

INTERNATIONAL HUMAN RIGHTS PROTECTION IN SITUATIONS OF CONFLICT AND POST-CONFLICT

A case study of Angola¹

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This paper considers the effectiveness of Angolan government and United Nations (UN) and non-governmental attempts to protect human rights in Angola from early 1998 to date, during and in the immediate aftermath of the recent conflict. Angola has suffered from one of the longest-running conflicts in Africa. The country was originally a battleground for a proxy war between the Cold War superpowers, but the conflict developed its own self-sustaining dynamic in the 1990s, fuelled by revenue from oil and diamonds. The impact of the war on the Angolan people was severe – at its height in early 2002 over four million were internally displaced and around 450 000 lived in refugee camps in neighbouring countries. Increasing violence caused by rebel attacks and government counter-insurgency activities fuelled forced displacement and created one of the largest humanitarian crises of the 1990s. The international community responded with UN Security Council-mandated sanctions against UNITA, extensive humanitarian activities, and attempts at promotion and protection of human rights. However, the effectiveness of human rights activities was impeded by weak political support from donor nations, the nature of the governing regime, and humanitarian imperatives. Despite some minor successes, with respect to human rights Angola is a case study of failure: the failure of the international community and the Angolan government to adequately protect its citizens from gross and systematic human rights abuses during a brutal civil war.

‘In October 2001, one morning, when my wife was pregnant, they arrived and she could not flee quickly enough. I was able to flee with the four children, but she was caught by the soldiers and they shot her to death’

Testimony from internally displaced person in Angola included in an MSF report on Angola²

Introduction

Angola’s long war finally came to an end on 4 April 2002 with the signature of a memorandum of understanding between the *Forças Armadas Angolanas* (FAA – the Angolan military) and the *União Nacional para a Independência Total de Angola* (UNITA). This historic agreement was greatly facilitated by

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the death of UNITA's leader, Jonas Savimbi, in February 2002.

That a conflict which had lasted for so long (since Angolan independence in 1975) could suddenly end with the death of one of its major protagonists is startling. However, other factors, including military advances, the government's counter-insurgency strategy, a changing geopolitical context (in particular the end of Cold War support to both sides and pressure of international sanctions against Unita) undoubtedly set the scene for this dramatic denouement.³

The history of the Angolan civil war in the 1990s is one of failed opportunities for peace. Initially it seemed that the end of the Cold War offered the hope of a new beginning for Angola, with international agreements leading to the independence of Namibia from South Africa and the withdrawal of Cuban troops from Angola. However, elections organised under the Bicesse Accord (1991) for 1992 resulted in a defeat in the first round of the presidential election for UNITA leader Jonas Savimbi, in an electoral process deemed by international observers to have been essentially free and fair.⁴ As a result of UNITA's refusal to accept this result, the UN Security Council imposed the first set of sanctions in September 1993 (under Resolution 864 of the UN Security Council).

UNITA's return to war allowed it to take large swathes of the countryside, including the diamond-rich Cuango Basin, in early 1993 virtually unopposed. Two years of heavy fighting ensued, which lasted until a new ceasefire came into place with the signing of the Lusaka Protocol by both parties in November 1994. The Lusaka Protocol ended the fighting and obliged UNITA to accept the results of the 1992 election, demobilise, disarm and hand over occupied territory to state administration. In return UNITA agreed to participate in a government of national unity and reconciliation (known by its Portuguese acronym, GURN).

The process of implementation of the Lusaka Accord proceeded post-1994, but with a number of major flaws, in particular a lack of trust between the two parties. The consequence was a spiralling deterioration in the political situation with UNITA largely being blamed by

the international community. UNITA stage-managed demobilisation and disarmament that left it with considerable hidden military capacity in place. By mid-1997, further UN sanctions were imposed on UNITA (Resolution 1127, August 1997, and Resolution 1135, November 1997) because of continued delays in the full implementation of the Lusaka Accord, including demobilisation and handing over of UNITA-controlled areas to state administration. In June 1998 the UN imposed a further set of largely financial sanctions (Resolution 1173) on UNITA when it became clear that the Lusaka process had broken down and UNITA continued to delay the handing over of territories. In the following months UNITA went further and began to occupy a number of districts that had previously been handed over to the government. The Government of Angola (GoA) responded with an offensive in December 1998 that was strongly countered by UNITA. UNITA's capacity to field a well-equipped conventional force at this time highlighted the obvious failure of the UN-imposed sanctions. The Angolan government reacted by asking the UN to withdraw the MONUA observer mission in place. Renewed government offensives in 1999 and 2000 finally deprived UNITA of control of most of Angola's large towns, many key bases and their capacity to wage conventional warfare. These offensives coincided with a tougher stance by the international community on the imposition of sanctions, led by the Canadian government, who chaired the UN UNITA sanctions committee at this time.⁵

From 2000 onwards the Angolan government (which retained the title of GURN and continued to include elements of UNITA that had not gone back to war) began to implement a counter-insurgency strategy aimed at depriving UNITA of any possible sources of support in rural areas. This was primarily achieved through so-called *limpeza* (cleaning) activities by the FAA. *Limpeza* campaigns were used by the FAA to clear areas of the countryside considered to harbour UNITA elements. Typically populations were forcibly moved from their lands to the nearest urban centre and crops were destroyed to ensure that UNITA had no

access to food. This movement was accompanied by the use or threat of force and sometimes resulted in the deaths of innocent civilians. It also put these civilians at a higher risk of death because of starvation and infectious diseases in the short to medium term, since the FAA failed to provide them with basic food and health assistance in areas under military control. Simultaneously, UNITA stepped up its efforts to control civilian populations through inflicting protracted violence and targeting alleged government supporters or informers. UNITA also prevented civilians from leaving areas under their control. Entire villages were forced to follow UNITA troops and provide support services.⁶

These were the principal motives for people leaving their homes from 2000 to early 2002. They contributed to the dreadful humanitarian situation in the country, and were entirely the result of the manner in which the Angolan government and UNITA decided to conduct the war.⁷

Domestic political/legal system and protection

The first point of reference in a review of systems of protection for vulnerable people invariably must be the domestic systems of the state in which these people find themselves at risk. In the aftermath of the failed election, the ruling *Movimento Popular para a Libertação de Angola* (MPLA) maintained control, despite the retention of elements of UNITA in GURN. However, while MPLA members occupied key positions within the government, power increasingly became concentrated under the presidency, with President José Eduardo Dos Santos maintaining tight control. Named after the location of his residence, *Futungo*, Dos Santos' regime centralised control of key elements of the state, including control of the armed forces and paramilitary police, and of oil revenues from the state oil company and foreign investors. Key political appointments, particularly provincial governors, continued to be under the control of the president. As a result, Angola continued to be ruled by what was

essentially a highly centralised authoritarian regime, despite the veneer of democratic legitimacy provided by the victory of Dos Santos in the first round of the presidential election. This is not to imply that the regime exhibited a highly organised structure at all times. The GoA were successful in maintaining a strong military and coercive capacity, but in other sectors rule by confusion or neglect was frequently the apparent *modus operandi*. This lack of capacity or apparent interest of key government ministries such as the Ministries of Health, Education and MINARS (Ministry of Assistance and Social Reintegration) frequently made for frustrating and ineffective encounters between international actors, local civil society and the state.

This centralisation of power was a relatively straightforward task. The dismissal of the prime minister and lack of a new appointee by Angolan President Dos Santos between 1998 and 2002 are indicative of the weakness of the Angolan legislature. The third pillar of governance – consisting of the constitution (approved in September 1992) and the judicial system – has been even weaker. The Angolan constitution, while rhetorically quite a progressive document, in practice has had little impact on how the country is governed. The Angolan judicial system has been in a state of collapse throughout the 1990s, with limited personnel and only 13 of 164 municipal courts functioning.⁸ Minimal sums have been set aside for judicial institutions by the GoA throughout the decade, a clear indication of just how little priority it accorded to this area.⁹

In the same period an increasing number of internally displaced steadily crowded the capital, Luanda, provincial towns, and formal settlements. At the peak of the humanitarian crises in early 2002, there were some 300 camps, hosting a confirmed number of 1.2 million people.¹⁰ The government rarely provided humanitarian assistance to these camps, relying instead on the services of humanitarian actors that progressively became overstretched and unable to assist this high number of people. Internally displaced persons (IDPs) also suffered frequent abuses at

the hands of government forces, including harassment, extortion, property dispossession and rape.¹¹ As a result of the almost non-existent judicial system, victims had little recourse to legal protection from their own government. The only major legislative initiative by the Angolan government was designed to provide some protection for IDPs during resettlement or return processes – not during initial displacement, or while they resided in displaced camps. These norms were required because of instances of forced return or resettlement of IDPs to sites that were either vulnerable to UNITA attacks (during the war), in mine-infested areas, or without proper access to basic resources and amenities (including adequate arable land, potable water and other essential services).

The resettlement norms covered the conditions that were required for IDPs to be resettled either in their home areas, or in alternative areas considered secure. The norms were developed in two documents, the Norms for the Resettlement of Displaced Populations (*Normas sobre o Reassentamento das Populações Deslocadas*) and the implementing *Regulamento* (these *Regulamento* were published by the GoA on 6 December 2002 and served to operationalise these norms). The norms are based on the UN's Guiding Principles on Internal Displacement and on paper they provided minimum standards for return and resettlement. However, the approval of the *Regulamento* after one million¹² IDPs had already returned home is indicative of lack of relevance of the legislation to conditions on the ground. Despite being publicly acknowledged shortly afterwards by the Minister for Social Assistance and Reintegration, João Baptista Kussumua, as an important government initiative to protect Angolans during the process of return,¹³ government compliance with the norms remained poor. The UN's Humanitarian Coordinator, Erick De Mul,¹⁴ estimated that only 30 % of those returning did so in compliance with the norms.¹⁵ De Mul presented this as a good result given the prevailing conditions in Angola.

National NGOs and networks

The emerging literature on transnational networks and human rights in the late 1990s pointed to the salience of advocacy networks transnationally and domestically. By building new links among actors in civil societies, states and international organisations, they multiply the channels of access to the international system and make international resources available to new actors in domestic and political social struggles.¹⁶ However, in Angola, the extent of such transnational linkage was relatively low, with national and international advocacy having little impact on the behaviour of the government. The Angolan case would seem to support a more realistic perspective on the effectiveness of human rights advocacy in the absence of a strong domestic reaction in powerful states to advocacy activities and when other interests of international states are involved.

Within Angola, the lack of space for effective civil society interaction with the Angolan government, and difficulties in civil society organisation and mobilisation in areas with active MPLA party cadres, made for a difficult operating environment. Confronted with the increased level of violence that stranded the civilian population during the last phase of the war, national groups and organisations focused their actions and advocacy efforts on calling for the end to hostilities through negotiation and dialogue between the warring forces. Networks such as the Inter-Ecclesiastical Committee for Peace in Angola (COIEPA) and the Network for Peace (*Rede da Paz*) insisted that there was no military solution to the Angolan crisis and that other means should be found. When the war suddenly ended through what amounted to a government military victory, many of civil society's most prominent groups and leaders were unprepared for the changed situation.¹⁷ Other national networks, such as *Fórum das Organizações Não-Governamentais Angolanas* (FONGA), were relatively quiescent with respect to joint public initiatives, although they did raise human rights issues in private meetings with visiting dignitaries, particularly UN officials.

Throughout the period under review several isolated initiatives on human rights were implemented by various Angolan groups in local settings. The main focus of their work was on human rights promotion, rather than protection activities per se, and included human rights awareness activities through training and sensitisation on the Angolan constitution and international human rights instruments. Only a few groups managed to apply a countrywide perspective, mainly as a result of associations with existing and widely spread church networks. For instance, the cultural centre Mozaico (run by members of the Dominican Order) carried out training in various provinces, often in collaboration with justice and peace commissions created within the Catholic dioceses. These training activities brought together representatives from different sectors of the community, in particular the police and local administration, and those who had suffered violations.¹⁸

More proactive national advocacy initiatives included the ad hoc commission report on human rights violations in Cabinda (in December 2002), the establishment by the Catholic Church of *Movimento Pro-Pace*, and a number of outspoken pastoral letters from the Catholic Bishops Conference. These efforts, coupled with other laudable but isolated initiatives, did not lead to an organised system of monitoring, reporting and advocacy on violations of human rights. While the stated philosophy of many national organisations was that confrontation was not the way to get things done, fear of a negative government response to public criticism played a role. In addition, the GoA proved itself adept at co-opting elements of civil society through direct financial support and/or through the use of quasi-governmental (and patrimonial) organisations such as the Fundação Eduardo dos Santos (FESA).¹⁹

Donor governments and international human rights protection

In the absence of any serious efforts to provide protection at national level and, indeed, with the Angolan government (itself the main

actor responsible for providing protection for its own citizens) being one of the main perpetrators of serious rights abuses through the use of *limpeza* activities, it seems appropriate to consider the efficacy of external actors in putting pressure on the Angolan government to protect their own people and live up to their commitments under domestic and international law.

The 1990s saw many Western governments taking an increasingly aggressive stance against countries where serious human rights violations were occurring, particularly in Africa. Political conditionality became increasingly prominent among donor governments from the end of the Cold War. With Cold War rivalry removed from the equation, Western governments felt freer to pursue basic political concerns vis-à-vis governments of the south. The establishment and strengthening of Western norms and interests, in particular relating to human rights (especially civil and political rights) and governmental systems (democracy, rule of law), assumed greater prominence in the foreign policies of Western governments towards the south.²⁰

Despite this increased international prominence of political conditionality, donors maintained a remarkably low profile in dealing with the Angolan government. The most striking aspect of Angola's situation is the lack of donor leverage. Unlike the vast majority of countries in sub-Saharan Africa, Angola effectively managed to insulate itself from pressure from foreign governments. While the GoA has a reputation for being extremely defensive towards international criticism and was unenthusiastic about international involvement after the failure of the Lusaka process, unilateralism in the absence of material power can only go so far. In Angola its independent approach was backed up by oil. Western states did impose conditionality on further international financial institution (IFI) lending, primarily with the objective of improved transparency in accounting for oil revenues. However, throughout the 1990s the Angolan government succeeded in expanding revenues from its offshore oil reserves; either directly through profit sharing, or through oil-backed

lending on the basis of future income. Income from oil was controlled by *Futungo*, with government transparency in the amount and use of these revenues abysmal.²¹ This ability to rely on private lending meant that the international donor community had little leverage over the Angolan government using the classic instruments of conditionality on IMF and World Bank loans and bilateral aid. Indeed, Angola's astuteness in setting countries off against each other in oil exploration and extraction meant that throughout these years the international community remained fragmented and largely self-interested in its dealings with the country, giving the government a relatively easy ride with human rights concerns. The horrendous humanitarian situation in the country also meant that Angola continued to receive significant amounts of humanitarian aid, despite the government's failure to account for its oil revenues or invest significant resources into humanitarian aid itself.²² Such humanitarian assistance was channelled primarily through the UN and NGOs and effectively replaced the Angolan government's task of caring for its own people - a classic catch-22 dilemma in international humanitarian action, given the chronic humanitarian situation in-country.

UN protection initiatives

This weak donor position inevitably led to a weak UN political presence in-country and to weakened UN efforts at human rights protection, particularly after the failure of UN peacekeeping efforts. The UN human rights presence in Angola began in 1996 as a small unit attached to the United Nations Verification Mission in Angola (UNAVEM II). The mission expanded in 1997 under the United Nations Angola Verification Mission III (UNAVEM III), in June of the same year becoming the United Nations Observer Mission in Angola (MONUA). At this point the unit was consolidated into the Human Rights Division (HRD). When, in February 1999 MONUA's mandate was not renewed on request of the GoA, the HRD was asked to continue its activities, though still confined to

building the capacity of its institutions and implementing activities for raising human rights awareness.

At the end of 1998 the country began to plunge into war again. The HRD, already handicapped by a limited mandate and in the hope that with time and more confidence the GoA would accept its protection function (including human rights investigation and public reporting), maintained a low profile. Activities included limited training of GoA police and military officials and ad hoc programmes with civil society. The HRD did score some small successes during this time. One example was its support in the establishment of a human rights committee in IDP camps in Viana (on the fringes of Luanda) that was successful in addressing abuses in these camps. However, although most egregious violations were happening around combat areas in the interior of the country, the HRD did not manage to expand to the central highlands and eastern provinces, limiting its action to the capital and the safest provinces in the coastal region. Even in Luanda, the remote location of its office at the edge of town impeded greater communication with partners and provision of public information regarding its activities.²³

Only in August 2002, after the signing of the April 2002 ceasefire, did the UN Security Council finally provide the new United Nations Mission in Angola (UNMA) with a six-month mandate including 'the protection and promotion of human rights'.²⁴ The real impact of having a stronger mandate was minimal. A planned expansion in the country through regional offices did not take place, while the deployment of additional officers authorised by the UN resolution to increase the size of the mission was delayed for several months. When the then UN Commissioner for Human Rights, Sergio Vierra de Mello, visited Angola a month before the end of the new mandate, the INGO network in Angola (CONGA), disappointed by the delay in implementing its mandate, produced a letter stressing how violations were still widespread and criticising the UN response as seriously inadequate.²⁵

In February 2003 the HRD was merged into a technical unit supervised by the Resident/Humanitarian Co-ordinator and was tasked with completing the residual tasks of UNMA, including the social reintegration of demobilised soldiers, de-mining, and technical assistance in the preparation of elections.²⁶ The human rights component of the unit was restricted once more, this time being confined to strengthening Angolan human rights institutions. The unit now reports directly to the UN High Commissioner for Human Rights. With this significant dilution of the mandate, a short window of opportunity to boost protection activities at a crucial time in Angola's post-war transition by the UN was lost.

While the HRD prevaricated and failed to take a lead role, the UN Office for the Co-ordination of Humanitarian Assistance (OCHA) and the UN High Commissioner for Refugees (UNHCR) initiated a process to devise a countrywide protection strategy based on creating provincial protection groups and, using the UN Guiding Principles on Forced Displacement, training personnel, both from local authorities and humanitarian organisations. This move was made in the face of widespread human rights violations suffered mainly by displaced groups during the war. A decision was taken early on to include government officials in protection groups at all stages, including local level. The result was that too often this approach meant that non-governmental participants were immobilised from effective action within these forums because of fear of negative consequences and lack of confidence in the process.

OCHA took a strong lead role in these developments, attempting to fill an institutional vacuum within the UN system. Despite the structural weakness of the UN in pushing protection activities with the Angolan government, OCHA was successful in developing an information network that fed some information on human rights violations to the UN Resident Co-ordinator and more broadly within the UN system, allowing the Resident Co-ordinator some scope for mainly private advocacy on human rights issues. OCHA personnel were also active in bringing some acute

violations to the attention of local authorities, with varying success. The primary tasks of OCHA field officers included co-ordination of humanitarian activities, local liaison with government and NGO counterparts, needs assessments and, frequently, security co-ordination. As a result, field officers, despite their (at times) strong personal commitments to human rights protection, were often overwhelmed by duties other than protection activities. In addition, field officers typically had a strong background in humanitarian rather than protection activities and, as a result, were often technically unprepared for carrying out protection initiatives.²⁷

UNHCR's operations were concentrated around the capital and in only two northern provinces, working both with returning refugees and the resettlement of IDPs. Protection activities focused on the creation of human rights committees to deal with human rights abuses and seek redress before local authorities. These had mixed results, mainly because of high staff turnover and a consequent lack of consistency in approach. Owing primarily to weak in-country capacity, funding difficulties, and an ambiguous commitment to the IDP protection work countrywide, UNHCR did not play a greater role in human rights protection activities, despite recommendations by an internal UNHCR evaluation team that visited the country at the end of 2001 to strengthen their protection activities.²⁸

Overall, UN activities in the field of protection suffered from the same structural weakness (that is, lack of leverage / bargaining power) that led to a weak donor effort vis-à-vis Angola. In the absence of strong support from donor nations, the UN was placed in an institutionally weak position in Angola. This was exacerbated by an Angolan government perception that the UN had failed Angola in the previous peace process. As a result protection activities suffered from recurrent subordination to UN concerns to maintain some political presence in-country, presumably in order to maintain a dialogue with the Angolan government and secure a possible UN role in any new peace process.

This weak institutional commitment to vigorous protection activities was exacerbated by a lack of clear ownership within UN agencies on protection activities. There was no effective 'lead agency' for protection strategies and activities within the UN system. A chronic lack of funding by donors for protection programmes, particularly mainstreamed in the UN's Consolidated Annual Appeal's process (which was itself based on a human rights approach), cannot have helped.

Advocacy groups, humanitarian agencies and human rights protection

The most significant action on highlighting (and denouncing the perpetrators of) the serious protection problems faced by the civilian population during the war in Angola was undertaken by international humanitarian and human rights advocacy organisations, most notably at an Arria Formula²⁹ meeting with members of the UN Security Council in New York in March 2002. The agencies urged the GoA, the UN and the international community to address the humanitarian crisis and pay more attention to the protection needs of the internally displaced. They stressed that lack of good governance, transparency and accountability were impeding greater respect for human rights.³⁰ Three of the agencies that participated in the Arria Formula, *Médecins Sans Frontières* (MSF), the Human Rights Watch (HRW) and Oxfam, highlighted the lack of attention to large-scale human rights abuses during the war. However, the impact of their advocacy on members of the UN Security Council was minimal.

Outside of such 'high politics', international humanitarian organisations sought to raise public awareness of the human rights situation in Angola throughout this period. The MSF took the strongest public role. MSF sections had a significant presence in Angola throughout the war, being collectively located in almost all Angolan provinces, employing around 150 international staff. Through assisting recently arrived displaced in its therapeutic and feeding centres, the MSF collected hundreds of testimonies that documented a series

of violations suffered by those trapped in conflict-affected areas. The MSF published a series of reports on the situation in Angola, using these testimonies to highlight human rights abuses being perpetrated by both sides.³¹

These testimonies and other evidence highlighted that the lack of access of humanitarian agencies to isolated communities because of the conflict - mainly to those populations forced to remain under UNITA control - was a major concern. This concern proved to be founded after the April 2002 ceasefire when a so-called hidden caseload of 500 000 malnourished and debilitated people was 'discovered'. Despite urgent needs in camps where these populations gathered from April 2002 onwards, a hiatus in humanitarian response of almost five weeks occurred - apparently due to a combination of GoA resistance and UN politicking, which effectively impeded the timely delivery of humanitarian assistance.³²

International human rights organisations did not maintain a permanent presence in Angola. Consequently, their efforts were largely confined to mobilisation of external actors on these issues. The HRW took an active role in highlighting the abuses that were occurring.³³ Their most significant contribution³⁴ was a critique in July 2002 of the inadequate protection efforts of the GoA, raising the issues of the complete lack of implementation of approved legislative measures guiding return and resettlement processes and the lack of clear ownership among UN agencies in implementing an inter-agency protection strategy that had been developed between 2000 and 2001. The established system and structures did not prevent, for example, cases of forced and disorganised return or settlement of populations to or in areas that were not secure, leaving these populations at risk from UNITA attacks (during the conflict) and/or death or serious injury from landmines and unexploded ordinance.

However, the lack of clear ownership on protection within the UN system became a moot point with the handover of protection activities to the HRD in August 2002. This led to the effective discontinuation by OCHA and, to some extent, the UNHCR, of protec-

tion activities, in the wake of the (brief) expansion in the HRD's mandate to include protection activities. Years of painstaking work, particularly on the part of OCHA, were effectively lost in this 'handover'. The HRW report was criticised by some within the UN system for having contributed to this loss, though lack of capacity and/or willingness within the UN system to collaborate in ensuring a successful handover that built on existing achievements was a critical factor in this loss and subsequent failure to take advantage of the opening offered by the new mandate. In effect, the HRD proved unwilling to or incapable of accepting the responsibility that had been assigned to it to take on this burden.

In addition to participation in UN-led human rights initiatives, humanitarian NGOs periodically organised other ad hoc initiatives with respect to Angola. Most of these initiatives were not public – typically they targeted high-ranking UN officials visiting Angola, or sometimes representatives of donor governments. In 2001, for example, Oxfam took a lead role in organising a joint NGO letter to UN Ambassador Gambari, highlighting the human rights situation – particularly violations of human rights – in Angola. The letter was signed by 12 members of the steering committee of the international NGO network, CONGA.³⁵ CONGA representatives frequently made joint verbal representations to visiting delegations.

Other, more public, forms of human rights advocacy included a report by Trócaire (in co-operation with the Windhoek-based Group of Indigenous Minorities in Southern Africa (WIMSA) and Angolan NGO *Organização Cristã de Apoio ao Desenvolvimento Comunitario*) on the plight of the minority San people³⁶ and a statement condemning government tactics in eastern Moxico province by GOAL, another Irish NGO.³⁷ This statement coincided with final government offensives against UNITA prior to the death of Savimbi that resulted in very high rates of displacement.

In general, NGO protection efforts did not meet with any greater success than other protection efforts in Angola. Public advocacy also occurred very late in the conflict cycle - despite

the availability of detailed information on human rights abuses committed by the warring parties. The first major reports were released in late 2001, despite the occurrence of widespread violations from mid-1998 onwards.

Nonetheless, public initiatives did serve to highlight the tragic situation confronting ordinary Angolans and bring some pressure to bear on the Angolan government and the international community to do more. The limits of the strength of the Angolan government are evident in its relations with NGOs involved in public advocacy. Despite issuing a number of strong reports, the MSF did not face significant sustained criticism from the Angolan government and was allowed to continue its humanitarian operations – perhaps indicating the relative importance of the MSF humanitarian operation to the country and also its strong standing internationally, particularly in the wake of receiving a Nobel peace prize. Given this apparent strength, the lack of broader joint public initiatives by humanitarian NGOs working in Angola (through networks such as CONGA) is perhaps more indicative of weak inter-NGO co-ordination mechanisms (both in-country and outside), at least with respect to human rights initiatives, and a failure of these agencies to mobilise themselves for this type of collective action. It should also be noted that the one NGO taking a lead in this area – the MSF - did so largely by adopting a 'go it alone' policy with respect to the development and release of these reports. The reluctance of some humanitarian NGOs to engage in human rights protection activities because of mandate issues and/or service delivery imperatives also played a role in inhibiting co-operation in this area. On-going uncertainty regarding NGO registration in-country may have conditioned relatively passive behaviour among international NGOs with regard to human rights. However, it should be noted that the humanitarian presence in government-controlled areas – with some 100 international NGOs working in government garrison towns and secure areas throughout the country - also acted as a form of de facto accompaniment of the civilian population,

providing some measure of protection in addition to material support.

Analysis of protection activities

Synthesising this analysis of the various levels of protection activities presents a disappointing picture of its efficacy in Angola in the period under review. While the Angolan government cannot be blamed for rights violations carried out by UNITA, it can be held responsible for its failure to protect its own people from the negative impact of its own *limpeza* activities and for violations that were perpetrated by its armed forces.

Donor governments' response to these violations was muted in the extreme, with little concerted effort on the part of Western governments to put serious pressure on *Futungo*. Given the documented trend towards the more robust human rights protection by Western governments in the south during this period, the relative lack of economic leverage these governments enjoyed over the Angolan government and economic interests – in particular oil – must have played a decisive role in this weak response.

It is a cliché often repeated by UN officials that the UN is only as strong as the member states will allow it to be. This is certainly true of many of the UN's human rights activities in Angola. A weak mandate after the pull-out of MONUA left the HRD isolated and hanging on by a shoestring as the only quasi-political UN presence in-country. However, the failure of the HRD to capitalise on its expanded mandate from 2002 onwards, even modestly, is indicative of a lack of boldness on the part of the one UN unit specifically tasked with human rights activities in Angola. The truth is that the HRD rarely set foot outside Luanda, was politically hamstrung from the beginning, and when it finally had the mandate to do something meaningful, failed to accept the challenge. In many respects, the HRD represented a face-saving device for the perceived failure of the UN political presence in Angola's first peace process, and as such, was there primarily to maintain the fig leaf of a UN political presence.

On the humanitarian side, UN agencies, principally through OCHA and the activities of the Humanitarian Co-ordinator, Erik de Mul, integrated some degree of protection activities – restricted primarily to collection of information and analysis of patterns of violations – into their operations, with some success, albeit limited. However, limited political leverage and intermittent donor commitment to bringing pressure to bear meant that their activities could never match the scale of violations occurring throughout the country. UN protection activities were principally guided by the medium-term objective of strengthening GoA institutional capacity for protection and generally (with one or two exceptions) avoided more publicly confrontational approaches.

In addition, too often OCHA field staff tasked with protection responsibilities lacked sufficient training, capacity and support to truly take on these tasks in a comprehensive way – the day-to-day imperatives of humanitarian activities frequently took precedence over protection activities.

Equally, international NGOs working in the humanitarian sector failed to present a consistent public message about what was occurring in Angola. While the quality of NGO co-ordination was inconsistent throughout the period, some private CONGA advocacy did take place. However, at no point did CONGA publicly draw attention to the human rights situation in Angola. Individual humanitarian NGOs – most notably the MSF – did publicise some aspects of the human rights situation, though to little effect. In the same vein, international human rights organisations, most notably the HRW, provided a more comprehensive analysis of the human rights situation, but again to little effect in terms of changing the behaviour of the Angolan government. Angola's low international profile, despite its oil resources and chronic humanitarian crisis, cannot have helped in mobilising interest. National human rights organisations remained weak throughout the war, with some limited advocacy activities again having little effect, and are indicative of the generally weak and marginal status of civil society actors in Angola.

The new post-war situation

The ending of the armed conflict between UNITA and the GoA in April 2002, and the subsequent change towards a more stable situation throughout most of the country, has fundamentally changed the human rights landscape of Angola. With the exception of the continued low-intensity conflict in Cabinda, the absence of war means that many of the issues of recent years, in particular violations of international humanitarian law, will become less significant in the medium term. The absence of war also removes one of the major excuses for whole-scale diversion of resources and tolerance of endemic corruption. Given Angola's vast natural wealth and the expanded potential for exploitation of this wealth in the context of peace, access to economic and social rights will become even more pertinent. Nevertheless, where large-scale rights violations continue to occur in Angola – such as in the recent forced expulsions of non-nationals from diamond areas in north-east Angola, or continued violations in the oil-rich Cabinda enclave – the international community continues to face the same weaknesses in pressuring the Angolan government.

However, the increased levels of debt which Angola accepted in order to win the war, and its current efforts to access IMF funds, may provide one notable leverage point – with respect to both human rights violations in places such as Cabinda and further reform of its administrative, financial control and budgeting systems in order to ensure greater transparency in the use of government revenues (particularly oil).

Equally, there is Angola's own desire to be perceived as a leading southern African country – as evidenced by its recent tenure as a non-permanent member of the UN Security Council (ending at the end of 2004) and its equally recent chairmanship of the Southern African Development Community (SADC). While these appointments represent major foreign policy successes for the Angolan government and can be construed as external recognition, and indeed legitimation, at regional and international levels, such leadership positions may provide some scope for pressure to be brought

to bear. Leadership involves duties in addition to benefits of prestige.

Lessons learned and future challenges

What lessons can be drawn from this case study? When a repressive government has financial autonomy from international financial institutions controlled by Western governments, is not overly reliant on external bilateral aid, and is clever enough to play off Western countries against each other in the allocation of natural resources (in this case oil), it can apparently effectively isolate itself from significant pressure to reform.

That said, the Angolan government still borrowed from somewhere to finance its war – but no serious attempt appears to have been made to focus attention on these private sources of funds or to use other means of leverage on the government. In the same way, foreign governments with oil interests have apparently not tried to present a united front on Angola. A troika of the US, Russia and Portugal had taken a lead role in the Angola peace process, but did not act as a lead group in engaging with the Angolan government on issues related to human rights.

Beyond this glaring inability or unwillingness of the international community to exercise influence, lessons at micro level may include the following:

- The need for continued development of Angola's own judicial system and strengthening of the rule of law, setting up the necessary mechanisms for achieving the redressing of human rights violations.
- The need for support for genuine nascent civil society institutions, combined with an analysis of the hegemonic activities of the Angolan government with respect to civil society organisations, and the development of strategies to cope with this. Such an approach must include an emphasis on state/society interaction and strengthening the rule of law.
- The need to allow greater discussion around the issue of impunity regarding the most egregious violations and crimes of war committed during the civil war. The sub-

stantial participation in this discussion of groups from the civil society including the churches may serve to ensure a proper reconciliation process. When and how such a sensitive process could take place should clearly be in the hands of the Angolans themselves, particularly Angolan civil society and those most affected by the war.

- The need for a clearer delineation of responsibilities within the UN humanitarian system for human rights protection activities and for these activities to be properly resourced and supported, including the implementation of effective models for the UN system,
- The need for greater coherency among humanitarian NGOs on possible joint mechanisms for protection activities. Joint frameworks developed outside a particular country context may provide the necessary 'cover' to allow humanitarian NGOs to engage in public initiatives on human rights violations in a coherent manner.

Conclusion

Angola is at a crossroads. The country now has an opportunity for broad-based development that could benefit the whole population. However, continued appropriation of community resources by elite groups for personal gain remains a major obstacle to national development. The war has ended, but issues of structural inequality, ethnicity and lack of accountability of the governing class are ever present. Unresolved, these issues may provide the basis for an upsurge in a new phase of contentious politics in the medium term. The country is currently going through a process of normalisation in the post-war period. Key human rights interventions should target the way in which this normalisation process takes place in order to protect human rights, including access to economic and social rights such as education and health, and should seek to influence this process so that the ultimate outcome of normalisation is a more equitable society that benefits all Angolan citizens equally. One can only hope that Angola may soon realise the promise of its early idealism

to the benefit of the Angolan people.

Amanhã

entoaremos hinos à liberdade

quando comemorarmos

a data da abolição desta escravatura

Nós vamos em busca de luz

os teus filhos Mãe (...)

*Vão em busca de vida.*³⁸

Notes

- 1 This paper was developed from an earlier draft prepared for delivery at the 2004 annual conference of the Peace and Justice Association in San Francisco, 14-17 October 2004.
- 2 Médecins Sans Frontières, *Angola, sacrifice of a people*, MSF, 2002, p 15.
- 3 Rob Kevlihan, 'Sanctions and humanitarian concerns: Ireland and Angola, 2001-2' in *Irish Studies in International Relations*, 14 2003, p 95.
- 4 Tony Hodges, *Angola from Afro-Stalinism to petro-diamond capitalism* (Oxford, 2001), p 14.
- 5 This account is based on an unpublished document by Allan Cain, Country Director of Development Workshop, provided to one of the authors during his time in Angola from 2000 to 2002. Mr.Cain has been resident in Angola since the 1970s and was present when these events took place. Any opinions, errors or omissions are those of the authors and not of Mr Cain.
- 6 Andrea Lari, *Returning home to a normal life? The plight of displaced Angolans*, ISS Paper 85, Pretoria, February 2004, p 2.
- 7 The existence of such activities and their impact on ordinary people are documented in much more detailed MSF reports, including *Angola: behind the façade of 'normalisation' – manipulation, violence and abandoned populations*, Médecins Sans Frontières, Luanda, 2000.
- 8 Comissão dos Direitos Humanos da Ordem dos Advogados de Angola, *Diagnóstico preliminar sobre o sistema da administração da justiça em Angola – Perspectiva Estático-Estrutural*, Luanda, Março 2001, p 71.
- 9 Personal correspondence by the author with a human rights specialist who frequently visited the country in those years and produced two reports, in March 1998 and April 2001.
- 10 Office for the Coordination of Humanitarian Affairs in Angola (OCHA), *Humanitarian situation in Angola – monthly analysis*, Luanda, January 2002.
- 11 Human Rights Watch, *World Report 2003*, 2003, p 15.
- 12 Lari, op cit, p 6.
- 13 Per speech given by Kussumua at the launch of the UN's Consolidated Annual Appeal in

- Luanda on 26 November 2002.
- 14 De Mul is also the UN Resident Co-ordinator, Deputy Special Representative of the UN Secretary-General, and as such, acting officer in charge of the United Nations Mission in Angola (UNMA).
 - 15 IRIN, 2002, 'Interview with Erick De Mul, UN Humanitarian Co-ordinator, 13 Nov 2002' available at <www.reliefweb.int/w/rwb.nsf/ByCountryByMonth/0003b86e61b3b6e085256b1f0075614c?OpenDocument&Start=6.22.37&Count=30&Expand=6.22> [28 August 2004].
 - 16 Margaret E Keck and Kathryn Sikkink, *Activists beyond borders: advocacy networks in international politics*, Cornell University Press, 1996, p 1.
 - 17 For an analysis of the strengths and weaknesses of civil society actors see N Howen, *Peace building and civil society in Angola: a role for the international community*, London, October 2001.
 - 18 Other groups, such as the Action for Rural and Development and Environment (ADRA), provided training to community representatives in various provinces. More localised interventions worth mentioning include Education for Citizenship in Huila province by Fr Pio Wakussanga and the Human Rights Programme led by Development Workshop in Huambo province.
 - 19 For more information about FESA, see C Messiant, La Fondation Eduardo dos Santos (FESA), in *Politique Africaine* 73, March 1999, p 83.
 - 20 Olav Stokke, 'Aid and political conditionality: core issues and state of the art', in Olav Stokke (ed), *Aid and political conditionality*, London, Frank Cass, 1995, p 68.
 - 21 For further information on this aspect, see Human Rights Watch, *Some transparency, no accountability: the use of oil revenue in Angola and its impact on human rights*, January 2004, Global Witness, *A crude awakening*, December 1999, and *All president men*, March 2002.
 - 22 Common Country Assessment 2002, Angola. *The post-war challenges*, Luanda, 2002, chapter 4, pp 84-94.
 - 23 Personal correspondence by the author with a human rights specialist who frequently visited the country in those years and produced two reports, in March 1998 and April 2001.
 - 24 UN Security Council Resolution 1433 (2002).
 - 25 Open letter from the CONGA NGO network, Angola, to the United Nations High Commissioner for Human Rights, Sergio Viera de Mello (draft), Luanda, February 2003, p 2.
 - 26 For details on the unit's main activities, visit <www.ohchr.org/english/countries/field/angola.htm>
 - 27 Human Rights Watch, *The war is over: the crises of Angola's internally displaced continues*, July 2002, p 8.
 - 28 Ibid, p 9.
 - 29 This is a mechanism that allows members of the Security Council to consult with non-state actors.
 - 30 Human Right Watch, *World Report 2003*, 2003, p 16.
 - 31 Including *Angola: behind the façade of 'normalisation' – manipulation, violence and abandoned populations*, Médecins Sans Frontières, Luanda, 2000, and *Angola, sacrifice of a people*, MSF, 2002.
 - 32 Fabrice Weissman (ed), *In the shadow of 'just wars', violence, politics and humanitarian action*, Cornell University Press, Ithaca, New York, 2004, p 109.
 - 33 Andrea Lari was a researcher with the HRW at this time and was involved in writing this report.
 - 34 Lari, op cit.
 - 35 Known as the CONGA Liaison Group.
 - 36 Trócaire, 2004, *Where the first are last: San communities fighting for survival in southern Angola*.
 - 37 GOAL Press Release, 11 February 2002; 'Angolan fears raised' available at <www.goal.ie/html/newsroom/angolian_fears_raised10202.htm> [26 Sept 02] [Query: Angolan_fears?]. Rob Kevlihan was country director with GOAL in Angola when this statement was released.
 - 38 From the poem 'Adeus à hora da largada'xxxix of Agostinho Neto (1922-1979), first president of the Popular Republic of Angola. Approximate translation is as follows: Tomorrow / We'll sing sons of liberty / When we'll celebrate / The date of the abolition of this slavery / We are looking for the light / Your sons, Mother / Are looking for the life.