



# Comments on Bahey eldin Hassan's 'Defending Human Rights in the Time of COVID-19'

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In a recent contribution, Bahey eldin Hassan discusses three broad dynamics that alone or in partial combination could shape global affairs and therefore human rights work in the (post-) COVID-19 period: the further slow erosion of the international order and its mechanisms of cooperation and conflict resolution such as the United Nations; the definite demise of this order including the states on which it partly rests; and its renovation to better translate into reality past promises of peace, cooperation, freedom, and equity. Based on a clear preference for the third scenario, the following pages address the conditions and dynamics likely to affect future human rights work. A brief account of recent events will show that the pandemic compounded rather than created obstacles and difficulties.

No doubt, the new virus further increases material and moral burdens on many actors, thus complicating their reciprocal relations, and ultimately exacerbating 'stress' in a world that for some time already has undergone huge changes. These changes include the decline in economic growth; the possible transformation of globalization into 'slowbalization'<sup>1</sup>; the – partly related – rise of populist nationalisms, often with strong authoritarian tendencies; and the dislocation of (political) multilateralism epitomized by the United Nations (UN) and, in other ways, the European Union (EU).

Unsurprisingly, such changes also offer new opportunities to other – sometimes even the same – actors, be they pharmaceutical industries that can raise additional capital and government support; authoritarian rulers who sometimes thrive on the fear of their subjects; or defenders of a more ecological lifestyle who have sympathies neither for the pharmaceutical industry nor authoritarian rulers. As concerns human rights actors, constraints seem to outweigh opportunities by far, but only future developments will tell. Though purely hypothetical at the moment, the hope that the pandemic might bring violent conflicts to an end is not outlandish. After all, throughout history peace deals and other political settlements were frequently negotiated precisely when the conflict parties were all similarly exhausted; sanitary conditions could have such effects as much

as the destruction of crops, cities and armies in combat.

For the moment though, the effects of the pandemic remain largely open to speculation. *First*, we do not know how long the present situation will last, a situation that depends not only on the availability – when? for whom? - of vaccines and treatments but also on the physical, moral or psychological as well as economic staying power of the many actors concerned. By implication, we cannot anticipate whether medical conditions will improve or deteriorate, and whether people will cope better or worse with them over time. Some may die, others may be scared to death; some may acquire immunity against the virus, others against the scare, yet others neither the one nor the other.

*Second*, even if matters ‘soon’ change for the better again, the long-term effects remain entirely uncharted territory. We may have some ideas about how countries or the world at large surmounted large-scale economic crises of which we experienced a variety in the past decades; however, we know much less about how people overcame the effects of equally large health crises over time. The most recent example of a global pandemic that affected and afflicted the capitalist heartlands was the ‘Spanish’ flu about a hundred years ago. Other pandemics and epidemics may have been extremely severe, but they were locally more circumscribed and by and large failed to affect the global north. In any case, ‘soon’ probably means within a year or two.

*Third*, independently of possible combinations, each of the scenarios may unfold in different and contradictory ways. For instance, the dislocation of the European Union, either in general or in its present form, probably going hand in hand with the decline of many member states, may weaken human rights initiatives that it supports abroad. Yet at the same time, it may also weaken ‘security cooperation’ with Arab states that in many cases consolidates governments hostile to human rights.

With the caveat that the future may not resemble the past, comments on the likely impact of the virus on human rights work may start from what we have seen since the onset of the pandemic. In many countries, Arab and non-Arab alike, one major concern was the balance between liberties (and rights) on the one hand and restrictions to these liberties on the other; though officially justified by public health reasons and the liberty to live, they nonetheless collided with other liberties. Many governments around the world have imposed such restrictions, sometimes raising questions about the respect of basic freedoms and, in the case of elected governments, about their commitment to democracy.

Under the authoritarian political regimes in most Arab countries, such measures by definition could not affect democracy, but they nonetheless further restricted liberties and thus human rights. Lockdowns and fully fledged curfews were the most common example. The closure of borders and the expulsion of foreigners are other illustrations. Decisions may well have been inspired by the intention to save lives; but even then, they may have been insufficiently balanced, too broadly targeted, or summarily implemented. As in more participatory or even democratic contexts, such measures may remain in place or survive in some form of emergency legislation after the virus is gone. No less predictably, many authoritarian governments have used existing or new legal provisions and extra-legal action to pre-empt or repress any challenge, perceived or real, to their

management of the crisis; some of them also used such means to pursue other aims like expelling migrant workers who had lost their jobs because of the virus or even earlier.

No doubt, repression has continued in many authoritarian contexts, sometimes expanding and deepening, as Bahey eldin Hassan shows for Egypt. People and categories of people hitherto not tried or arrested have become victims of repression. However, the development may as well be seen as the almost ‘mechanic’ continuation and exacerbation of the new dynamics of repression put in place in 2013. To the extent that the government builds its legitimacy on the fight against terrorism, it needs to discover, arrest, try and possibly execute new ‘terrorists’ at regular intervals. To make the Ponzi scheme work, those who fear that repression creates rather than defeats terrorism or criticize human rights abuses are best branded terrorists themselves. In that sense, the accusation of terrorism is almost naturally levelled against individuals who without defending the views of Muslim Brothers defend their rights. In other words, additional human rights abuses *during* the pandemic were not necessarily caused *by* the pandemic.

Without any complacency towards authoritarian rulers, one also needs to record that some of them decided to release prisoners after the onset of the pandemic. It is sadly true that these measures generally failed to include political prisoners. They nonetheless saved a number of people from inhumane and degrading treatment in prisons, even though they may also have enabled some beneficiaries of the measures to take revenge or commit crimes.

Simultaneously, the spread of the pandemic has coincided with new attempts to repress public protests most of which had begun earlier for reasons unrelated to the virus. In Iraq, ‘security forces’ and armed groups defending the political status quo and the attendant distribution of spoils continued to attack peaceful protesters who - in rapidly growing numbers since October 2019 - demanded political reforms necessary to put the country on a path of economic development. Including forced disappearances, torture, assassinations, and sniper fire, the recourse to violence terrorized, contained, and over time weakened a protest movement that had repeatedly (re)occupied Tahrir Square in central Baghdad before and after the first COVID cases were reported in the country.

In Algeria, new efforts were deployed to weaken the Hirak movement that since February 2019 had staged large-scale demonstrations against the military and its allies who first sought the ‘re-election’ of president Bouteflika and then tweaked the institutions to stay in power anyway. Arrests and trials in government-dependent courts were used to disrupt and frighten the opposition. In Lebanon, police and armed gangs again openly fought protesters who, since October 2019, intermittently demonstrated against the policies, systematic negligence, and corruption by a cartel of political and economic actors who had definitely transformed consociational democracy into segmented authoritarianism.

However, in the three countries protests subsided not only because of continued (rather than reinforced) repression but also because of the pandemic itself. In some cases, protesters were less ready to take to the streets, in others they sought to emphasize their sense of responsibility as mature citizens. The Hirak temporarily suspended its action in March 2020. While repression in its various forms did not necessarily exceed previous levels, the pandemic as such reduced the

attraction, even legitimacy, of collective action. To an extent it complicated the defence and indeed the 'acquisition' of human rights through limited demand. Possibly the combination of repression and the pandemic has also prevented a new edition of the September 2019 protests in Egypt.

A variety of protests in other countries were certainly overdetermined by the effects of the pandemic, but they nonetheless reflected longstanding grievances held by particular constituencies. This applies to demonstrations for jobs and social justice in Tataouine in southern Tunisia in June 2020 as much as to the demands of the Jordanian teacher's syndicate; rather than agreeing to a pay rise, the government closed down the syndicate and arrested its board members. It also applies to the many smaller scale and local protests over workers' pay, evictions of families from popular quarters and the like that continue to mark most countries. Although many of these protests at various moments led to police intervention or other repressive responses, their main causes, dynamics, and outcomes resembled those of earlier expressions of discontent, as did government action. Grievances older than those related to the virus also motivated the June 2020 protests in Suwayda in southern Syria.

Independently of publicly stated demands, it is obvious that economic and social rights in the broader sense have been further eroded since the onset of the pandemic. The revenues of numerous governments have been hit by the widespread and heavy decline in economic activity. Tourists deserted beaches, trade sharply dropped, the oil price collapsed; tax and excise incomes fell while however insufficient expenditure for public health, social benefits, and a degree of economic stimulus rose. Many people lost their jobs or large parts of their income, in particular (but by no means only) migrant and informal workers as well as their dependents.

However, here again the coronavirus pandemic reinforced earlier trends that had been visible for some time. The oil price has followed a downward trend since 2014 and had already basically fallen by half on the eve of the pandemic's outbreak in China. Ever since, it has been lower than the budget projections of most oil producing countries. The latter began to tighten their belts well before the beginning of the pandemic, with obvious effects on other countries which depended on their economic growth or budget aid. Certainly, Egypt finalized its latest agreement with the IMF in June 2020 when it obtained a twelve-month standby loan of US \$ 5.2 bn, explicitly earmarked to overcome the effects of the coronavirus crisis. Ultimately, however, the loan was an add-on to the US \$ 12 bn extended fund facility arrangement agreed in November 2016 which itself had been preceded by various other agreements since the 1960s.<sup>2</sup> Balance of payment and budget crises followed by austerity measures with or without IMF involvement have recently – and repeatedly – marked the history of a variety of countries. They always led to cuts in social benefits and subsidies that penalized the less well-off. In Egypt, for instance, such cuts led to a significant decline in health expenditure that weakened response to the coronavirus pandemic.<sup>3</sup>

Since the beginning of the pandemic, some major armed conflicts have de-escalated, with welcome but still extremely limited and precarious effects on human rights. The Syrian government offensive with Russian support against armed opposition groups supported by Turkey in the area around Idlib came to a halt in March 2020 (even though some military action continues and both Turkey and the Syrian government reinforced their military presence). In Yemen, the

Saudi-led Arab coalition unilaterally declared (and then renewed) a cease-fire in April 2020, officially to stop the spread of the disease; still, the ceasefire failed to end military action on both sides. Nor did the first COVID-related death reported in Yemen a few days later prevent the festering conflict between the Saudi supported government and its allies in the South from exacerbating until another fragile ceasefire was reached in June.<sup>4</sup>

Once again, the pandemic has not been entirely alien to such developments; the Syrian government for instance temporarily stopped drafting new recruits into the armed forces.<sup>5</sup> However, conflicts in both Syria and Yemen had already led to a stalemate before the advent of the virus, a fact that illustrates the continued importance of other factors. This being said, no significant advances have been made to come closer to a definite peaceful solution of either conflict.

In Sudan, an initial peace agreement was signed in late August 2020 between some of the armed opposition groups in Darfur and the Southern provinces (not to be confused with South Sudan where the agreement was signed) on the one hand and the central government on the other. Rather than the pandemic, the agreement reflects the new political dynamics since the overthrow of president Bashir in April 2019. In Libya the – only – recent decline in open hostilities mirrors broader external dynamics rather than the spread of the virus.

In particular Yemen, Syria, Iraq, and Libya internal conflicts –with their highly visible external ramifications – have entailed or exacerbated the disintegration of states and societies. These processes as well have begun before the advent of the virus; in many ways, they are intimately linked to the very creation of the states themselves and their history in the broader global context. Already fragmented, societies in the sense of populations living within the borders of a given state have become more divided in the course of these conflicts than before. We-groups based on representations of specificity, including cultural markers such as religion or language, have become stronger while social ties across their boundaries have become weaker.

States defined as political regimes monopolizing the means of coercion over a population and a territory have lost part of their power and influence to competing actors. Even when maintaining a seat in the UN and enjoying international recognition, central governments are unable to control large parts of the country over which they claim to rule. Various armed groups – larger or smaller –dominate these areas and heavily contribute to shaping and implementing policies there. Already complicated by armed conflicts, human rights work increasingly needs to take into account the fragmentation of states. Abuses may be committed by a growing number of actors including the government, agencies formally subordinated to the government but in reality autonomous, and groups openly challenging the government, competing with it, and seeking to replace it at least in part of the territory.

The area where the pandemic may have had the biggest impact is the provision of external support for human rights. Like the often cited ‘war on terror,’ the new ‘war’ on the virus has focused the attention of potential donors. One would be hard pressed to find a single significant initiative by officials in Europe (other than parliamentarians) in the corona period to defend human rights in the Middle East and North Africa, even though there was no shortage of opportunities.

This being said, ‘donor’ neglect of the issue is as old as human rights abuses in the ‘receiving’ countries and, once again, not a product of the virus. Rising nationalism, populism, and xenophobia since the global financial crisis some ten years ago are likely to exacerbate the trend.

However, before the rise of nationalisms, ‘liberal internationalism’ and globalization that claimed to defend multilateralism have not always been hospitable to human rights either. In their own ways they took with the left what they gave with the right. The World Bank and the IMF gained more importance and influence than the United Nations itself; theoretically the two institutions were supposed to act under the UN's umbrella. No doubt there was a push for international criminal justice, but many countries including the United States failed to sign up; numerous ‘economic’ - but therefore highly ‘political’ - matters were removed from the courts in the strict sense of the term and left to dubious arbitration tribunals. New global economic regimes reduced millions of workers in the ‘third world’ to de facto slavery and consolidated authoritarian regimes outside the capitalist heartlands even as they allowed a global human rights-conscious and concerned civil society to thrive. Especially outside the global north, people were increasingly supposed to accommodate themselves with authoritarian rule which allegedly fights terrorism and provides stability.

All too often it was considered politically acceptable to ignore that globalization could reduce rather than strengthen negative and positive liberties<sup>6</sup> – human rights on the one hand and equal participation of the ruled in decisions concerning them on the other. These issues have been repeatedly highlighted by the ‘classical’ critics of ‘neoliberalism’<sup>7</sup> whose message sadly has been diluted rather than strengthened by numerous less rigorous advocates of the cause. It is not a roundabout way to defend nationalism and populism to concede that only a fraction of benefits from unequal trade or arms deals has flown into philanthropic foundations and ‘development aid.’ Among Bahey eldin Hassan’s scenarios, defending and improving the global *ancien regime* is the best choice possible; however, it does not guarantee continued support for human rights activities at the necessary scale.

Worse, in light of the economic consequences of the pandemic, past donor frugality and procrastination may soon be remembered as generosity. Strongly *negative* GDP growth in 2020 - some 5.2 per cent globally, 4.2 per cent in the MENA area, and up to 7 per cent in ‘advanced economies’ (12.1 per cent in the euro zone in the second quarter 2020)<sup>8</sup> - is not a promising indicator for important amounts of future international aid, be it to promote human rights or other objectives. As a matter of course, such aid and support should be provided, be it only out of the long-term self-interest of the donors, but budgetary considerations will not necessarily make it happen. Policy and spending priorities may be even more closely circumscribed than in the past, privileging voters and other beneficiaries on whom governments and intergovernmental structures like the EU directly depend.

Clearly, the economic downturn and fiscal crisis are only at their beginning. Possibly ways and means will be found to adapt economies to a lasting pandemic even in the absence of vaccines or medication. Perhaps confining people to their homes turned workplaces can save transaction and other costs like public transport and office space. Eating hamburgers delivered to their flats, people



would spend less time going out and could work longer hours. Schools and universities could divest themselves of expensive buildings and teach via zoom. What cannot be done online could be done by robots. However, apart from its evident lack of attraction, such a perspective remains a long-term scenario at best – or at worst. Independently of such a fancy fairy-tale future, the chief economist of the World Bank and her co-author expect that the ‘crisis will hit lower income households and countries harder than their wealthier counterparts.’ As to the recovery, they warn against early optimism. ‘Some important economies are now reopening, a fact reflected in the improving business conditions in Asia and Europe and in a turnaround in the US labour market. That said, this rebound should not be confused with a recovery. In all of the worst financial crises since the mid-nineteenth century it took an average eight years for per capita GDP to return to the pre-crisis period.’<sup>9</sup>

Seen from this angle, the question arises how human rights could be increasingly advanced and their defenders supported with less resources than in the past, and possibly with resources that are mobilized within the countries concerned. Hopefully support from the established sources will not entirely dry up, but it is not likely to reach past levels of support soon again. The limited resources available in many Arab countries and losses related to the pandemic such as the collapse of remittances and tourism would only allow the implementation of financially modest schemes or projects.

Activities would necessarily have to rely more heavily than today, though not exclusively, on non-financial resources – ultimately on a maximum of labour and a minimum of capital. Whether or not such projects are a real possibility remains for the moment an open question. It may nonetheless have to be addressed, be it only to explore all option to deal with the worst of cases. No doubt, authoritarian governments will do what they can to prevent local sources of support for human rights work to arise, especially when it comes to funding. However, these governments have also done what they could, and often successfully, to prevent foreign funding and other support from reaching local organizations and activists.

Human rights in Arab countries largely remain the victims of well-entrenched authoritarian governments with strong external support, not least from established democracies. Domestically, the current pandemic largely reinforced existing dynamics of repression, be it legal or extra-legal. The pandemic's most important consequence for human rights and their defenders may well be an additional decline in external support, partly for financial reasons, partly because of rising populism, nationalism and xenophobia in the donor countries.

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<sup>1</sup> A neologism referring to the slowdown of globalization over the past years, see The Economist 24012029

<sup>2</sup> For details and the history of such arrangements, see International Monetary Fund (IMF), 'Egypt: Transactions with the Fund', accessed 12 September 2020, <http://www.imf.org/en/Countries/EGY>.

<sup>3</sup> On current and previous economic crises and related reforms, see for instance Kienle, Eberhard (2020), "'Economic Reform" since the 1980s: The Political Corollaries of a Political Project', in Sadiki, Larbi (ed.), *Routledge Handbook of Middle East Politics* (Abingdon: Routledge, 2020), pp. 197-215; Cammett, Melani, Ishac Diwan, Alan Richards, and John Waterbury (eds., 2015), *A Political Economy of the Middle East* (Boulder: Westview); on Egypt specifically: Diwan, Ishac, Nadim Houry and Yezid Sayigh (2020), *Egypt after the Coronavirus: Back to Square One* (Paris, Arab Reform Initiative/ARI), accessed 13 November 2020, <https://www.arab-reform.net/publication/egypt-after-the-coronavirus-back-to-square-one>.

<sup>4</sup> For figures and dates, see data provided by the Johns Hopkins University Coronavirus Resource Center, Baltimore, Md, accessed 1 November 2020, <https://coronavirus.jhu.edu/map.html>.

<sup>5</sup> See Megally, Hanny (2020), 'Last Refuge or Last Hour? Covid-19 and the Humanitarian Crisis in Idlib', New York University, Center on International Cooperation (NYU/CIC), New York, N.Y., , accessed 13 September 2020, <https://cic.nyu.edu/publications/last-refuge-or-last-hour-covid-19-and-humanitarian-crisis-idlib>.

<sup>6</sup> In the sense of Berlin, Isaiah (1969), *Four Essays on Liberty* (Oxford: Oxford University Press).

<sup>7</sup> Such as Brown, Wendy (2015), *Undoing the Demos: Neoliberalism's Stealth Revolution* (New York, N.Y.: Zone Books).

<sup>8</sup> The World Bank (2020), *Global Economic Prospects June 2020* (Washington, D.C.: The World Bank), accessed 12 September 2020, <https://www.worldbank.org/en/news/feature/2020/06/08/the-global-economic-outlook-during-the-covid-19-pandemic-a-changed-world>; Eurostat, accessed 12 September 2020, <https://ec.europa.eu/eurostat/documents/2995521/11156775/2-31072020-BP-EN.pdf/cbe7522c-ebfa-ef08-be60-b1c9d1bd385b>.

<sup>9</sup> Reinhart, Carmen and Vincent Reinhart, 'The Pandemic Depression: The Global Economy Will Never Be The Same' (2020), *Foreign Affairs*, 99 (5), accessed 13 November 2020, <https://www.foreignaffairs.com/articles/united-states/2020-08-06/coronavirus-depression-global-economy>.