

Old and New Lines of Separation

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A few days before that fateful Tuesday in September 2001, I was taking part in the United Nations World Conference against Racism in Durban, South Africa. For all the talk about “reparations” and the widely accepted but misplaced perception of the meeting as a failure, the real story of that gathering was the increasingly visible wall that had mounted steadily within the human rights community, and which now stood to be seen by all as an undeniable umpteenth embodiment of the differences between the West and the rest—a situation euphemistically referred to as the “North-South” divide.

That, for the first time, an important international forum’s formal acknowledgement of slavery, colonialism, and their long legacies into the modern world as crimes against humanity would take a back seat to a near-semantic discussion of a more recent and more temporally and spatially limited issue (the Israeli mistreatment of Palestinian populations) was revealing of persisting polarizations and differing priorities.

Less than a week later, the anger that had been felt across the human rights spectrum and the disagreements expressed in Durban (with more acuity than in any of the other big 1990s conferences, such as those of Vienna 1993 on human rights, Cairo 1994 on population, Beijing 1995 on women, and Copenhagen 1995 on development) would, overnight, look as mere prelude to the new world in which we now live and in which cultural differences have become far more pronounced. In turn leading to further alienation and mistrust, these new lines of separation have quickly come to deal a heavy blow to the human rights movement’s cohesion and sense of historical direction.

Truth be told, the differences had been growing for years. Arguably, Durban and 9/11 were merely revealing events and—but for the ferocity of the Guantanamo/Abu Ghraib/Bagram violations and their beheadings/kidnappings/bombings counterparts—could not have come as a full surprise. Yet for all the predictability of the differences in perception, their lasting nature was still powerful.

To sum up a mixed and complex picture, the central disagreements took the form of a South that kept pointing out the primacy of “historical injustices and double standards” and the need to address these meaningfully, and a North that was too often legalistic (not to say lawyerly) in procedurally relegating the urgency of such demands to a manageable, secondary plane. In so doing, in the eyes of many an African, Arab, or Asian, the West was at once evading its responsibilities and enabling the very same (stealth)

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stigmatization of (other) cultures and religions that would become so apparent—and, surprisingly, rather tepidly denounced—after September 2001.

To many, including human rights lawyers, Western legalism undercuts—in the name of a professionalization of the discourse—the full expression of a right's violation by insisting that the assault be expressed solely in juridical terms. Yet what is inevitably lost in that translation—the pain and suffering of individuals and communities mistreated for generations—is something that cannot in the first place be captured by a system designed to address discrete violations, and not systemic and codified expressions of brutality. In that sense, the fear of having to provide reparations was in many ways due to the fact that a proposed soothing of that pain, an apology in fact, was now formulated in quantifiable legal and financial terms, the essence of the metropolis.

In such a context, the “hypocrisy” of many a Northern human rights organization became problematic particularly for those Southerners who had spent a long time working in or with those New York-, London-, Paris-, or Geneva-based groups. As it were, over the past five years or so, there has been a noticeable flight of these individuals from such organizations to the point that, arguably, the better, younger, forward-looking human rights specialists from the South are no longer to be found at Amnesty International, Human Rights Watch, or the *Fédération Internationale des Droits de l'Homme*—whose ranks they had swelled in the 1980s and 1990s—but back in academe, think tanks on justice and democracy, or their own countries' civil societies, if not governments.

This invaluable loss will come to pass as both an objective impact of the sheer transformative force of the post-9/11 world, as well as a tremendous failure of the larger human rights groups in maintaining their historical line. Faced with the demands of the new world, some organizations opted to confine their work to a safe and well-delineated documentation of case-by-case violations. Others changed their names, thus highlighting existential crises. Others, yet again, saw talk of “lesser evil” gaining (political) ground among their lead thinkers.

All in all, not much of a fight was put up to the exceptionalism of the “war on terror.”

Beyond simultaneously undercutting their ability to display historical consistency in holding American and European 9/11-related human rights violations to existing international standards and missing on the opportunity to replenish those standards with vigor so as to address new human rights problems, these leading representatives of the international human rights elite revealed the ultimate taboo in that world: cultural bias.

The challenge of the next decade, possibly the next generation, will be to recapture internationally the genuine universality of the human rights movement which, at times during the early 1990s, had been almost within reach.