

Paradoxes and Dilemmas of Institutional Change: human rights and livelihoods in remote war-torn Angola

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Overview

This case study critiques the conceptual architecture of a UN peacebuilding project called the Human Rights Committee (HRC). The Committees were designed for implementation in Angola's war torn provinces, as peace loomed uncertainly in early 2001. The case study assesses the information available in April 2001ⁱⁱ and, on this basis, forecasts how the HRC was set to affect lives and livelihoods - if it operates as planned. In order to do this, sections below compare three snapshots taken of the small semi-urban city of Uige, provincial capital of Angola's northern Uige Province. These snapshots are of the: 1) formal political institutions, 2) informal landscapes, and 3) and how these were imagined in the documents and processes of the Human Rights Committee. Essentially, the paper asks 'what are the implications associated with how well the three 'fit' together?'

After the introduction, findings are presented in six parts. First, there is a brief description of the HRC and how various implementers viewed it. Second, is a general portrait of the capital city of Uige in the context of Angola's thirty-year civil warⁱⁱⁱ and resultant massive internal displacement. Third, is a sketch of the 'formal' and 'informal' political and civic landscapes of Uige. The fourth section describes how the HRC valued and sought to interact with both the 'formal' and 'informal' political dimensions of Uige. The fifth section details the finding that the Committee resembled a top-down, externally driven state-building project premised on ostensibly *universal values* rather than vetted knowledge. The final section concludes by suggesting areas where further research could identify mismatches between institution building efforts and local context, and forestall the creation of disempowering government structures. These suggestions are contextualized by specific discussion of the complexities of the state society relationship in Angola.

Introduction

The peacebuilding operation in Angola – and the HRC specifically – takes its cue from the post-Cold War merger of security and development (Duffield 2001), in which the prevention and resolution of conflict is married to developmental concepts such as liberal governance, democracy and human rights. Both 'security' and 'development', however, remain unsettled practices of global relations, and the focus of intense critique. Many of

these relate, in one way or another, to the charge that both mainstream security and development studies tend to operate on the basis of problematic assumptions about the way the world *really is* and how it *really operates*. A key feature of these assumptions is the way traditional paradigms of security and development privilege elite and expert knowledge, while excluding and marginalizing the opinions and preferences of those whose poverty has become the *raison d'être* of the humanitarian industries (Abrahamsen 2001; Ferguson 1990; Parpart 1995). **To the extent that this is true, peacebuilding efforts may, in fact, hinder the self-help efforts of recipients to manage their own resources and enrich their local landscapes** (Brock-Due 2000). This is especially true for Africa, where we see conflict and development explicitly married in the UN discourse.^{iv}

In terms of the merging of security and development, and the paradoxes and dilemma invoked, Angola is a textbook case. Angola has always been at war. It endured one of the most pernicious colonial histories on record, was subject of the bloodiest colonial anti-independence insurgency south of the Sahara, and later became one of the worst casualties of South African expansionist policies and covert US Cold War destabilization. In the early 1990s, Angola was the site of arguably the poorest example of 'experimental' peacekeeping.

Today, Angola, and its geopolitical baggage, remains no less complex and controversial. Its most sceptical observers contend that Angola's long considered legitimate government, the MPLA^v, is the gatekeeper of a parasitic and predatory system in which a small number of national and international interests, reaching to the highest level of the most powerful administrations in the world, profit grossly – all on the back of humanitarian catastrophe. To say that Angola's relationship with the international is complex, is to belabour the obvious. In this polarized context, constructive relationship building among local, national and international stakeholders and efforts to build coalitions for sustainable, equity-based reconstruction and development are complicated business. With the 2002 military triumph over rebel group UNITA^{vi} and the battle death of its leader Jonas Savimbi, Angola finally stands on the brink of a long-awaited development and prosperity. Despite the presence of a sizeable UN humanitarian mission, the people of Angola have suffered tremendously from an uneasy and complicated relationship with the international forces for both good and greed.

Nevertheless, their future will be scripted by the institutions and policies international actors bring with their peacebuilding efforts.

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

What is the Human Rights Committee?

Human Rights Committees were initiated by the United Nations Observer Mission in Angola (MONUA) in 1997, and officially created in Angola's northern province of Uige, on November 09, 2000. Conceptually, the Human Rights Committee was designed to serve a non-coercive law and order/mediation function and to help bridge the gap left by weak and/or non-functioning government institutions. That is, it sought to create a framework that individuals could use to both minimize and mediate interpersonal and state-society conflict (but moreover the former), such as abuse, violence, resource claims, etc. To accomplish this, it sought to construct an institutional capacity for government together with civil society to monitor intra-community relations, document and consider redress for human rights abuses (perpetrated by either the law and order arm of the state or by community members against each other), with the ultimate goal of fostering a social climate in which respect for human rights would become the norm. It was envisioned that each of Angola's provinces would have an HRC, as part of its provincial government system. In most provinces, Committees were the responsibility of the UN Development Programme (UNDP); however, in the province of Uige, the HRC was a UN High Commission for Refugees (UNHCR) project. The UNHCR was the Lead Agency for Uige owing to the province's high number of internally displaced persons (IDPs) and associated humanitarian relief operation.

Provincial Human Rights Committees included, mainly, government officials (8 in total), 1 representative of traditional authority structures, and several members of civil society, specifically from religious institutions and human rights-related non-governmental organizations. Committees were designed to operate in conjunction with local volunteer monitors at the community-level. To this end, community meetings were held, and volunteer human rights monitors selected (and self-selected).

It was envisioned that the Committee would meet regularly and hear complaints and reports from the volunteer community-based human rights activists, and otherwise co-ordinate human rights awareness activities, such as the local weekly radio show that had been established to broadcast information about human rights. **In the longer term, the Committee was meant to provide the roots for a social and political culture based on human rights, which could keep political reforms on the 'right' path once peacebuilding and reconstruction began in earnest.**

Discussion at the Provincial Working Groups meetings in Luanda revealed that the HRC project was not uncontroversial. For example, the UNHCR staff and NGO partners remained committed to the instantiation of a quasi-political body called the Human Rights Committee in Uige. In UNDP led provinces, however, both the project and the underlying principles were in the process of being set aside. The Office for the Coordination of Humanitarian Affairs (OCHA) representative commented (paraphrased from field notes):

Initially OCHA was supportive of the parallel structure approach [to institution building], but now we are going in a different direction, towards constructive engagement; we may be going in a horribly wrong direction, if so, we will move

back to the first strategy. We are still relying on informal chats with key informants at various organizations to keep us up to date.

The UNHCR staff, however, expressed a strong commitment to the grassroots credentials of the HRC, with the field officer in charge arguing that it had the potential to mimic the elder council structure common at the village level. That is, it was envisioned that the credibility and utility of the HRC would be enhanced by the structural similarities between decisions rendered by a council of governmental and non-governmental notables at the municipal and provincial levels, and decisions rendered by a council of elders at the village level. This contrasted significantly with the perspective of OCHA and the UNDP, who had begun to see the community-level component of the HCR as something that the central and political governments might view as an attempt by the UN to create a parallel UN-sponsored government body. In this light, one high level UNHCR official commented that the UNDP 'was now just the development arm of the World Bank.'

At the time of field research in April 2001, the Human Rights Committee project remained both conceptually and operationally embryonic. The Committee had been established, a number of community-level meetings had taken place and volunteers selected. UNHCR in Luanda was in the process of putting together a library of human rights related resource materials. The Committee still lacked permanent office space, and government officials only haphazardly attended meetings. Nevertheless, from the steps that had already been undertaken it remained possible to look at the project's conceptual architecture, and identify some potential implications. That is, it is possible to make some tentative extrapolations that point to areas in need of further research before implementation.

A General Portrait of Uige

The capital of Uige province is the city of Uige, which was maintained as a protected safe area by the MPLA army and the United Nations humanitarian presence during the war. Since UNITA rebel activity was frequent in the province, most of the people living in the provincial countryside had either gravitated to the city for safety reasons, or had been 'relocated'^{ix} there by the government. In the final years of the war leading up to Savimbi's death, the GoA forces adopted an aggressive military strategy wherein they forced UNITA supporters and civilians alike out of the countryside and into Internally Displaced Persons (IDP) centres - like Uige. This was part of a strategy to flush UNITA out of the bush by leaving it no rural support-base upon which it could rely for food and other support, and no non-partisan civilians upon which to prey. At the same time, UNITA was increasingly conducting village raids, one of the more pernicious effects was the abduction of women and children, who often suffered sexual abuse and/or were forced into relations of servitude.

The city itself was largely destroyed in the war of 1992, and had not been reconstructed. As a result, most of the buildings were uninhabitable. The city lacked civic infrastructure, including water, electricity and phone, except in the case of humanitarian offices and military offices, for which special connection provisions had been made. By and large, basic water and electricity relied upon individual generator power, except for erratic supply from the thermal electric plant, usually 'a few hours in the evenings, with

frequent power cuts, unstable current and days without any power whatsoever' (OCHA 2000: 9). Municipal buildings, such as the Ministry of Justice, still had no access to electricity or water. All of the windows were broken, and the building itself had no remaining light and plumbing fixtures. Most resident had no electric power, and the primary source of water was rivers, creeks, unprotected shallow wells, and the 10-12 rehabilitated streams.^x

The city had two small bars, one of which doubled as a restaurant, and no stores. All basic necessities available in Uige are found at the central outdoor market, which has an odd variety of wares and manufactured goods, and basic agricultural goods, mainly grown in the Uige area or imported by the World Food Organization. The impassability of roads to Uige, however, and the infrequency of air transport, meant that the prices and availability of basic foodstuffs, especially sugar, could vary widely. According to a Médecin Sans Frontier (MSF) representative, malnutrition affected a large percentage of the population – especially children.

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

Power and the Formal and Informal Political Structures in Uige

Based on information provided by the UNHCR in Luanda and other UN agencies in Uige, it is possible to discern at least 6 striking features of the provincial political system: 1) All key members of the provincial political structure are appointed by the highly centralized presidential system in Luanda – and the rest are appointed by the provincial administration. 2) The provincial government has essentially no independent decision-making authority, and answers in all things to Luanda. 3) The provincial government receives no guaranteed budget from Luanda and has no discretionary funding capacity or authority, nor does the province itself have any wealth generating capacity. 4) The court- and prison- based justice system is essentially not functional. 5) The traditional elder/Soba-based decision-making and conflict resolution systems are largely intact (but unstudied) and govern village and inter-village life. 6) A significant portion of the population has no citizenship or identity papers, and is therefore of ambiguous citizen status.

These features fit together into a political architecture in which the provincial government is accountable only to Luanda, and exists in Uige mainly as a conduit for presidential objectives. Provincial political positions are not elected, and the provincial political system has no institutional mechanisms for deliberative democracy or popular accountability. To the extent that the provincial government functions at all, then, it

boasts meagre democratic credentials and can be considered authoritarian (benign or not), top-down and highly centralized. At its disposal, is a large number of para-military forces that police law and order in the city/international non-governmental organization (INGO) core, but not the surrounding village areas. Police and para-military forces tend to have an uneasy relationship with the local population, many of whom see them as a threatening, and/or illegitimate authority.

At the time of independence (1974), all of Angola's resources were handed over to 'the people of Angola' by the Portuguese, and under the constitution, belong to 'the people of Angola.' **The ambiguity has left key resources, such as oil and diamonds, in the hands of the elite, but few other institutional mechanisms exist to police resource use or mediate resource disputes.**

The government retains for itself the ultimate title to land, and while elsewhere in the province, informal guarantees of land use have been secured, this was not the case in Uige.

Agricultural land is at a premium in the Uige safe area. Reportedly, established members of the larger loose confederation of communities have worked out a seniority plan of land use where subsistence items are grown – but according to government officials, individuals or villages own none of this land, and this informal use is at the discretion of the local administration and not subject to any guarantees.

In Uige, the formal justice system barely functions. It consists of one functioning court – in a building with no lights, running water, windows or permanent offices. In April 2001, the prison housed 86 prisoners, 68 of whom were awaiting trial. The city of Uige, itself, had a military/police presence mainly responsible for general order and military functions, but they only operated in the urban core comprising the airport, military and municipal offices, and UN and NGO offices. Officers had limited capacity to function in the villages where the majority of people reside, and thus provided few civil protections. Further, as in other areas in Angola, reports of police abuse of power are common and confidence levels in the police among the general population are extremely low (Manning 1999). The relationship between paramilitary forces and the population in general was manifestly tense.

The vast majority of people are self-organized into village communities. These communities adhere to their own internal political logic reportedly governed by the Sobo, a male elder and traditional chief in concert with a council of elders. Political life is similarly structured among the internally displaced, the majority of whom integrate into existing communities upon arrival. Where whole IDP communities are relocated or where the UNHCR and its partners have constructed IDP villages, the Sobo systems tend to remain intact or re-emerge.

To date, understanding the Sobo system has, in isolated cases, proven crucial to mobilizing the community toward common goals. For example, YME, a stream rehabilitation NGO that relies on community labour organized by the Sobo to provide those communities with outlets carrying clean water, reported that co-operation from the Sobo was the key determinant of swift project success and community support. Traditional systems also play an important role in dispute resolution. Both the YME and local UNHCR representatives confirmed that the Sobo, in co-operation with a council of elders, acts as community ombudsman by mediating resolutions when disputes arise between community members and between communities.

Thus, the vast majority of political and law and order (type) functions in Uige occur at the village level. It is important to note, however, that these exist mainly within the context of cultural expressions of privilege and responsibility. For example, the YME representative noted that because women had primary responsibility for water provisioning, it could be difficult (but not always and varying from village to village) to persuade the Sobo of the importance of stream rehabilitation, especially where this meant bringing water outlets closer to the village and thereby diminishing women's workload and time commitment.^{xi}

It is, then, at the village level where the majority of people living in Uige mediate crosscutting social struggles associated with access to productive resources and social freedoms - bounded by issues of class, gender, age, and ethnicity. This contrasts to the formal state sector, which has neither the legitimacy, the coercive capacity, the pluralist deliberative institutions, nor structures of accountability to respond to people's preferences.

That is, in Uige the state is clearly a 'distinct and discrete organization of power' (Mohamed Salih 2002: 27). As noted, the state does not and cannot operate in or police village areas, and its capacity to extend even the most basic services and thereby justify its existence is extremely limited. This means that while in theory, the power of the state confers 'fixity to otherwise unstable power blocks in society the social order is constituted through the state and exists within the parameters laid down by the state' (*ibid.*: 28), this is not (yet) the case in Uige.^{xii} In Uige, the state is a manifestly separate and distinct entity, whose interests may or may not coincide with the population at large. Perhaps most importantly, it is not an emanation of the collective will^{xiii}, and no checks and balances exist to mediate authoritarian or harmful tendencies, should they become manifest (see Manning 1999).

The Human Right Committee and Uige's Formal and Informal Political Structures

Notwithstanding the potential for any intervention to have accidental but liberating effects, the HRC, as it was designed to operate, carried the risk of undermining existing social and political forms, while re-apportioning political power to unaccountable state elites. Below four areas of concern will be discussed:

- 1) The HRC failed to engage with local landscapes and indigenous ways of being and knowing, and did not attempt to include the perspectives of the local communities about where they are going or how various partners want to get there;
- 2) it relied, essentially, on moral and ideological foundations rather than legal or procedural ones, and thereby overlooked important structural constraints such as the lack of shared liberal social context, common citizenship status, or functioning law and order capacity;

- 3) it relied on ‘thin descriptions’ of both the identities of local peoples and human rights in order to make the context seem more amenable to a liberal human rights initiative;
- 4) finally, it ignored the potential for current and future structural opposition of interests between rural subsistence farmers and state elites.

First, the Committee was established by the UN – the main driver of the project - and included only a marginal incorporation of local voices, both at the planning stages and in its organizational design. For example, despite the fact that there are over 100 villages nestled in the hills surrounding Uige, the Committee included only one place for a representative of traditional authorities. The majority of the members of the Committee were state officials appointed from Luanda. The remaining members represented religious organizations^{xiv} and human rights-oriented NGOs. **Thus, the Committee was premised on assumptions that undervalued the contributions of local and indigenous political forms, while it simultaneously ordered them out of the emerging formal political structure.** From the onset, then, the Committee was dis-empowering for the people it meant to serve, top-down and highly centralized.

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

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

The basic lack of infrastructure and shared social context was further complicated by the fact that many people in Uige lacked citizenship papers, and at the time of research, the central government was refusing to initiate or consent to a process of recognizing citizenship and providing formal legal papers. In this context, it was problematic to assume that government would protect or recognize the rights of ‘non-citizens’, since it would establish a precedent upon which citizenship rights could later be claimed. **This dilemma raises profound questions about how people might claim ‘rights’, and the divisions and asymmetries a rights-based system**

might leave in its wake if some members of the community could legitimately claim rights (i.e. citizens), while others could not (i.e. stateless/displaced). Thus, the HRC had no real legal or social base, and it lacked crucial elements such as popular legitimacy and equality of application.

Mark Duffield (2001: 221-222) has identified the logic behind these non-legal human rights initiatives: 'Essentially, a distinction [is being] made between human rights interpreted in legal terms and associated with monitoring and enforcement, and human rights understood as a moral force derived from the universality of their application.' However, to the extent that this approach relies on the ideal of simply bringing the 'truth' of human rights, as a pre-determined package, to *unknowledged* peoples, human rights initiatives rely on 'thin descriptions' that

model social phenomena in minimal measurable terms. They give a comforting appearance of objectivity and seem to travel with ease across cultural and historical boundaries...[and] often assume a taken for grantedness that escapes critical scrutiny...Such thin descriptions and images have a tendency to turn into very thick, politicized, and controversial ones the moment they move out of global speech-space and become localized and situated in social reality (Clifford Geertz in Broch-Due 2000: 49).

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

For Internally Displaced Persons (IDPs) the process is compounded (see Duffield 2001) by the assumption that they live in the 'state of nature'. In this case, the logic is an attempt to transform the object to which it refers – the rational actor in the state of nature – into the liberal citizen. **Framed in this way, the most complex dilemmas and vexing paradoxes can be resolved by the introduction of a new rights-based political and moral boundary.** The pre-existing context is anarchy. Thus, where we ought to find some evidence of local consultations and

sensitivity to local processes, we find only that: ‘All activities of the committee shall be conducted in accordance with the spirit of the Universal Declaration of Human Rights, the African Human and People’s Rights Charter, other international conventions and the Angolan Constitutional Law’ (4). These are taken as *universal*, and thus the peoples of Uige, who have had even fewer opportunities than most Africans to participate in the rule-making and agenda-setting processes, need not be consulted.

Thus, by side-stepping both legal and culturally relevant questions and substituting ‘thin descriptions’ of the local peoples and human rights, the HRC attempts to pre-determine the trajectory of some of the most important aspects of the emerging political system without attempting to get some perspective on ‘a shared community of discourse and argument, consisting essentially of a sense of direction about where the society is headed and how its various partners want to get there’ (Bustello 2001: 10).

The HRC in many respects, then, resembled a top-down project of transformation and consolidation. **Specifically, the HRC was designed to legitimize human rights as the platform from which people understand their place in Angola’s emerging political structures, and the platform from which to engage the state.** As enticement it holds up rights, which the state cannot protect, but which confer upon citizens the duty to recognize that the state is *invested* with the authority to make binding decisions in the interests of those rights it is supposed to be protecting.

Fourth and finally, the promulgation of the mythology that non-democratically installed state elites are in fact invested with the authority and legitimacy to act on behalf of peoples within the boundaries of the states they claim to control has tended, as in Sudan and elsewhere, to have negative implications for rural small holders. One reason for this is that the levers of power in states characterized by low-intensity or non-democratic political economies tend to be dominated by political elites – here, as noted in the final section, Angola is no exception. **In the current global climate, national elite interests and strategies readily dovetail with those of foreign investors whose interests in exploiting natural resources and cash crop opportunities are often in structural opposition to the interests of rural small holders.** Rural smallholders may or may not have legal title to land, or the resources and access to a sufficiently robust legal system to protect their title, while ‘right to development’ has often meant that the indigenous rural population is expected to sacrifice access to resources vital to their survival, such as land, water, and forests – for the *greater good*. ‘These [the resources of the poor] are the very resources that authoritarian development appropriates as an exclusive domain for its destructive interventions’ (Mohamed Salih 2001: 58). For example, in the Sudan, [t]he appropriation of Nuba land by a privileged political and business elite in the name of development’ has resulted in over ‘100,000 people being forcibly evicted or displaced by...private agricultural schemes’ (*ibid.*: 48). Luis Hernandez Navarro (2001: 117-118), indigenous rights activist points out, the threat development poses ‘is attributable, in part, to the lack of recognition of indigenous political institutions and to their lack of political representation in institutions which wield power at the municipal, state and federal levels.’

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

Summation and Concluding Remarks

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

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

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

One reason why the HRC is an important and telling case is because in Angola, as elsewhere across Africa, the UN has linked rule of law with human rights, conflating governmental authority with the satisfaction of basic needs and dignities – even in the face of widespread evidence to the contrary. As such, rule of law has come to be seen as a straightforward, uncomplicated, and unambiguous good. For example, one of the key areas of focus for the Department of Political Affairs in Angola's 2001 *Consolidated Inter-Agency Appeal* is to 'strengthen rule of law' (125). 'This project is complementary to capacity building activities already underway and is designed to support Government efforts to reform the justice system'. Towards this end, the UN system will 'conduct municipal seminars on the rule of law with local authorities and civil society' (125).

This unwittingly confronts, however, a general social context of ‘profound scepticism about the abilities and intentions of government in general’. Carrie Manning (1999: 35, 37), for example, documented some local perceptions:

We don’t believe in extension of the state administration because all of the forces of society are not in agreement that this process should be carried out. So we simply have vandalism by one side against the other.

In a democracy, the government should listen to the ideas of the people who elected them, but in this democracy [Angola], this provision does not exist in practice.

With respect to law, Manning noted ‘recurring’ themes among survey respondents: ‘[O]nly ordinary people were subject to the limitations of the law’ (43). Many people believed that the police made the law (43), and this belief dovetailed with high levels of cynicism and frustration: ‘It is much better to come across a petty criminal than to come across the police’ (38). Similarly, in Uige, residents were clearly sceptical and uneasy about the perceived imposition of the new normative and legal standards represented by the HRC. More research needs to be done in order to better understand these tensions and the dynamics underlying them before institution building starts.

Part of this research would be a mapping of the structure of interests that characterises state/society relations in order to challenge illusions that elites can and ought to speak for people and communities in general. Even the most cursory review of Angola’s history and contemporary political architecture makes clear that the routine conflation of the ruling elite with society in general – and in this case rural smallholders – is wholly unwarranted. As such, the Angolan case illustrates well the complications and contradictions involved in state-capacity building.

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

At the same time, however, meeting participants expressed frustration that the GoA was, at times, only cooperative to the extent that specific performances could be linked to the dispersal of monetary ‘bundles’. Further, the GoA routinely played agencies off one another as part of the performance. For example, it was noted that documents the GoA was charged with designing for the World Bank in order to secure the release of Poverty Reduction bundles had been written by UNDP staff, after government requested their assistance.^{xv} That is, the Terms of Reference would pass from World Bank, through the to the GoA to the UNDP, back through the GoA and, ultimately back to the Bank. As a result, ‘bundles’ accrued to the GoA – for performances carried out by the UNDP for the World Bank.

Such paradoxes and dilemmas seems to be widespread but largely unresolved. For example, similarly, OCHA emphasised the development of ‘Regulamento’^{xvi} for the eventual adoption by the GoA. The main emphasis of the ‘Regulamento’ was the diffusion of norms, the creation of architectures of competency and political administration, and the pairing of government departments with UN/NGO partnerships in areas of intervention, such as water and sanitation, land claims, citizenship registration, etc. However, these processes would not only enhance the capacities of a benign developmental state, but also the power, reach and control of *any* state. ‘*Political power*’ as Mann (1986: 26) notes, ‘derives from the usefulness of centralized, institutionalised, territorialized regulation of many aspects of social relations.’

With this in mind, evidence that the GoA has *unevenly* pursued development, enfranchisement, human rights, etc., is widespread (Hodges 2001: HRW 1999: Wilson 2002; Wilson and Mwaka 2003). Elites have also shown a propensity for wielding state power for self-enrichment (see Global Witness 2002). For example, the GoA has purportedly been responsible for forced displacements, for both military and narrow economic purposes. In 2001, the government was widely condemned for the forced displacement of barrio residents from the waterfront slum Boavista – and for just one week later calling on the international community to respond to the plight of the homeless.^{xvii} Critics charged that government was making room for luxury accommodation, later confirmed by widely advertised construction plans.^{xviii}

There were also widespread reports of forced displacements in the countryside. The UNHCR recorded the tragic circumstances of a village that had been attacked, allegedly by the FAA (government forces). The leader (termed Sobo) and elders had been shot, and the rest of the village forcibly displaced to the city of Uige. Interviews with the Military Commander confirmed the general thrust of events, but argued that elders were shot in crossfire between UNITA troops, and that villagers had been evacuated for their own safety. He also reported that UNITA was in the habit of stealing FAA uniforms and perpetrating atrocities, in a battle for the hearts and minds of the rural villagers, UNITA’s traditional support base. Interviews with the villagers rejected the claim of UNITA presence and insisted they be allowed to return to their tribal lands and subsistence crops. They asserted that they desperately wanted to return to their crops and traditional lands. The Military Commander confirmed the government would be unable to assist them in this goal in the foreseeable future.^{xix}

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

More research is urgently needed to systematically document and synthesize these types of dilemmas and the ways they complicate UN policy. The finding here is that the HRC was not poised to effectively navigate this treacherous landscape in ways that would insure that the instantiation of the HRC would not lead to greater harm falling to those it ostensibly sought help. First, it failed to engage with local landscapes and indigenous ways of being and knowing, and did not attempt to include the perspectives of the local community on where it is going or how it’s various

partners want to get there. Second, it overlooked important structural constraints such as the lack of shared liberal social and political context, and common citizenship status. Third, it relied on 'thin descriptions' of both the identities of local peoples and human rights in order to make the context seem, in effect, more amenable to a liberal HRC. Finally, while it is unlikely that it will address the structural opposition of interests between rural subsistence farmers and state elites or to go much distance towards creating an impartial and ordered tribunal for the resolution of local disputes, it is likely to contribute towards the further empowerment of political elites – who at least for the moment remain essentially unaccountable.

That is, in a very real sense, rights are conferred on individuals by states. In the absence of governments that are accountable to the people, 'not only for the resources they receive and spend, but for the very policies they formulate and execute' (Mamdani 1995: 22), a human rights paradigm asks peoples to accept and legitimize a fundamental re-orientation of the power architecture that further empowers unaccountable elites. From here, it may be a slippery slope to the lands and resources, all over the developing world, that have been appropriated by a privileged and business elite in the name of development – and sometimes even the 'right to development'. As the victims are often the first to find out, access to resources vital to survival and self-determination and freedom, such as land, water and forests, 'are the very resources that authoritarian development appropriates as an exclusive domain for its destructive interventions' (Mohamed Salih 2002: 58).

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ⁱ The author would like to thank the UN High Commission for Refugees, the Social Sciences and Humanities Research Council and the Canadian Department of National Defence for their support.

ⁱⁱ At the time of research, the only specific document related to the HRC was: Republic of Angola. (2001). *Internal Regulations of the Provincial Comitee [sic] on Human Rights: Uige Province*. This document provides information about its creation and institutionalisation, and notes that ‘five other committees were also created’ on November 9, 2000 (4). It then goes on to provide a skeletal overview of its nature, scope and operational procedures. It notes, ultimately: ‘Having taken note of the lack of a document that regulates the operation of this committee, there is an urgent need to establish regulatory norms that will enhance its effectiveness and orderly operation.’ At the time of research, this had yet to take place. However, it does go on to note that: ‘All activities of the committee shall be conducted in accordance with the spirit of the Universal Declaration of Human Rights, the African Human and Peoples Rights Charter, other International conventions and the Angolan Constitutional Law’ (4).

ⁱⁱⁱ During fieldwork, the war was on going. With the death of UNITA leader Jonas Savimbi in early 2002, peace was subsequently brokered.

^{iv} See for example the *Road map towards the implementation of the United Nations Millennium Declaration* (2001) and Report of the Secretary General, *The causes of conflict and the promotion of durable peace and sustainable development in Africa* (1998).

^v Movimento Popular de Libertação de Angola

^{vi} União Nacional para a Independência Total de Angola

^{vii} Please see ‘Truth, Certainty and Subjectivity: the ethics of war-time research in contested spaces.’ *Researching Violently Divided Societies*. Marie Smyth and Gillian Robinson (eds.). United Nation University Press and Pluto Press, forthcoming, for a description of methodology.

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

^{ix} While in Uige, I recorded a tragic story of a village that had been attacked, allegedly by the FAA (government troops), the leader and elders were shot, and the rest of the village forcibly displaced to Uige. Interviews with the Military Commander confirmed the general thrust of events, but claimed that elders were shot in crossfire between UNITA troops, and that villagers had been evacuated for their own safety. The villagers rejected the claim of UNITA presence and insisted they be allowed to return to their tribal lands and subsistence crops.

^x Some streams had been fitted with a series of outflow pipes where fresh water could be collected, and bathing and clothes washing could be done without polluting the water for downstream users.

^{xi} Interview, Uige, April 2001.

^{xii} Peter Vale (2003: 2) concluded in a recent study of security in southern Africa that analyses ‘fixated by the idea that states were the natural order of southern African things, offered no clues to a sustainable and non-violent way forward.’

^{xiii} Further, the pernicious colonial history and subsequent civil war has ensured that the state-society link in Angola has always been, and remains, very weak to non-existent (see Davidson 1973; Heywood 2001).

^{xiv} A question for further study would be to assess the importance of religious institutions to community life. Each community has a small church nearby, which was well attended on Sundays. There were clearly large numbers of people who did not attend services, however.

^{xv} A similar pattern is reported to have developed in Botswana. Interviews with the UNDP revealed that while the Government of Botswana had committed to a poverty reduction and development plan (Vision 2016), it relied on the UNDP to draft the particulars, coordinate activities and provide funding.

^{xvi} Regulations for Resettlement

^{xvii} see also: www.Reliefweb.int; <http://www.cpj.org/attacks01/africa01/angola.html>

^{xviii} see also: www.boavista.cc

^{xix} Within the span of eight months, the entire UNHCR staff had been rotated and it proved impossible to obtain information about the status of this village and their plight.