if I had to make a call of nature.

Since I had been taken away in my night clothes, I had to be given a dress whose original owner I did not know, and I also had to endure being provided underwear by strangers. On the first day of my detention, I was tortured for several hours, the only respite being when giving responses and for meal breaks. The torturers were two men, who alternated in using a rubber hose and a metal truncheon covered with rubber to

rain blows on the soles of my feet. At one time when I was sitting on the floor, I was asked to lift my legs on to a desk and the blows were directed at the soles of my feet. This went on until late at night. I also had to experience degrading treatment when I had to tell these strangers about my menstruation, which I experienced earlier than usual. On the second day, I was taken on a drive to an unknown place. Blindfolded and lying on the seat of a van, I was driven for several hours while still being questioned about my activities as a human rights defender. The vehicle then came to a stop and I could sense that my fellow passengers and the driver had left the vehicle and left me on my own. I did not know what their intention was, because after awhile I was driven back to the detention centre late in the night. Before the drive, I had been threatened that since I did not want to tell the truth about the other unconstitutional mandate of my organisation –which the organisation does not have – I would be handed to those in higher authority. I was also warned about how they covered the faces of their victims with sacks when they tortured them.

On the fifth day, when my captors abducted two colleagues from my office, they made me kneel on gravel for about two hours while I was being interrogated.

As a result of both the physical and mental torture, I suffered excruciating pain in my feet and had high blood pressure and high blood sugar, conditions I did not have when I was taken into detention. For several months I had to survive on sleeping tablets as the pain in my feet, compounded by the trauma that I had experienced, made it almost impossible to sleep naturally.

The manner in which I was held incommunicado meant that I was not protected by the law as required under section 18 (1) of the constitution of Zimbabwe, which guarantees ‘secure protection of the law’.

Against all the odds and despite all the hurdles I had faced in the courts since being arraigned on 24 December 2008, the lower court ruled that my challenge that my rights according to sections 13(1), 15(1) and 18(1) were violated was neither frivolous nor vexatious, and therefore deserved to be referred to the constitutional court. Although my legal representative had explained all this to me, I did not immediately see the value of the process.

The matter was then heard in the supreme court sitting as the constitutional court on 25 June 2009. When I was told it might take a couple of years before a judgment was handed down, I was depressed. However, for some reason the highest court in Zimbabwe was ready on 28 September 2009, after just three months, to hand down judgment in the matter. When my legal representative called to announce this, I was even more depressed because I thought that if the precedent was that judgments are handed down after 12 or more months, my judgment being handed down this soon could not be good news. In a judgment that took little time to deliver the chief justice read, ‘The court had unanimously concluded that the state, through its agents, violated the applicant’s Constitutional rights protected under sections 13 (1), 15 (1) and 18 (1) of the Constitution of Zimbabwe to an extent entitling the applicant to a permanent stay of criminal prosecution associated with the above violations.’

The ruling, which is a precedent for other such cases, was a landmark victory not just for me as an individual but all human rights

defenders in Zimbabwe and beyond. The ruling demonstrated that it was unlawful for the state to cause enforced disappearance of its citizens and then subject them to inhuman and degrading treatment without allowing them to be protected by the law. Further to section 18 of the constitution of Zimbabwe, which guarantees secure protection of the law, section 32 (4) of the Criminal Procedures and Evidence Act states that:

a person arrested without warrant shall as soon as possible be brought to a police station or charge office and, if not released by reason that no charge is to be brought against him, may be detained for a period not exceeding forty-eight hours unless he is brought before a judge or magistrate upon a charge of any offence and his further detention is ordered by that judge or magistrate or a warrant for his further detention is obtained in terms of section thirty-three

When I was being questioned about the association with the former opposition party, the Movement for Democratic Change led by Morgan Tsvangirai, during the 21 days I remained incommunicado, my captors bragged about not being bound by the 48 hour rule I was told I had only two choices, either becoming a state witness or becoming extinct, as there was no option of prosecution. The law is quite clear that a person arrested can be held for longer than 48 hours before appearing in court as long as a judge or magistrate has authorised the further detention of the person. The state failed to bring me before the court within 48 hours, and neither did it have a court order for further detention. Furthermore, when I was forcibly taken away from my home, I was

not taken to a police station or a charge office and to this day I still do not know where I was being detained.

When I was eventually brought before the courts after being with unknown people for 21 days, including two nights in a police cell that had long been declared unfit for human habitation, and with no communication with my family or legal representatives, I was not very optimistic about my situation. Initially, I faced many hurdles in the courts, including being denied urgent medical treatment. When my challenge was heard in the constitutional court, I was still not expecting a favourable judgment.

My victory in the constitutional challenge against the state revealed that that no one is above the law. The case also revealed the excesses of the state against its own citizens. The victory did bring relief and allowed me to get on with my life, but it has not been easy getting over the traumatic experience. The possibility of being killed always hovered over me. Upon my release after 89 days, my family, in particular my mother, felt it would be in my best interests to abandon human rights work, and this I think was the feeling of most Zimbabweans. However, for me quitting my work as a human rights defender would have meant giving my captors satisfaction, because I think this is exactly what they wanted. For one thing, I felt I was targeted because the state was worried about the work of the organisation I head. The accusation of recruiting youths for the MDC-T and having them trained in Botswana for purposes of performing acts of banditry, terrorism and insurgency to topple a constitutionally elected government was a just an excuse to threaten human rights defenders.

As a human rights activist, I concluded on close scrutiny of my case that with my victory in the highest court, I had set an example for other Zimbabweans to mount constitutional challenges, since the constitution can be violated by the same state that is meant to abide by it. I have, however, been motivated to continue with my work because I recognise that I was lucky to have had people all over the world demand my unconditional release. But not every Zimbabwean will get that attention, and therefore my organisation is committed to amplify the voices of many Zimbabweans who face injustice in the country.

The protection of human rights defenders in Zimbabwe is a daunting task, considering that they are vulnerable to arbitrary arrest, enforced disappearance and wanton raids on their homes and offices. It is unfortunate that while human rights defenders mean well and want to engage with the state, the latter outcome is not usually achieved, as all of them are viewed as appendages of the opposition simply because many of the issues they raise happen to correspond with the issues raised by the opposition. Human rights defenders deserve protection as they work to ensure that the rights of citizens are not violated with impunity.

Egypt – A long way to go!

Nora Younis

As a blogger, I took upon myself the job of covering demonstrations and political rallies in photo and video and posting online. I witnessed much violence but I was always standing among the journalists. My purpose at that time was documenting for the sake of an archive shared online for free and accessible by everyone. There was a need for that back in 2004.

But the day I became an activist was when I joined a protest in front of the Press Syndicate on 25 May 2005. The protest was against a constitutional amendment put forward by President Mubarak to entrench his control over the country and pass the presidency on to his son Gamal. That day, thugs carrying Mubarak's posters and publicly led by known figures from the ruling party attacked the peaceful protest. This was not unexpected. But my shock came when a police general in uniform called on all the women to gather in the entrance to a garage so that he could protect them. Once we were all there, he gave orders to security forces to open the way to thugs who attacked and sexually molested the women protesters. I was so angry, and my anger saved me. I spat in his face and scorned him, which caused his men to start beating me. Somehow, I managed to crawl between

their boots out of the circle of horror. Only later did I hear what my fellow protesters had endured. That day the battle became personal.

I was introduced to an older generation of rights activists and political groups who helped me put forward a complaint to the general prosecutor against Mubarak as head of the Police Council, and Habib el Adly, minister of the interior, in addition to the police general, whose picture I had taken with my camera. But this being a non-independent legal system, the case was, of course closed a year later when the public prosecutor pronounced the perpetrators unidentifiable.

The next thing I knew I was co-founding a women's group for political participation called 'The street is ours', and another called 'Egyptians against torture', and becoming part of a loose network of independent bloggers who organised political campaigns online as well as offline. At the same time, I continued to document and expose police brutality and human rights violations. In the course of these activities, I covered a police massacre of Sudanese refugees during a camp sit-in in front of UNHCR, which resulted in the deaths of at least 27 refugees, including women and children; excessive violence

against the protest movement for judicial independence; border guards shooting-to-kill armless African migrants who were attempting to cross from Sinai to Israel; the strife associated with Baha'i religious minority's efforts to secure national ID-cards and birth certificates; and so on.

Today, Mubarak is under hospital arrest, and former Minister of the Interior Habib el Adly is in jail charged with killing protesters and acquiring an illegal fortune. But that doesn't make me feel better!

On the one hand, the trials of these symbols of the old regime are hasty and the charges not well considered: the whole process seems timed to absorb public anger. It is possible that some of these people will be free again a few years from now.

On the other hand, Egypt's legal system is still the same old corrupt system that prevailed prior to the revolution, the judiciary is still not independent, the general prosecutor from the Mubarak era is still in office, and, furthermore, thousands of civilians are facing military tribunals while Mubarak's gang are tried in civil courts.

Egypt is now experiencing a major security vacuum, as thousands of policemen have resigned and others refuse to work. The crime rate is increasing, wreaking veritable havoc on society and pressuring people to accept the return of the police without the implementation of real structural reforms. A man allegedly died of torture inside a police station one week ago.

The military police contribute to this state of insecurity and chaos by using excessive force, torturing citizens and ignoring SOS calls. Many Egyptians have to defend their homes and neighbourhoods themselves, and there is an alarming and increasing proliferation of arms.

The military is also adopting a conservative, patriarchal and often oppressive strategy in running the country and dismantling the opposition, civil society groups as well as protest movements. This in particular negatively influences women's participation. A month ago, the military police arrested 18 women protesters at a Tahrir Square demonstration and subjected them to humiliation, torture and forced virginity tests. A police general speaking to a CNN reporter was quoted as saying: 'These girls are not like your daughter or mine. They were camping with men in Tahrir Square.'

This patriarchal attitude has enabled the army to co-opt youth groups and newly formed social and political coalitions.

Although Prime Minister Essam Sharaf was widely accepted by the people when he was sworn in, his government, together with the army, has issued legislation that violates basic human rights. Protests and strikes are now criminalised by law.

While all this happens, we see the well-established human rights defender community being drained as it tries to keep up with the thousands of civilian cases before military tribunals.

What can Sweden do?

1. Help Egyptians get their money back;
2. Support real, fundamental reforms in Egypt as opposed to hasty and premature stability;
3. Pressure the Egyptian government and army to lift the current state of emergency and to stop human rights violations;
4. Support the restructuring of Egypt's police by a) educating Egyptian civilians or brand new police recruits at the Swedish Police Academy, b) supporting the restructuring of police education and the reform of police academies in Egypt, and c) allocating development assistance money to the reform of prison and detention facilities;
5. Support the reform of the legal system in Egypt;
6. Initiate exchange programmes for Egyptian scholars, constitutional experts, lawyers and activists, who would bring bright new knowledge and ideas back home;
7. Support human rights defenders to take on a role that should include providing advice to government and drafting legislation.

The Power of Disobedience

Peter Weiderud

When Rudolf Höss, the commander of Auschwitz, looks back in his memoirs to the time when he was director of the concentration camp, he concludes that he was not happy during those years. There was a shortage of competent staff and he was, therefore, unable to reach the goals that had been set for the task he was asked to head up. He felt that the prisoners showed a lack of dignity, which created major obstacles for him. He felt they were a disgrace. Nevertheless, he did his duty, he performed as best he could. And looking back at his four years as the managing director of the worst mass murder in history, his sole regret was that he let the work absorb him so much that he neglected his family.

Rudolf Höss's consciousness was calibrated within the framework of Nazi ideology. Nothing, apparently, could break his loyalty and obedience to it: not the principles of a shared humanity, and not even his Christian faith could break the shield of obedience. Höss was a committed Roman Catholic and had once had the ambition to become a priest. He was at one with the system, and saw no alternative to obedience. Obeying your government, your employer or your parents is certainly normal behaviour. If we stop obeying, we would face anarchy and

chaos. And yet obedience has killed many more people than disobedience.

I realise we cannot compare the dictatorship of Nazi Germany with the decent democracies of today. And democracy is an absolute necessity for human rights to be respected. Still, human rights impose bounds and limits on the foundation of democracy, the majority vote. This is why big political parties, including in Sweden, have been enthusiastic about promoting human rights in the world, but more reluctant to implement some of the conventions and principles at home. Human rights and international law are, therefore, an invitation to civil disobedience. There are principles that stand above the wisdom of government decisions, even if they are made in the interests of the majority of its people.

The Arab Spring of 2011 has again proven that civil courage and civil disobedience, even under a dictatorship, are powerful enough to change history irreversibly. But we have also learned that those who are brave enough to take such action under a dictatorship risk their lives and future. In Syria alone, there will probably be more than 1,000 casualties.

But civil courage can involve serious risks even in democracies. My own organisation is one of the Swedish partners in the flotilla to Gaza. A year ago, one of my staff was on one of the ships. For more than 24 hours, when Israel blocked all communication and decided to take military action in international waters, neither his wife and children nor I knew what had happened to him. Unlike some of his Turkish friends, he was lucky. He experienced a few hours of brutality on board; he spent a few humiliating days in custody; all his belongings were taken from him; and he will never be able to return to Israel, a country in which he lived for several years and needs to visit regularly for work. Psychological wounds remain as well, both in him and his family, despite long and deep healing processes. Nevertheless, he was lucky. Nine of his friends lost their lives.

In a few weeks' time there will be a second flotilla, this time with more boats and double the number of activists on board. Many of those who went last year are going again. There will be two or three of our members, among them one of my predecessors, now an 86-year-old former member of parliament. Despite the risk, cost and inconvenience, more people are committing themselves to stand up for international law, human rights and the humanitarian needs of the people of Gaza. Based on the experience of last year, we made inquiries of the UN to serve as an independent inspector of the cargo in order to limit the risk of repetition of last year's tragedy.

But before we were able to initiate a proper dialogue, UN Secretary General Ban Ki-Moon used the authority of his office to

urge governments to prevent ships from joining the so-called Freedom Flotilla 2. He bluntly said this, and did not even balance his statement with a call to Israel to end the unlawful blockade of Gaza.

As we are meeting at the Dag Hammarskjöld Foundation, having a discussion that is partly inspired by the civil courage of the former Secretary General, it might be worth reflecting on the implication of Ban Ki-Moon's statement, since he is the main upholder of human rights and international law. The function of the office he holds is to protect, on behalf of all the inhabitants of the world, the principle of the UN Charter, which begins 'We the peoples...', not 'We the governments'.

This difference has a special meaning for me with my background in international ecumenical work and as a former director for international affairs for the World Council of Churches. At the Dumbarton Oaks conference and the founding conference of the UN in San Francisco, it was primarily the church delegation that strongly argued the UN must not be seen just as an instrument of states, but must also be able to voice the aspirations of the world's peoples. The lack of this recognition, they argued, was a major reason for the failure of the League of Nations. Consequently, they urged the adoption of a preamble stating this and for inclusion of an article providing direct access of the peoples to the deliberations.

Looking back at the formation of the UN, US Secretary of State John Foster Dulles clearly recognised the role of civil society and the churches in this achievement:

As originally projected at Dumbarton Oaks, the organization was primarily a political device whereby the so-called great powers were to rule the world ... It was the religious people who took the lead in seeking that the organization should be dedicated not merely to a peaceful but to a just order.

What the founding governments of the UN saw, in light of the experience of the Second World War, including the terrible crimes committed by Rudolf Höss and others who obeyed orders in an environment of politically perverted dictatorship and blind power politics, was the need for moral and political correctives.

Governments, leaders and people with great power need to be able to pause and reflect, once in a while, on their moral bearings and directions. Human rights and international law are instruments we have developed together so that there are tools for moral and ethical deliberation. However, they depend on civil courage to be used.

Consequently, I see the statement of Ban Ki-Moon as a major tragedy. He seems unwilling to realise that Israel is blockading Gaza in violation of international law, and that this has gone on for a long time. The blockade coexists with occupation of other territories and military attacks, which independent investigations have also found to be in violation of international law. Because of these violations, the humanitarian situation in Gaza is terrible.

In light of the failure of the international community to uphold international law and human rights for Gaza, a broad civil society initiative has decided to attempt to end the blockade using non-violent methods and in full compliance with international law. Last year, the flotilla was attacked by the Israeli military, which used excessive force against the boats on international waters.

No doubt, this is a very difficult and precarious situation politically, and I would have understood if the UN Secretary General had found a way to stay silent. But by putting the office of the Secretary General so starkly on the side of power politics and by taking a stand against international law and civil courage, the statement of Ban Ki-Moon is a disgrace.

Bureaucracy killed the activist

Robert Hårdh

Civil Rights Defenders is an independent organisation that defends people's civil and political rights and empowers human rights defenders at risk. The organisation is active in Eastern Europe, the Western Balkans, South Caucasus, Central Asia, South East Asia and East Africa. Civil Rights Defenders is also an active part of Swedish civil society monitoring and acting on the human rights situation in the country. Ever since the organisation was founded in 1982 under the name of the Swedish Helsinki Committee for Human Rights, its work has been dedicated to strengthening civil society in some of the most politically difficult and repressive regions and countries in the world – in the Soviet Union in the 1980s and in the countries of former Yugoslavia in the 1990s, to mention two examples.

Human rights defenders, people using non-violent methods to improve the human rights situations of their fellow human beings, is the organisation's target group. Often, the group includes human rights lawyers and journalists, but it also comprises people of various other professions and backgrounds. What all these people have in common is their belief in human rights and democracy as well as their willingness

to take huge risks to make the world a better place for all. The decision to engage in the struggle against injustice and totalitarian regimes usually stems from a specific moment in the activist's life, such as traumatic events in his or her private life or on a national or even global level. Sometimes, the human rights defender or the activist is born in the moment, a quick decision that can lead to change in thousands, even millions, of people's lives, but it inevitably changes the life of the person who makes the decision.

I think we all remember the pictures of the tank man in Beijing one day after the Chinese government's violent crackdown on the student uprisings in June 1989. Carrying two shopping bags, the man was crossing Chang'an Avenue close to Tiananmen Square when a column of tanks approached him. The man decided to stand in the way of the armoured vehicles, thereby running the apparent risk of being run-over and killed. The tanks tried to drive around him but he kept moving in the way of the vehicles, and a peculiar but powerful dance ensued between man and tanks before he actually managed to bring them to a halt. Minutes later, the man was pulled away by two men and disappeared. No one knows where he came from and no

one knows where he was taken. The name and the faith of the tank man are unknown and we can only guess at what prompted him to place himself in front of the tanks, or what went through his mind on that warm and tense day in June 1989. I guess I am not alone in interpreting his action as a brave man's attempt to put an end to the Chinese government's brutal treatment of its citizens. He simply had had enough.

It would be interesting to discuss research describing the underlying mechanisms that make some people step forward and take action against behaviours, structures and institutions many times more powerful than the individual himself (or, rather, *herself*: empirical evidence tells me that among these brave people who dare to speak up, the majority are women). But I will use this opportunity to highlight some of the dangers that I believe threaten the life and well-being of the human rights defender and activist of today. Normally, and quite naturally, we tend to focus on the dangers imposed on democracy activists by the regimes in their respective countries. We do, however, need to increase the level of self-criticism among inter-governmental institutions and states such as the EU, Sweden and many other individual countries within the EU, that aim to do good by supporting pro-democracy movements and individuals financially and morally. The last decade has seen a tremendous increase in the bureaucratic routines and demands set in place by donor countries.¹ These put the people in

the forefront of the struggle against anti-democratic regimes and movements at great risk and even erode the very foundations of the activist's actions or, if you wish, put out the fire that burns in the heart of each and every one of them.

In short and in general I would say I am referring to two kinds of conditions that pro-democratic donor countries are increasingly trying to impose on civil societies in distress, with counterproductive results:

1. Surreal financial control in combination with an indicator-driven pursuit of results on the national level or higher.
2. A self-centred political approach mixed with a herd mentality.

Let me first clarify that I do believe the work performed by human rights defenders around the world should be accounted for, both financially and in terms of results. The control mechanisms implemented must, however, correspond to the environment in which the support is given, and the objectives set must be realistic.

In most of the countries where my organisation, Civil Rights Defenders, operates, human rights organisations and activists are put under pressure in various ways by regimes. They are not allowed to organise themselves or, where they are, are given strict administrative rules for registration. Their activities are considered a threat to national security. Defenders are physically and verbally abused. They are beaten, arrested or even murdered. In cases like this, it seems somewhat absurd to insist that organisations and activists comply with the same kinds of rules that would apply to an organisation in

¹ In this paper I have chosen to focus mainly on the role of states, but what I write is also to a large extent valid for various non-governmental and inter-governmental institutions working as donor organisations.

a democratic country where the rule of law prevails and human rights defenders are not considered a threat but an asset. But that is actually the case. Direct or indirect financial support to, for instance, a journalist organisation or a human rights organisation in a totalitarian country given by a country such as Sweden must be accounted for in the same manner as when the support is given to a country in Western Europe. This means, *inter alia*, that all receipts must be kept in original. The bookkeeping must be impeccable and audited by an authorised accountant in the country in question. All money transfers should be done between accounts – cash transfers are not allowed. This leaves leaders and staff members, whether in the smallest of organisations or in well-known and well-reputed award-winning organisations, with no other choice but to put themselves at enormous risk to satisfy the so-called ‘do-gooders’ of the West. They hide receipts in unbelievable places, they smuggle money and USB-memories across borders and they have to share classified information with different donors to assure them that they are not trying to get double-funding for their activities.

On top of that, they are supposed to show the results of their work – that is, the value of the donor’s money. Under normal circumstances, this is not an unreasonable request – quite the contrary. But the circumstances are far from normal in countries and situations like this. What results on a national level could be expected in a country like, for instance, Burma when funding a human rights group to enable them to monitor and report on the human rights situation in the country? The activity will hopefully strengthen the democratic movement in the

country and, as such, the documentation is very valuable. But I seriously doubt that it will lead to any systemic changes at the national level, which is what many donors are asking for.

Let me provide you with an example. Civil Rights Defenders, together with Russian human rights organisations, is bringing cases of grave human rights abuses² in the North Caucasus (Chechnya, Ingushetia and other republics in the region) to the European Court for Human Rights in Strasbourg (ECHR). Since 2006, we have had 102 (out of 102) successful judgments, generating more than Euros 8 million in damages for victims and their families. This work is made possible through funds from Sida, the Swedish International Development Cooperation Agency. This is one of our most successful initiatives, so I was astonished a couple of years ago when Sida informed us they were considering ending the funding for the project, which they deemed unsuccessful(!). When I asked the agency to clarify what it meant, I was told they could not see any changed behaviour on the part of the Russian government, despite all the verdicts against Russia in the ECHR. Well, *touché*. If that is ultimately what counts, I see the point. But I hope, and believe, that the purpose behind Swedish taxpayers’ support for human rights defenders at risk and their courageous work against impunity is more complex than that.

While accountants are trying their best to ensure the funds are being used as they are supposed to be, and while civil servants construct increasingly bureaucratic frameworks

2 Mainly cases involving disappearances. For further information, please visit Stichting Russian Justice Initiative’s web page at www.srji.org.

to ensure that taxpayers money is efficiently used, human rights defenders and activists become more and more overburdened and are put at risk. And I am sure that, in the end, it is a zero-sum game: the costs of increased bureaucracy likely equal, or exceed, the returns. But at another level there is a huge loss: courageous human rights defenders are transformed into desk officers and accountants, trying to fill in the different forms, frameworks and requests from international donors, while keeping track of receipts and the bookkeeping in general. What they were once so sure of, the flame that kept them fighting, is receding and is only visible in the empty words they repeatedly write on the request sheets in front of them.

In connection with financial control and the pursuit of results, another phenomenon is increasingly noticeable among international donors: a self-centred approach spiced with political ambition and with little or no space for individual action – a combination that could prove lethal for the activist on the ground. By self-centred, I mean a decision-making process without proper concern for, or involvement by, the people on the ground supposed to carry out the work. By political ambitions, I refer to donor actions issuing from political and not altruistic concerns, such as spending money on projects that are considered ‘sexy’ rather than on activities with great impact but zero visibility. Finally, the herd mentality among international donors is quite obvious from time to time.

What does all this mean from a practical point of view? Well, it sometimes leaves human rights organisations and activists in very difficult situations. If no attention is paid to the needs on the ground where the actual

experts are situated, but a rather introverted perspective is applied instead, the support will completely miss the target. Lately, much consideration has been given to what I mentioned above – financial systems and control, and results-based management. If this trend continues to develop, we will inevitably face a situation where only large and well-managed organisations with solid administrative resources are able to survive and receive funding from the international donor community. An already weak civil society will be even more vulnerable and there will be no space for pluralism. A large and lonely organisation in a totalitarian country is like a sitting duck for a totalitarian regime and I am afraid it is likely that such an organisation will be very careful in its work in order to avoid a crack-down by the authorities.

Political influence on what kind of results the financial contributions are supposed to achieve can lead to donor-controlled and project-oriented support. Every donor wants to have a ‘pet-project’ to show off, but no one is prepared to contribute to an organisation’s core costs. Thus, activists on the ground are transformed into project-inventing puppets with no space for their own creativity or for initiatives of their own. Naturally, the vulnerability of local organisations and individuals increases when all the donors are running in the same direction, from one conflict to another. When something extraordinary happens, such as the crackdown on peaceful demonstrators during the recent presidential elections in Belarus, civil society is flooded with funds that were not available before. No one really asks if civil society is at all capable of using the funds, and the receiving party is only too happy, at least initially, to suddenly get attention.

In conclusion, it is my firm belief that the international donor community must review its increasingly burdensome policies regarding financial control and clear results in relation to development support to human rights defenders and activists in difficult countries and regions. As an accountant put it to me in a conversation a couple of years ago: 'Basically, it is not about doing right – it is about doing the right things', which means that we must retain a focus on achieving maximum control in a given situation by instituting a minimum of measures. Only then are we able to satisfy, at least partly, the different needs at stake. But we have to realise that we cannot have both.

It is almost exactly 22 years since a courageous man stepped out in front of a column of armoured vehicles in Beijing, carrying two plastic bags in his hands. He disappeared just as fast as he appeared, and no one knows his name or faith. Democratic states have a responsibility to nurture people like him, people that dare to stand up to injustice. If we continue on the path described in this paper, I am afraid the next time we witness something similar to what we saw in Beijing that warm summer's day, it will not be a courageous activist risking his life for others but a disillusioned human rights defender trying to avoid the tanks, hurrying home to his desk and carrying two bags of receipts and financial reports.

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This volume contains the presentations given at the Civil Courage in the International Arena seminar that took place at the Dag Hammarskjöld Foundation on 10 June 2011. The seminar formed part of the activities to commemorate the 50th anniversary of the death of Dag Hammarskjöld. Attended by NGO activists, several of whom have harsh experience of what it means to show civil courage under duress, writers, diplomats and academics, the seminar had as its purpose exploration of the interpretation and practical expression of the concept of civil courage in today's world with a view to strengthening ethical principles in the international arena. It is well known that ethical concerns were profoundly important to Dag Hammarskjöld, both as an individual and in his capacity as the foremost civil servant of the international community. This volume seeks to pay tribute to that abiding legacy.

The seminar took place against the backdrop of the dramatic events we have come to dub the 'Arab Spring'. Since then, however, many new developments have unfolded on the international political stage, not least in the Arab world. These papers should be read in light of the fact that they were written without the knowledge we possess today, a year later.

The aim of this volume is to present inspiring perspectives and substantial analyses of both conceptual and practical matters related to civil courage. We hope the texts offer inspiration and insight to all those engaged in the international arena in the service of peace and justice.

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