
Do Victims of War Need International Law? Human Rights Education Programs in Authoritarian Sudan

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Drawing on ethnographic fieldwork in Sudan, this article illuminates the consequences of human rights educational workshops as a form of humanitarian assistance in war-ravaged areas. These projects are built on flawed assumptions about Sudanese politics and about the likelihood that human rights education empowers the war-ravaged poor. The beneficial impacts of human rights discourse stem from its side effects, which fulfill urgent and symbolic needs, and not from the core content of human rights. The case of an authoritarian regime exposes an alternative site of rights promotion, outside the established or struggling democracies where most literature on rights resides. Bridging the literature on rights in Western, democratic contexts and on human rights in Africa, this article argues that law is not enough—and is potentially dangerous—in the insecure and impoverished areas where the international aid community has been encouraging it to flourish.

The government has seen them sitting [in desert camps] for 20 years. The United Nations has seen them there for 20 years. NGOs have seen them there for 20 years, in a very vulnerable area. What has been the result? Nothing. After 20 years, with the government, the UN, the NGOs [watching], they're still internally displaced persons in the desert.

(Interview, Zakaria, facilitator of human rights educational workshops, Khartoum, Sudan, May 2007)

This article explains the grassroots consequences of internationally funded projects in contemporary law and development. To

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what extent does the export of human rights discourse benefit those who are displaced by civil war, and what are the risks associated with rights-based humanitarian aid projects when deployed in active authoritarian contexts? Drawing on ethnographic fieldwork with internally displaced persons and nongovernmental organizations (NGOs) in Sudan, I illuminate the material and symbolic benefits and costs for the participants of human rights workshops.

I use the case of Sudan to explain what happens to rights in an authoritarian regime. Most literature on rights has rarely extended beyond the boundaries of established or struggling democracies, which has stunted the conceptual and theoretical development of the debates on rights. In democratic contexts, rights are rooted in a common political discourse of usually nonviolent and nonsectarian pluralism and competition (Glendon 1991; McCann 1994). Authoritarian regimes tend to be at best hypersensitive, and at worst openly hostile, to rights expressions; they thrive across the world from Syria and Myanmar to Libya and Sudan by violating human rights (Amnesty International 2007, 2009a, 2009b; Human Rights Watch 2009). My empirical study of the export of rights-based strategies into an authoritarian context unearths an alternative site of inquiry to reveal new consequences for rights theory and for contemporary strategies carrying the label of “legal empowerment” (Golub 2006; McClymont & Golub 2000).

This article builds on the rights debates in sociolegal theory by charting the function of rights in an authoritarian state, particularly as experienced by people displaced by civil war and who live in extreme poverty. Specifically, to what extent do international perspectives of rights—or human rights—achieve their intended goals when used as a soft form of humanitarian intervention in these places?¹ To investigate this question, I adopt in this article a grassroots approach to the study of law, from the standpoint of those in the global South who encounter and sometimes disregard or resist international conceptions of rights (Rajagopal 2003). Building on sociolegal theory that contrasts the promoters of rights talk with those they serve (Bell 1995; Englund 2004; Merry 2006), I contend that the consequences of human rights promotion differ for civil society elites who promote rights than for the communities of war victims in which they intervene.

For the NGO elites I met, international human rights discourse provides links to transnational activists and discursive and financial resources that government and private businesses are unable or

¹ A category of humanitarian intervention exists in international law, involving military deployment. I use the term here to describe *soft* interventions (e.g., in food, health, education, and shelter) guided by humanitarian rationales, intended to have an impact on the lives of those who experience poverty in the global South.

unwilling to provide. But foreign relationships rooted in human rights come with costly domestic repercussions when deployed in authoritarian contexts, including co-opting the discourse and tactics of civil society movements and making individuals vulnerable to intensified regime surveillance and oppression, meant to suppress their resistance to authoritarianism. For the war-displaced persons I met who attended human rights workshops held by these NGOs, material deprivation and domestic power disparities prevented the workshops from achieving their intended benefits—legal empowerment and the mobilization of rights—while producing unintended negative consequences by exposing these persons to the threatening machinery of the regime. That is, these aid projects are built on flawed assumptions about national politics and about the likelihood that legal awareness will empower the poor in authoritarian settings. Bridging the literature on rights in general with that on human rights in Africa and on the export of transnational legal norms, I argue in this article that law is not enough—and is potentially dangerous—in the insecure and impoverished areas where the international aid community has been encouraging it to flourish.

The context of my study is Sudan (Figure 1). Every year since Sudan's 1956 colonial independence, its citizens have endured either civil war or authoritarian rule through military dictatorship (usually, both). It is in this devastated setting that international aid organizations including UN agencies have begun funding small-scale Sudanese NGOs to conduct educational workshops on human rights, in desert "camps" for people displaced by war. The encampments are home to more than 5 million persons who fled the atrocities in the Darfur region of western Sudan or the 22-year civil war (1983–2005) in southern Sudan—Africa's longest civil war. These areas are states of risk: geographic zones in which diverse, vulnerable, and relatively confined groups live under the surveillance of a security apparatus that uses the institutions, personnel, and force of law to threaten and imprison them. The workshops held throughout the encampments have a specific aim: to build awareness amongst these war-displaced and oppressed populations of their internationally guaranteed human rights with the goal that recipients will become empowered to mobilize those rights.

In this article I first situate my research question in the broader literature evaluating rights and human rights, and in the governing logic behind rights-based humanitarian assistance. Second, I narrate my case selection of the authoritarian regime in Sudan and the field research methods I adopted to address my research inquiry. Third, I provide an ethnographic account of the desert encampments in Sudan where the workshops take place. Fourth, I analyze the benefits and risks associated with these programs, separating



Figure 1. Map of Sudan.

Source: Author, derived from ESRI base data.

the recipients from their trainers, and what these consequences reveal for sociolegal theory on human rights. Finally, the article concludes with remarks about the effects and value of human rights promotion in high-risk settings.

Human Rights in Context

The study of rights in democratic, particularly American, contexts has led scholars to be careful about overstating the transformative potential of rights. Rights are a commonly deployed meta-frame in claim-making, and they may hold symbolic value in

political discourse or organizational settings (Benford & Snow 2000; Edelman et al. 1996; McCann 1994; Scheingold 2004; Snow et al. 1986). But knowledge of rights alone is insufficient to achieve one's goals or to create social change. Outcomes often rest on access to resources and support structures, in addition to positive institutional responses to rights-based claims (see Abel & Lewis 1988; Epp 1998; Galanter 1974; Halliday & Karpik 1998; Halliday et al. 2007; Kagan 2001; Rosenberg 2008). For instance, ethnic minorities who experience unlawful discrimination often must have sufficient available time and socioeconomic means and be willing to accept a posture of victimhood in order to claim legal rights (Bumiller 1987). More generally, rights rely on the ability of marginalized persons to be creative and to have the cognitive freedom to imagine—to name injuries as such, to recognize those injuries as violations of rights, to blame those violations on the action or inaction of others, and to make claims against alleged rights violators—either rhetorical claims in the media or actual legal claims made directly to administrative agencies or courts (Felstiner et al. 1980–81).

But what of authoritarian regimes—are rights similarly limited in their transformative potential in these contexts? Ethnographic work on human rights education is rarely conducted in authoritarian contexts. Instead, research on law in despotic or authoritarian states has largely been focused on courts and legal institutions and actors, rather than on discourses of empowerment (Ginsburg & Moustafa 2008; Halliday et al. 2007; Moustafa 2007; Shapiro 1981). As contemporary human rights activism in such places as Iran, Nigeria, China, Belarus, Cuba, Egypt, and Singapore makes clear, speaking openly about the lack of rights can be a hostile or threatening act against a ruling authority seeking self-preservation. Sudan is no exception. In these hostile environments, claims of rights (usually in the form of human rights) and links to transnational human rights groups have induced violent and sometimes deadly government responses (for the Nigerian case, see Bob 2002).

Simply because rights have limited transformative potential in democratic societies does not mean they would be without effect in qualitatively different societies. Indeed, the business of promoting human rights seems to expect that rights can have a distinct and significantly positive impact in nondemocratic settings. By naming state failures to respect human rights as violations of international law, human rights promoters seek to shame defiant, corrupt, or authoritarian leaders into compliance with human rights norms and treaties. This naming-and-shaming strategy has proliferated in American law school clinical programs and has become conventional wisdom among international lawyers, diplomats, policy makers, and transnational activists (Keck & Sikkink 1998). This

conventional wisdom has led to the widely held belief among practitioners that social activism around human rights and legal development is counterhegemonic and can empower the poor in the context of authoritarianism (Commission on Legal Empowerment of the Poor 2008; Golub 2006). For these reasons, lawyers, activists, UN agencies, and international financial institutions seem to agree on the need to promote the rights (specifically, the internationally guaranteed human rights) of the 1.4 billion people who live in extreme poverty—a dire form of hardship that, in Africa, is often caused by displacement from civil war (Ban 2009; United Nations 2008). Raising consciousness among the poor of human rights terminology, treaties, and strategies has become an essential target for international development projects, forming the basis for what has been labeled a “rights-based approach to development.”² This notion of rights *as* development—that human rights awareness is the first step toward liberation and salvation of the poor—is the governing logic behind the aid programs I witnessed in Sudan.

Moving beyond the distinction between regime types, the literature on human rights has generated a range of increasingly sophisticated perspectives on human rights and their promotion in the global South. At the extremes, a few have been either zealously supportive of or unreservedly resistant to the promotion of rights. The gap between these views is broad; most scholars who study human rights call attention to the lack of basic dignity experienced by the world’s most poor but remain agnostic about whether human rights, as they exist today, ought to be the preferred solution.

Those more supportive of human rights promotion would agree that for rights to be successful, they must be seen as enshrined in and enforced by multilateral treaties that carry the force of law—the UN Charter, the International Bill of Rights,³ and subject-specific treaties on the rights of women (CEDAW), children (CRC), and ethnic or racial minorities (CERD) (Simmons 2009; Weston 1999).⁴ Because human rights are philosophically and

² “A rights-based approach to development is a conceptual framework for the process of human development . . . normatively based on international human rights standards and operationally directed to promoting and protecting human rights” (UN Development Programme and UN Population Fund 2007:4; compare Arbour 2008). Former UN Secretary-General Kofi Annan (2004) called on all UN agencies to adopt such an approach, one that current UN Secretary-General Ban Ki-moon continues to implement, based on a 2003 interagency statement of common understanding of the rights-based approach (UNICEF 2004).

³ The Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

⁴ CEDAW is the Convention on the Elimination of All Forms of Discrimination Against Women, CRC is the Convention on the Rights of the Child, and CERD is the Convention on the Elimination of All Forms of Racial Discrimination.

theologically rooted in individual human dignity, they demand the state's protection and should be made relevant to and consistent with the world's major religions (An-Na'im 2005; Baderin 2005; Cassese 2005). The promotion and maintenance of human rights is a normative good and a fundamental means for societies to achieve human dignity, freedom, and development (Donnelly 2003; Forsythe 2006; Nussbaum 2006; Sen 1999).

Some scholars, adopting more critical views of human rights promotion, have expressed skepticism about the power of human rights. While drawing attention to the plight of the world's most vulnerable persons, they have sought to illuminate the costs of human rights on the poor. Building on legal anthropology and Western critical legal theory but often originating from scholars who are from or who spent time conducting empirical research in the global South, these critical perspectives see human rights, at the extreme, as a tool of Western power or orientalism, or as a rationale used to justify foreign intervention into and potential hegemony over the third world (see Kennedy 2002; Nader 2007; Rajagopal 2003; Said 1979). That is, international law has had the tendency to shape the non-Western world as uncivilized and in need of "westernizing" (Anghie 2004). At best, some theories submit, human rights are biased "for adopting Western individualism as the underpinning" (Turner 1993:499, citing Holleman 1987; compare Falk 2009). And while human rights law is the most internationally recognizable language of "emancipatory social justice," as a body of law, it can also serve the interests of the powerful (see Merry 2006).

The broad gap between these views has been filled by scholars who have sought to offer solutions to these disparate sets of observations about human rights. To serve the powerless they are meant to protect, ideas of human rights must surmount their internal obstacles by being made relevant to local cultural symbols, absent the imagery of modernizing a savage or naïve other (Merry 2006; Mutua 2002). Rights are more likely to be secured through local political processes distinct from those found in and exported by Western countries (Mutua 2008). In studying rights in nascent African democracies emerging from years of authoritarian rule, Englund (2004, 2006) calls on researchers to separate elites in civil society from the poor: Rights promotion empowers elites, but not those whom they serve.

Historians, anthropologists, and political scientists who study Africa have justified a scholarly skepticism over the export of Western aid and notions of rights. Interventions on African soil by Europeans under the guise of aid or assistance have for centuries terrorized Africans—expanding slavery and other forms of human commoditization; creating fixed borders unconnected with ethnic

pluralism and group or communal property rights; endowing ethnic minorities with bureaucratic capacity to rule over diverse areas; and building colonial state institutions that would later sustain postcolonial authoritarian rule (Cooper 2002; Roberts & Miers 1988). The fact that today's development solutions to poverty are conducted in the public-spirited, universal, and unselfish name of human rights makes academic critiques even more compelling. Indeed, development programs in Africa have often employed inaccurate views of local politics and national autonomy, which disconnected them from on-the-ground realities, rendering them unsuccessful (de Waal 1997; Ferguson 1990). Assumptions guiding the promotion of human rights in places like Sudan similarly incorporate misleading beliefs about local realities and about the liberating potential of international law (see also Massoud 2006).

Despite these sophisticated and still-debated views of the promotion of human rights, one perspective—an unreservedly supportive one—clearly proliferates within the UN (Annan 2004). A new arrangement is emerging whereby UN agencies outsource the work of building awareness of human rights to local NGOs that conduct legal awareness workshops. In contrast to state-centric approaches to development, this process shifts the burdens from state actors that are meant to protect human rights to “implementing partners” or local civil society activists who are meant to train poor people to stand up for their rights. Because of power disparities and material deprivation brought on by their disadvantaged positions, though, poor people are unlikely to influence policy. Yet the logic behind training them to do so is that, armed with knowledge, poor people will attempt to organize to create change, as they have done in democratic settings (Piven & Cloward 1979). The success of the strategy is predicated on the hope that large numbers of poor people, when aware of their rights and fearless enough to seek protections of their rights from their authoritarian governments, can one day organize to influence administrative decisions and ultimately create “bottom-up” change in regime actions, perhaps even in the makeup of the government itself.

My work draws from the debates assessing the promotion of human rights by examining the ways in which the discourse of human rights affects the lives of the war-ravaged poor in authoritarian regimes, who are the recipients of aid that is rooted in international human rights perspectives. While I do not question the notion that the merits of international perspectives of human rights are real (see Jensen & Heller 2005; Stacy 2009), my case study reveals that beneficial impacts flow from the side effects of human rights trainings and not from the core content of human rights

themselves. My data also support the argument that the costs of human rights-based development in the global South are high—though they do not reach as far as revealing human rights to be a tool of Western hegemony. Rather, rights talk segregates civil society elites, who use the language of rights to create abstractions out of specific problems, from the impoverished persons they assist, who narrate their problems and needs in more varied ways (compare Englund 2004). In this way, human rights become an attractive discourse for domestic civil society elites and not for poor people themselves, though rights talk ultimately exposes both groups to dangerous risks.

Human rights are perhaps the latest in a series of ideologies in the political economy of development and are tied to the promotion in the global South of Western-style democratic governance and free markets, from Keynesian to more recent neoliberal approaches. The language of development in vogue is law, and the law of development is international human rights. This model of development can be called humanitarian lawfare, or the benevolent use of law as development.⁵ Such programs are designed to create the mental structures necessary for liberation by educating the oppressed to be aware of human rights and to use the language of law and rights to make claims against their governments.

Methods

This section narrates my case selection and field research methods. The conceptual research question emerging from the literature and guiding my inquiry is the extent to which exporting transnational discourses of human rights affects the lives of the war-ravaged poor who live under authoritarian rule.

Case Selection

While case studies are confined and detailed, they “constitute an essential building block for comparative research” by allowing scholars to “extract new ideas at close range” (Collier 1999:1, citing Alejandro Portes). My work was purposefully inductive and theory-generating. This inductive design led me to take deliberate steps to develop a grounded understanding of the meaning of human rights training and symbols in Sudan.

Sudan is a critical case for studying the UN’s humanitarian aid programs. Sudan is Africa’s largest country and amongst the continent’s most diverse, with hundreds of ethnic and linguistic groups

⁵ I thank Mark Goodale for first using this term in reference both to Meierhenrich (forthcoming) and to the rise of law-as-development programs in the global South.

practicing a variety of religions (Holt & Daly 2000). It is home to the world's largest population of internally displaced persons.⁶ While development aid to assist these people has taken a variety of approaches over the years, it has focused increasingly on educating them to understand and adopt the UN's values of human rights. These kinds of soft interventions, such as the promotion of rights, have been adopted partly as a response to economic sanctions imposed by Western nations on rogue states like Sudan, which have often hindered service delivery or construction projects for schools, sanitation schemes, or hospitals.

Conventional wisdom that a legal vacuum exists in Sudan stems from its consistent ranking as one of the world's most "failed states."⁷ The state's failures come from its inability or unwillingness to protect large proportions of its citizenry from war and displacement. How did life for displaced persons in Sudan become wretched? They have suffered incomparably since their country's 1956 independence, which followed a half-century of colonial rule under the British (and, nominally, the Egyptians). Two extended civil wars since the 1950s (1955–1972 and 1983–2005) and the devastating humanitarian emergency in Darfur (2003–present) have killed or displaced nearly 10 million people—nearly a quarter of Sudan's population (see also Collins 2008; Flint & de Waal 2008; Hagan & Palloni 2006; Hagan & Raymond-Richmond 2009). The causes of the wars are complex (Johnson 2003), but at root violence has been fueled by the demands of different groups for greater representation in the capital, Khartoum, or for greater regional autonomy, and the government's incessant drive to quell rather than to accommodate resistance. For more than 20 years, authority in Khartoum has been in the hands of one man, President Omar Hassan al-Bashir, and his ruling National Islamic Front (now, the National Congress Party) that displaced a democratically elected government through a coup in 1989 (Khalid 2003). Ostensible ethnic and religious distinctions between Arabs and Africans, and Muslims and Christians, have become increasingly salient to Bashir and to his opponents during both civil wars and more recently in Darfur, as calls to arms and as a means for obtaining Western (or non-Western) sympathy and military support (see also Mamdani 2009).

⁶ Five million internally displaced persons live in Sudan. According to the UN, there are at least 42 million persons displaced by war or political violence in the world—16 million refugees who have crossed borders, and 26 million who remain unsafe and displaced in their countries of origin (United Nations 2008:7).

⁷ In 2008, 2009, and 2010, Sudan was ranked the third-most failed state in the world, following two years (2006 and 2007) as the most failed state ("The Failed States Index," *Foreign Policy*, 2010, <http://www.foreignpolicy.com/failedstates> [accessed 10 Dec. 2010]). The Failed States Index ranks more than 180 countries using 12 indicators, including human flight, uneven development, factionalized elites, human rights, and economic decline.

Those lucky enough not to be killed in the burning and looting of their villages are now amongst the poorest in the world. They have constructed “homes” in desert encampments and squatter communities from a mixture of earth, sand, and animal dung (Abusharaf 2009). They rely on local or foreign NGOs to provide services such as medical assistance or microloans.

Field Research and Analysis

I undertook a preliminary study in summer 2005 in Sudan, while attached to the United Nations Development Programme conducting a research project on the rule of law. The main body of research was conducted in 2006–2007. I began by mapping the universe of Sudanese domestic civil society organizations, activists, and lawyers conducting interventions in or working with displaced communities in the desert surrounding Khartoum or in Darfur. I employed a snowball sample, which allowed me to build trust and obtain further interviews in and around Khartoum. To break down barriers between the interviewer and subject, I conducted most of my field research and interviews in Arabic. I conducted 77 semi-structured interviews with civil society activists.⁸ I asked them about their motivations for working in law-related aid activities in the camps and squatter areas. They told me why they planned and led legal awareness workshops in these places, obstacles they have faced, and the outcomes of their efforts. Interviews and observations ranged from one hour to full days. I observed action meetings and copied available materials to learn about their strategies and how they think about and communicate ideas of rights, particularly human rights.

I traveled with these NGOs into the camps, areas normally off-limits to foreigners. Before it became dangerous for me, I observed 15 legal awareness workshops. I asked participants informally during the breaks or during follow-up visits to speak with me about what the workshops were teaching them. They explained to me where they felt rights came from, what rights meant to them, what they understood of human rights from the workshops they attended, and what they were doing with the information they learned. In these ways I assessed the extent to which knowledge of human rights was changing their behaviors. I translated and transcribed my interviews and elaborate field notes, usually within 24 hours to prevent the omission of details. Conversations with

⁸ For the larger project on law and development in Sudan, of which this article is one part, I conducted more than 150 interviews—including with judges, private lawyers, law professors, and government officials—across three major urban areas in Sudan (Khartoum, Juba, and El Obeid). All names herein have been changed for the purposes of preserving confidentiality.

displaced persons, along with my recorded interviews with activists, enabled me to appreciate the benefits, constraints, and risks of learning or speaking about rights in authoritarian regimes.

I coded my interviews using TAMS Analyzer software by creating more than 300 searchable categories based on my translation, transcription, and reading of more than 1,500 pages of my relevant interviews and field notes. Codes separated actions and rhetoric and classified them into openings for and constraints on rights mobilization. I searched my interview database using these codes and generated cross-tabulated reports according to gender, age, educational attainment, profession, and workplace.

The Workshops

Legal interventions and human rights efforts in Sudan are supported by a variety of international organizations, but principally the agencies of the UN. The rights-based approach they adopt operates on the same principles across agencies. These operating principles concentrate on the development of local understanding of human rights. This section examines the main activities that these agencies support: legal awareness workshops. My purpose in outlining the workshops is to provide an ethnographic account of these programs in Sudan and to lay the context for the remainder of this article that considers their value in light of the operating principles enunciated by the UN and other latent functions they serve.

Many workshops are replications from a common training manual, so observing even one of them provides insight into their general structure and operation. Most are held in camps for displaced persons or remote villages. The trip from an NGO's office in central Khartoum to the camps in the desert would take more than an hour in a hired microbus. Temperatures soar past 50 degrees Celsius—considerably higher in the microbus (this, on a good day). The vehicle drives on flat but noticeably bumpy and very dusty desert tracks past what seem to be thousands of small tent-like homes fashioned out of sandy earth and dung, the only natural resources available in these areas. No matter which encampment or squatter area one heads toward, the view is same each time: The world looks brown and covered in dust—there are no trees. It is a place far from everything (including water), a place that no one should visit, let alone live. During rainy seasons, these areas can be all but cut off from the cities, due to mud that makes driving or walking impossible. And for much of the rest of the year, gales of Saharan wind make seeing, walking, talking, hearing, drinking, even thinking all impossible without sand getting every-

where on or inside a person's body and clothing. These desert camps were meant to be temporary shelter until war's end, but many displaced persons I met were there for 20 or more years as the civil war dragged on, flattening their villages. One displaced woman told me, "When I came here [to the camp], I was 19 years old . . . [that was] 16 years ago. We are . . . very miserable. It is a miserable life. We need . . . a recovery, and then slowly, slowly, slowly . . ." (Interview, Najwa, displaced woman and health care worker, desert camp near Omdurman, June 2005). She sighed and broke off, reflecting upon the unlikelihood of "recovery" after her forced migration and nearly two decades of so-called temporary displacement. This is how families displaced by war live. And these are the places where the international community has focused its attention to encourage empowerment and the realization of justice.

Typical workshops in the camps last from three to eight days, with one major topic discussed on each day. Discussion topics include constitutional law, international law, nonviolence, and peace-building.⁹ "Trainers" or facilitators are either staff members of a Sudanese NGO or Sudanese lawyers or civil society activists contracted by an NGO to facilitate the workshops.

Workshops tend to be held in the afternoon so that those who commute to work in urban centers do not need to miss a full day's pay to attend (1:00 p.m.–5:00 p.m. with a tea break, and ending usually with sandwiches brought in from Khartoum by the facilitator at the start of the workshop). The final day of the workshop is customarily dedicated to an informal graduation ceremony, where participants receive certificates of participation, sing and dance together, and sometimes speak about what they plan to do with what they learned.

Workshops I attended took place in a variety of locations in the desert camps, including thatch-roofed community centers, one-room schools, and dilapidated health clinics. NGOs rarely choose participants themselves. Rather, they work with local community leaders to select participants for the workshops, typically stipulating that at least half be women. Community leaders often nominate themselves and young leaders from well-known families in the community to attend. Some of these workshops are labeled "training-of-trainers" to ensure that those who attend ultimately impart knowledge to others.

Part lecture, part tutorial, the workshops are interactive. The NGO provides marking pens, large paper, and an easel. The

⁹ The range of topics for each day's workshops I observed were diverse and included human rights, women's rights and CEDAW, the Sudanese Interim National Constitution and Bill of Rights, the provisions of and rights under the Comprehensive Peace Agreement, nonviolence, and peace-building.

facilitator stands up front near the easel, and participants sit on iron benches or stiff-backed chairs facing the facilitator. He or she stimulates brainstorming sessions and divides the class into small break-out groups, which report back their responses to the questions the facilitator has posed. Issues areas are broad and open-ended: “What does the constitution mean to you?” Or, “What is democracy? What are its values, and what would be the means to achieve it?” Despite the poverty of resources, the workshops have the look and feel of an educational setting: a classroom, a teacher, and a curriculum. One could describe the workshops as free (though very basic) law schools for displaced victims of war. Many of the NGOs I met facilitated dozens of such workshops involving hundreds of participants in rural areas across Sudan’s desert outside of Khartoum. Some developed their strategic approaches to rights-based development by traveling to other countries. One facilitator told me, “I was sent by [our NGO] to [attend human rights workshops in] the Philippines. When I came back I [began to] train people in basic understanding of human rights concepts” (Interview, Balima, human rights activist, Khartoum, March 2007). The workshops in Sudan educate those displaced by civil war to mobilize their rights in courts or against the police, for example, by informing participants that they have the right to consult a lawyer if they are arrested.

The Impact of Human Rights Workshops

The purpose of this section is to lay out the costs and benefits of the legal awareness workshops as they have been deployed by NGOs in the desert encampments I visited in Sudan. Elucidating these consequences uncovers for sociolegal theory the latent functions of human rights in volatile settings. Theories that advocate, or are critical of, human rights promotion would find some expected consequences caused by the discourse of human rights—either positive (empowerment) or negative (emblematic of Western imperialism). Instead, I found that few of these outcomes were realized in Sudan, and that benefits derived from side effects of the “training” model and not from the discourse of human rights itself. This result is not surprising given the risks and benefits associated with these projects for recipients and their trainers, discussed below.

Displaced persons I met did not mobilize the human rights they learned about from attending the workshops, nor did they seem to have any plan to do so. The authoritarian regime in Sudan has strengthened its military and security forces using revenues coming from the sale of oil to trade partners, most notably China. This wealth has led to increased government investment in national security personnel, heightening surveillance in displaced

areas and making poor people less capable bargaining partners in the context of a toughening regime. In addition, impoverished people I met in Sudan were often reluctant to take human rights grievances to the courts and disinclined to be labeled as victims (compare Bumiller 1987).¹⁰

Pluralism also presents an obstacle to organizing. Those displaced by war are a fractured group.¹¹ They fled different villages across a 1,000-mile radius and ended up together in encampments surrounding Khartoum; they come from different ethnic, tribal, cultural, and linguistic traditions and are left with little choice but to live in these camps with others from groups with whom they may have been in conflict. Darfuris, for instance, have been displaced by the thousands to the camps around Khartoum, joining the millions of southern Sudanese already there. The Sudanese government often employed Darfuris as its foot soldiers in the 22-year war against southern Sudan. It is improbable that such disparate and impoverished groups, once at war with one another, will organize together as a cohesive, empowered unit to determine and demand common rights from an authoritarian regime. This divisiveness is one reason explaining why the Sudanese regime might allow UN-funded rights trainings to take place, recognizing that they are unlikely to have any measurable impact on organizing against the regime.

In this section I draw from Englund (2004) by separating consequences experienced by the recipients of human rights education programs (displaced persons) from those consequences experienced by civil society activists who conduct the programs. That is, full consideration of the impact of human rights education must extend beyond the displaced persons as targets. It must consider the trainers themselves and the organizations they represent. Though they are not the intended targets of these programs, they do realize a set of benefits from and experience high costs associated with their participation.

Practical Rewards for Civil Society Elites: Capturing International Aid Flows

When I asked Sohir, a civil society activist, why she promoted legal awareness among displaced persons, she replied, “If you spread knowledge among a lot of people, and the people are aware of their rights, then they begin to practice. It becomes a challenge

¹⁰ One activist told me, “Say there’s a woman mistreated at work. Very rarely do they sue. They’re scared of being criticized. If you go to court, it’s a long process, and you have to pay in terms of time and money” (Interview, Leila, Sudanese educator, Omdurman, June 2005). See also Massoud (2006:8).

¹¹ I thank David Abernathy for drawing my attention to this issue in Sudan and in Africa more generally.

for our justice system” (Interview, Sohir, NGO director, Khartoum, June 2005). The perception of rights animating this approach is rooted in political liberalism and in what activists like Sohir told me were universal notions of human rights and the dignity of the person. Embedded in this method is a more specific view of the individual’s relationship to others and to the state as one in which disputes can and should be resolved using a functioning court system, not using violence.¹² An understanding of law is seen as the first step toward this nonviolent mobilization of rights, by using the discourse of rights to frame grievances and then shaming government into compliance with human rights norms. The basic logic behind the workshops, then, is that a person must know that he or she has rights in order to be able to realize that those rights have been violated and, ultimately, to mobilize them by claiming that a violation has occurred.

Civil society groups purposefully target local communities as a response to their own critique of the production of human rights reports for foreign consumption. A leader of an NGO that conducts rights awareness workshops told me,

There were some in [our NGO] who wanted to do reports on human rights [in Sudan] for America, for other places . . . documenting cases of violence, and writing reports. But to us, that is meaningless. [Instead] we want to teach people their rights. These are the basic essentials in life. . . . If a person does not understand his rights, then his life will not be easy.

(Interview, Intisar, lawyer, Khartoum, Dec. 2006)

In fulfilling these goals, the benefits to civil society organizations from the relationships they develop with the international aid community are largely material in nature. A women’s rights activist I met put it most succinctly: “If I [could] summarize [my experience], most of the organizations where I volunteer get their funds from either Western embassies or international NGOs” (Interview, Habiba, women’s rights activist, Khartoum North, June 2005). In addition, local businesses or party bosses are more likely to commit scarce resources to government officials—in the form of taxes, payments, or incentives to obtain permits, lucrative contracts, and licenses—rather than to donate money to organizations that might be seen as hostile to the government or ruling party.¹³ The

¹² In one session on nonviolence that I witnessed in 2007, the facilitator began by explaining that a session on nonviolence is necessary to a legal awareness workshop because peace is a precondition to legal awareness.

¹³ A perspective widely held among activists I met is that funding to local NGOs “depends on donors. Internationals are more concerned with human rights [than with other areas]. . . . So they put [their money] into that field” (Interview, Tamir, Sudanese NGO director, Khartoum, May 2007).

relationships between international groups and local civil society replace domestic contribution patterns typically found in robust or emerging democracies, as capital flows from foreign aid groups to help advance an independent civil society neither rooted in opposition political parties nor beholden to business interests connected to the regime.

Local discursive uses of human rights are signals to the international aid community that an organization and its staff are independent or nonaligned (whether or not this is actually the case). Some NGOs frame programs in international human rights language to obtain funding from high-impact donors such as the UN; not doing so would convey unfamiliarity with UN values (see also Lucero 2006). In some circumstances, civil society leaders accept lucrative contracts to join international NGOs or the UN as “national staff.” Employment with such organizations provides prestige, higher salaries than local NGOs, and experience working both in the English language and with substantial budgets and resources.

Co-Opting Discourse and Intensifying Repression

Despite these material benefits, the trainers themselves experience costs. NGOs often do the work of legal awareness-building because that is what donors are willing to fund them to do. This reliance, of course, leads to unfortunate consequences. The first cost is discursive. That is, rights talk tends to narrow or limit the discursive resources available to civil society groups by suppressing alternative claims rooted in labor-based organizing, nonalignment, or nationalism (Rajagopal 2003:171).

The second cost comes in the form of dependence. One young civil society activist who administers human rights workshops funded by the U.S. National Endowment for Democracy told me, “Corruption is not only in the government. It’s in civil society itself. The problem is this: The [foreign] money is going to [Sudanese NGOs], who say [to the donor], ‘I’ll write you a really nice report.’ And nothing is happening on the ground” (Interview, Tofeq, NGO founder and human rights educator, Khartoum, June 2005). At the end of a two-day conference on women and justice funded by the UN, a lawyer and women’s rights activist told me, “UN funds and donor funds should be monitored; they need evaluation. A hell of a lot of money is coming to Sudan, but where is it going? This conference alone cost [U.S.] \$43,000!” (Interview, Intisar, lawyer, Khartoum, Dec. 2006).

From those remarks, echoed by other informed participants I met, rights have become a pervasive frame for the grievances of Sudanese civil society activists. To the independent observer, it would seem that knowledge of human rights is a necessary step for

a Sudanese NGO to secure international funding and, thus, for its existence.¹⁴ The language of human rights featured prominently in funding proposals and reports shared with me by local NGOs receiving funding from the UN. Some activists went so far as to suggest that organizations that they claimed had cozy connections to the regime would also adopt the language of human rights in order to obtain funding from the UN. In this way, human rights are like a password to the global bank account from which humanitarian aid money might be withdrawn. Another activist echoed these comments, focusing specifically on government and police trainings on human rights:

I criticize my colleagues working with UN organizations here. Why are you organizing workshops to provide knowledge and training for the police? They don't violate human rights because of their ignorance. . . . This is the oxygen they breathe—violating human rights. Every totalitarian regime that wants to stay in power will find itself forced to violate human rights. So you cannot change people through these workshops. You need another approach.

(Follow-up interview, Nabil, lawyer, Khartoum, July 2005)

The job of Sudanese NGOs that facilitate these workshops is to mediate between local culture and international norms. Merry (2006) calls these groups “translators,” though in Sudan they behave more like implementers. They engage in a one-way, top-down implementation of international human rights norms at elite local levels, rather than a two-way translation between local and transnational discourses. Indeed, the colonial resemblances to international development are unmistakable: Locals become dependent on foreigners and on aid from foreigners, while implementing foreign-instituted strategies locally (compare Merry 2006; Sharkey 2003).

Scholars including Englund (2004) have argued that in new democracies, elites in civil society use rights talk for their own benefit. While this article reveals a similar consequence in an authoritarian setting, it is also true that in Sudan civil society suffers dangerous costs as well. While traveling to a displaced persons camp, a local activist explained to me the constraints that civil society experiences in its work: “When these people [in government] came to power, because they were part of [earlier] movements themselves, they came to power with this mentality: If you want to survive as a government, as a regime, the first thing you have to do is get rid of or neutralize [civil society] organizations” (Interview,

¹⁴ Though this article argues that aid agencies have been encouraging human rights as a form of development in Sudan, further research is needed to examine this phenomenon at the program-implementation level, including possible self-selection by NGOs using rights talk to apply for funds from UN agencies.

Taha, NGO director and Sudanese legal consultant to the UN, Khartoum North, Nov. 2006).

Today this neutralization of civil society occurs in a variety of ways, largely through draconian registration laws requiring NGOs to reveal the names and addresses of staff and to submit to searches by national security officers or local informants who work for the ruling party. Government agents or collaborators are scattered throughout daily life in and around Sudan's capital. They wear police uniforms or plain clothes. Some have infiltrated civil society NGOs; others have formed their own government-oriented NGOs (GONGOs) to counteract the influence of local watchdog groups that receive international funding and provide aid while remaining silent about or hostile toward the ruling party. Said one civil society activist, "[Our] NGOs . . . have no resources or capacity; [civil society] leaders [have been] persecuted, threatened, and ended up leaving [the country]" (Interview, Tamir, NGO director, Khartoum, May 2007). Said another, "This regime, they want to control everything" (Interview, Daoud, human rights lawyer, Khartoum, Nov. 2006). The regime's strategy to restrain civil society has increased competition in civil society and siphoned aid dollars from nonaffiliated groups.

Material and Symbolic Benefits to Displaced Persons

Human rights education programs may have helped fund an elite civil society, but those benefits must be set against the costs experienced by NGOs in terms of financial dependence on foreign aid, discourse co-option, and submission to the regime's laws that sustain the regime's power over NGOs. These activities also carry costs and benefits for displaced persons.

Benefits of human rights education programs to displaced persons stem from processes of education—byproducts of the workshops—rather than from the content of human rights, that is, those benefits intended or advertised as related to human rights or to law itself. Understanding these byproducts of development relationships rooted in international law has unsurprisingly been overlooked because they are perhaps more mundane than empowerment or mobilization.

Workshops and training sessions fill a need for young adult and adult education among displaced persons. At one workshop I attended, the facilitator asked the participants where they had studied in the past. Most said they had been educated by organizations conducting legal awareness workshops. Only a few ever mentioned the state educational system. When I asked one displaced person what her most pressing needs were, she spoke primarily of learning. "I want a lot from the government. I want someone to say,

'Here is [an] education.' The government teaches people until a certain level. [After that] only if you have money can you get educated" (Interview, Salma, displaced woman, near Omdurman, June 2005). In other words, "if you are poor and you do not have money, you better stay in your house" (Interview, Nisreen, displaced woman, squatter area near Omdurman, June 2005).

First, legal awareness workshops teach marginalized persons about relevant transnational norms such as human rights, enabling them to speak the language of rights used by those who seek to help them and to internalize a rights consciousness. "Now they know" about rights, one facilitator told me after a workshop (Interview, Zakaria, lawyer and legal awareness workshop facilitator, Khartoum, May 2007). At another workshop I attended, the 30 trainees received copies of a variety of codified international laws, including Arabic versions of CEDAW. Legal awareness workshops serve the important function of "training people to ask government [for their rights], instead of [taking their rights] by force" (Follow-up interview, Samira, NGO director, Khartoum, Oct. 2006). That is, encouraging rights becomes an alternative to violence and brute force.

Second, legal awareness workshops improve people's knowledge not only of international laws of human rights but also of laws in Sudan. They are a new brand of legal education for war-displaced persons.¹⁵ In other words, there are practical benefits to education, such as knowledge and basic (legal) literacy. "I learned a lot about women's rights," Nisreen, a displaced woman, told me of the legal awareness workshop she attended while she was in prison. Nisreen had shot and killed her abusive husband three years before I met her. "We know now that after the peace agreement women have rights" (Interview, Nisreen, displaced woman, squatter area near Omdurman, June 2005). Salma, a displaced single mother of two, told me that she realized for the first time that a divorced woman has "rights to go and complain [in court] . . . if she has children, and the husband [has] not [been] helping her" (Interview, Salma, displaced woman, near Omdurman, June 2005; see also Massoud 2006:8). When Nisreen and Salma talked through with me what they learned about human rights from the workshops, their discussions were intertwined with praise for the NGO for its literacy training, food aid, and microloan projects. While legal awareness was important, they could not ignore the practical benefits of being in contact with domestic civil society groups that were receiving international funding.

¹⁵ Some workshop trainers said that those whom they trained had requested more workshops, especially women who were unaware of their rights in marriage. A lawyer who trains displaced women in Darfur told me that she keeps in contact with those women: "They were happy with what they learned. Some of them formed a group to study these things more" on their own (Interview, Salaam, lawyer, Khartoum, Nov. 2006).

Third, legal awareness workshops provide some practical training around self-help. “We’re always trying to explain to the villages [what services] they can expect from the government. The rest you have to do for yourselves. You have to organize yourselves so you [can] pay your one teacher and your [one] health worker” (Interview, Adelle, European aid worker, El Obeid, May 2007). Other trainings of what are called “paralegals” create a set of personnel who can file basic legal documents, in areas where there are no attorneys. I visited legal aid organizations run by nonlawyers, whose staffs train displaced persons how to file court documents, conduct basic legal services, write court petitions, or pay bail. One legal aid attorney told me, “The cases of [displaced persons] are not complicated. You do not need lawyers. You do not need Latin words, or English. It is simple; everyone can do it” (Interview, Maher, legal aid attorney practicing in Darfur, Khartoum, June 2005). The goal of this strategy is that with sufficient knowledge and proximity to the people, paralegals would help prevent arbitrary arrests of war-displaced persons and would serve as bridges between disadvantaged people and lawyers by contacting lawyers for assistance with more complex cases.

Fourth, imparting knowledge about rights, as a form of education, encourages symbolic or psychological liberation from the bonds of oppression. I have seen participants’ curiosities pique and have heard them ask careful questions during workshops about those new rights they had not realized they had. After a discussion on religious freedom, one puzzled Christian small business owner asked a workshop facilitator, “Does this mean I still have to shut down my business on Friday [the Islamic day of prayer and rest]?” That is, a legal awareness workshop can be the first place people hear about protections under law, not protections under God, and the first time they grapple with understanding their worth as human beings deserving of legal rights, and not merely as victims of war or of fate. In this sense, human rights—the mere mention of rights to a disadvantaged person—can help construct the mental structures necessary for feelings of liberation.

The discursive enlightenment that comes with learning about human rights enables the workshops to become a forum for displaced persons to talk openly about topics that formerly were or remain taboo—*muharramat*, or “forbidden” topics—such as changing religions, the secession of southern Sudan, or, simply, topics like human rights or children’s rights, words that many had feared uttering due to the regime’s oppression of activists.

Finally, when I asked displaced persons about the workshops, they went out of their ways to show me their *shihadaat*, or certificates of completion. Though without any real practical benefit for those who live in areas where few jobs are available—certificates of

completion are not university diplomas—displaced persons nevertheless kept their *shihadaat* on display, symbolically asserting their educational attainments to those (foreigners) who visit them. They also mentioned that they were pleased to receive sandwiches at the end of each day's workshop.¹⁶ While these benefits help fulfill the immediate needs of education and hunger, they also serve as psychosocial reminders that other Sudanese people support them—even those who come from rival groups or areas—in stark contrast to their relationships with police.

Risks for Displaced Persons Under Authoritarian Rule

We are a [diverse] country. But the center dominates us. Mentally, politically, socially, even economically, they dominate.
(Interview, Kahlil, NGO director, El Obeid, May 2007)

It is unclear from the above analysis whether an education in human rights, or a workshop reviewing Greek classics or contemporary nonfiction such as U.S. President Barack Obama's *Dreams from My Father*, might have elicited similar feelings of awareness or empowerment. That is, material and symbolic benefits to displaced persons, while real, do not result from the core content of human rights, nor do they reflect the intended consequences of rights-based approaches to development. The benefits of the workshops must be set against the costs experienced by the displaced persons who attend them. Similar to the benefits, these costs are both material and symbolic.

Despite a variety of power-sharing protocols and peace agreements with liberation movements across Sudan, Bashir remains Sudan's president as of 2011, holding final political authority. His government has made substantial investments in the national network of police and security forces, *al amn*. Laws also remain ostensibly Islamic in areas the regime controls, including the encampments around Khartoum. Today, corporal punishments for *huduud* (literally, borders) offenses against Islamic law remain common, particularly against non-Muslims who are poor and displaced. During my fieldwork, I witnessed public floggings at courthouses after young men were found guilty of possessing alcohol. In 2009, Sudanese women made international headlines after a group of them were arrested, flogged, and fined for wearing trousers ("Pants Pants Revolution," *Foreign Policy*, 5 Aug. 2009).¹⁷ One NGO

¹⁶ The food is not always a benefit: At the start of one workshop I attended, a representative of the displaced persons stood up and complained to the facilitator about the food from the previous day; many people had suffered diarrhea after the meal.

¹⁷ The author of this *Foreign Policy* article chose to remain anonymous "due to security concerns" in Sudan.

trainer said, “these measures . . . are a show of power . . . to scare [the displaced] people” (Interview, Najima, NGO founder, Khartoum, Feb. 2007).

Desert encampments and squatter communities are heavily monitored areas due to the large number of persons residing there who were displaced by the wars against President Bashir’s regime and its policies. Security checkpoints abound on major roadways to the camps. Once inside, displaced persons live under constant threat of arrest for possession of alcohol, a concern for women who brew and sell alcohol for a living—a crime punishable by flogging or imprisonment.¹⁸ Sporadic fighting takes place in the camps between displaced persons and the police, often when the police arrive to clear encampments in order to make way for new development projects. These confrontations have led to large numbers of casualties and furthered the regime’s surveillance measures (Abusharaf 2009:23–6).

In terms of material costs, legal awareness workshops risk putting people in physical danger should they choose to mobilize their rights. “The overriding [goal] of this regime is to stay in power at any expense. . . . They Islamicized and politicized everything in Sudan, the people of Sudan, the wealth of Sudan, and they left nobody feeling secure, no one at all” (Interview, Abu Musa, lawyer, Khartoum, March 2007). For that reason, many of those trained whom I met were unclear what practical benefits they were gaining from the workshops. That is, they continued to live under the constant surveillance of police forces and under the constant fear of arrest for offenses related to alcohol possession or brewing. To mobilize rights or to speak out against human rights violations by national security forces or police, rather than submitting to arrest, is risky, physically and economically. A Darfuri lawyer who represents displaced persons said of human rights, “We never [use] those words. There is no way you [can safely] mention them” (Interview, Hani, lawyer practicing in Darfur, Khartoum, April 2007). In addition, security officers and active-duty police in Sudan have historically held immunity from prosecution for crimes they commit unless and until they are removed from employment.¹⁹ Many activists complained about low police salaries in Sudan: “You cannot expect police to work day and night [as they do] with little money

¹⁸ A displaced woman reported to me that the police often raid the camps to arrest women who make or sell alcohol, but when these women are victims of crimes, the police often fail to assist them.

¹⁹ Though police immunity was repealed through an August 2007 decree, police generally remain immune and difficult to convict (“Sudan to Lift Immunity for Police Accused of Crimes,” *Sudan Tribune*, 21 Aug. 2007, <http://www.sudantribune.com/spip.php?article23380> [accessed 10 Dec. 2010]). The national security’s immunity from prosecution remains intact as of this writing.

and not to violate human rights” (Interview, Zacharia, lawyer and legal awareness workshop facilitator, Khartoum, May 2007). Some displaced persons told me that the police confiscated their brewing equipment upon arrest for possession of alcohol, and that other police officers would sell the equipment back to them upon release from prison so that they could continue their activities to make a living. These perverse relationships with police create a pattern of surveillance and arrest, and it was unclear to the displaced persons I met how knowledge of the varieties of human rights could end this cycle within which they struggle.

Attending workshops or merely affiliating with international groups may put participants at increased risk. These costs are often imposed directly by international aid agencies unaware of the extent of government surveillance or local political context. As one trainer told me, “One of the dangerous things is to associate with an international organization. For example, if [a trained paralegal] is an Oxfam or International Rescue Committee [IRC] paralegal, then people will say, ‘he is giving information to Oxfam or IRC.’ But the problem with the donors is that they want to see these [name tags and logos] on the shirts. So we don’t know what to do” (Interview, Maher, legal aid attorney from Darfur, Khartoum, June 2005). Seemingly mundane donor requirements can have lasting negative impacts on local populations.

The trainings also have symbolic or discursive costs to displaced persons. First, the idea of human rights creates an illusion of hope among those who live under an authoritarian regime that, through rights or litigation, each individual can liberate him- or herself from oppression. While rights talk and litigation have had some secondary or symbolic benefits in robust democratic contexts, it is unclear even in those settings the extent to which organizing around and litigating lost rights is an effective tool to achieve a group’s primary goals or, more broadly, for social change (McCann 1994; Rosenberg 2008). The production of an ideology of hope can be a “method of knowledge formation” and may one day create a political opportunity for agency and organizing among displaced persons in Sudan (Miyazaki 2004). But any durable change or adoption of rights will depend on the defeat of a variety of institutional challenges, including the extent to which state agencies will respond positively and nonviolently to rights-based claim-making.

Second, rights talk cannot be separated from the political context within which it is encouraged. While some victims of war have used rights talk to make claims (as they have been taught to do), these claims have sometimes been made when communicating with donors, in the language they think the donors wish to hear. There is no evidence that they have made claims using the same language against government directly, which they know to be at best immune

to and at worst threatened by rights talk. That is, some displaced persons in Sudan have adopted the language of rights for cynical reasons. According to a lawyer I met who travels into the camps, “the internally displaced persons . . . have been politicized by many visits [by foreign aid groups and officials]. Now they are politically conscious. They will say what [they think] the white man wants [to hear]” (Interview, Adil, lawyer and member of Parliament, Khartoum, July 2005).

Third, while the language of rights tends to dominate discussions of forbidden topics, it seems to hold little practical value for those who might use it against government. I met attorneys who separately told me that they knew more displaced persons than government officials who could recite provisions of international treaties, though officials were the actual violators of the rights enshrined in those treaties (Interview, Maha, lawyer and legal awareness workshop facilitator, Khartoum, Dec. 2006). As one NGO director told me, “When they come to arrest you, you can say, ‘This [arrest] is against my human rights.’ But the police will still arrest you. You can fight with the police. But in the end, you are still put in jail” (Follow-up interview, Samira, NGO director, Khartoum, Oct. 2006). In a separate meeting, a lawyer concurred with this idea that the government will not be shamed into protecting human rights: “Even the law of the [Sudanese] Constitution is not constitutional. [And besides] if a general [from Security] came here, you can’t say, ‘these are my rights’” (Interview, Malika, lawyer, Khartoum, Oct. 2006).²⁰

Fourth, training impoverished people to seek out rights nonviolently from government can lead to furthering the regime’s powerful position vis-à-vis a poor and struggling population. That is, seeking remedies from government legitimizes it as a partner capable of bargaining, which civil society NGOs and those they represent together seek to avoid. Rather, many of those I met hope to destabilize the foundation upon which the regime rose to and has remained in power. “For Sudan to get better, [we] need to get a new government, with a new understanding,” one activist told me (Interview, Tofeeq, NGO founder and director, Khartoum, June 2005). Training displaced persons to turn to government nonviolently for services may reduce the likelihood of violent demands, but it simultaneously secures the regime’s place as a legitimate grantor that conveys rights to citizens who continually lack them, securing their subjectivity as disabled rights-seekers.

²⁰ She argued that the Constitution was itself unconstitutional because it includes a provision that preserves all existing laws—even those directly in conflict with the Bill of Rights—until they are repealed. The government, to the chagrin of many progressive lawyers, has been slow to repeal those laws, while continuing to enforce them.

Conclusions

Those who promote human rights in Sudan expect that, in an authoritarian regime with an undeniable neglect of human dignity, human rights could create a substantial opening to fill deficits in the state's treatment of the poor. My findings from Sudan would suggest that this is not entirely the case. Just as the literature on rights in the United States has underscored the importance of not exaggerating the transformative or revolutionary power of rights, the case of Sudan would lead one to caution against overstating the extent to which rights can change outcomes in contexts that are substantively more dire. As the stakes increase—when poverty is so immediate, regimes are so threatening, and risks are so high—the reach of rights, even as a symbolic resource, becomes ever more restricted.

International donors such as the UN are funding local NGOs in Sudan to educate displaced persons that articulating claims and injuries as rights violations might push the regime to promote human dignity—channeling the international community's hopes to those least equipped to realizing them. At best, though, independent NGOs unable to register as charities provide a tax base to the regime while merely, in the words of one Sudanese lawyer I met, “irritating” the government rather than changing it (Interview, Phillip, lawyer, Juba, southern Sudan, April 2007). The result for human rights in authoritarian, war-ravaged states like Sudan is that they become unattainable, myth-like, and almost religious in symbolic or mystical value. Similar to experiencing God, one cannot experience rights directly, by seeing or touching them, but one is told that rights exist or believes them to exist. And knowing that rights exist can make one feel a little better. Knowing that “Human Rights” exist, like knowing God exists, can provide individuals with some needed hope. For people who fled a civil war in their village to a desert tent near their oppressor's capital city, hope holds symbolic value. But hope may not put food on their table, or buy them a table, either.

The impacts on the poor of these workshops are not the ones purported by activist proponents of human rights. Rather, for the ostensible target populations of human rights initiatives, the content of human rights is rather empty. In the process of conducting these workshops, it is certainly true that connections are made and relationships are built between the UN and local civil society elites (Englund 2006; Merry 2006). However, claims that human rights and legal empowerment ultimately benefit the poorest and most vulnerable in a society (Golub 2006; UNICEF 2004; United Nations 2008) are not borne out by my case study of Sudanese victims of war from Darfur and southern Sudan. Instead, human rights

discourse may produce dangerous expectations that the regime will listen or change. But neither is the contrary and extreme argument—that human rights are merely “civilizational” justifications for neocolonial intervention—borne out by my study. Costs derive from local relationships with foreign donors or UN agencies that promote international law and human rights. In other words, from the perspective of the world’s most poor, international law is neither a savior nor a nemesis. Survivors of civil war displaced to live under the jurisdiction of their adversaries have experienced the brute force of law enough to disconnect the liberating rhetoric of human rights promoters from the challenges they face on a daily basis. That is, human rights discourse will not provide them clean water from their government, nor will the language of liberation embedded in transnational ideas of human rights release them from the grip of national security forces that closely monitor their activities to ensure compliance with repressive domestic laws enforced by the authoritarian regime. Benefits, instead, are more tangible and mundane, resulting from the side effects of an internationally connected civil society’s attempts to assist impoverished victims of war: psychosocial support and solace from local NGOs, a free meal at the workshop, and documentary evidence of educational attainment (a certificate and small graduation ceremony at the end of a weeklong workshop).

My data suggest a number of implications for sociolegal theorists interested in rights, and in rights in Africa and beyond. First is the need to pay close attention to the political context or regime type in which rights exist. Moving beyond the United States and other democratic (even “developing” or “transitional”) states will unearth new regimes where rights discourse is promoted and contested. Debates about rights coming from primarily U.S.-based law and society scholarship can and must be extended to international human rights law and to the promotion of human rights in authoritarian states. Second is that the export of international law as a model of development aid, particularly to victims of war, creates benefits and costs, which should be segregated between those who teach rights and those who are taught rights. Further research must examine empirically the long-term effects of rights promotion on promoters as well as on their target communities. Third, the workshops provide empirical evidence for sociolegal theory on rights that the positive effects of rights-based strategies in the case of an authoritarian state do not result from rights discourse itself, but rather from the fulfillment of more urgent material and symbolic needs. This educational model, however, is potentially dangerous when delivered into authoritarian contexts absent full knowledge of the national political context within which rights operate. Finally, sociolegal theory must confront the extent to which

pluralism influences how disparate and divided groups can organize to mobilize collective rights.

Human rights discourse in high-risk settings provides elite jobs to elite locals and a response to immediate needs such as education and food to poor persons. The costs of these projects, however, run much deeper: creating expectations even amongst aid practitioners that teaching rights can lead to organizing or mobilization; putting participants in danger under an authoritarian regime threatened by detractors, including human rights promoters; and causing NGOs and the displaced persons they assist to adopt the language of human rights, even cynically, to ensure their existence and livelihoods.

The impacts of human rights result largely from the intervention itself. My data suggest a great deal of material and discursive disadvantages. As with other scholars of the global South, I find areas of resistance to human rights by independent NGOs (see also Rajagopal 2003). As this resistance fades, local relationships with the international aid community deepen. Little happens to poor people as a result: They neither receive benefits one would hope from human rights, nor do they suffer extreme consequences that some of the most critical literature might make us believe. Rather, they cannot and often do not call for human rights from government, as daily life runs its course and surveillance and arrests continue in their encampments.

European powers at the twilight of colonialism began to endow local elites with ruling capacity, handing to them the colonial project of lifting Southern countries out of “backwardness” and into the “civilized” world. These local elites, usually from a single ethnic or religious group, labored under colonialism, but they also benefited from their relationships with foreigners (Sharkey 2003). Meanwhile, a political underclass was maintained—the ostensible groups of “backward” individuals unable to gain from the transnational-local interactions of colonialism. Much in the same way, transnational-local interactions in Sudanese civil society today do not benefit the targets in the manner intended. It is undeniable, though, that the programs unwittingly produce educational benefits. But funding mechanisms create a new category of local elites who grow wealthier and shift into and out of jobs in the international arena or positions funded by the UN. International relationships translate into increased salaries. While a higher salary brings obvious benefits, it also widens an economic gulf between trainers and targets, making local elites appear more like their international counterparts than they do the domestic poor people whom they purportedly assist and represent. This stratification challenges the notion that human rights impact at the deepest roots where effects are intended. My data call attention to the need for

further research in insecure areas in and beyond Africa, where safe for the researcher and for those with whom the researcher interacts. Specific areas of further investigation include the ways in which aid practitioners transfer ideologies of hope to the poor, particularly in local settings in authoritarian contexts, and the relationship between international conceptions of rights and local resistance to rights and to authoritarian regimes.

Recent work on human rights suggests that, to move beyond skepticism and critique, human rights as a moral philosophy must be recovered by decoupling it from deeply troubling contemporary legal projects (Stacy 2009). My purpose here has been a step in this direction: to lay out the costs and benefits of rights regimes in an authoritarian context for those sociolegal scholars who investigate rights in their variety of settings, including political and geographic contexts as distinct as Sudan and the United States. There are advantages to human rights training—psychological liberation—and more practical benefits—improved knowledge, encouraging nonviolent dispute resolution, and education about transnational norms that link disadvantaged communities with salient transnational discourses of rights, generating funding for civil society. But in chaotic, war-torn, and authoritarian environments like Sudan, human rights projects risk creating unessential abstractions and added risks in the daily suffering of displaced persons.

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