Human Rights in Africa

Human rights have a deep and tumultuous history that culminates in the age of rights we live in today, but where does Africa's story fit in with this global history? Here, Bonny Ibhawoh maps this story and offers a comprehensive and interpretative history of human rights in Africa. Rather than a tidy narrative of ruthless violators and benevolent protectors, this book reveals a complex account of indigenous African rights traditions embodied in the wisdom of elders and sages; of humanitarians and abolitionists who marshaled arguments about natural rights and human dignity in the cause of antislavery; of the conflictual encounters between natives and colonists in the age of Empire and the "civilizing mission"; of nationalists and anti-colonialists who deployed an emergent lexicon of universal human rights to legitimize long-standing struggles for self-determination; and of dictators and dissidents locked in struggles over power in the era of independence and constitutional rights.

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Preface

We live in the age of rights. The doctrine of human rights has become the dominant language for public good around the world. It has become the language of choice for making and contesting entitlement claims, spawning what has been described as a global human rights revolution – a revolution of norms and values that has redefined our understanding of ethics and justice. From interstate relations to interpersonal encounters, there is growing academic and popular interest in the deep history of human rights. There is increasing willingness by scholars to re-examine historical events through the human rights lens. Historical contributions to human rights have been concerned primarily with questions of meaning, origin and genealogy. Although modern human rights doctrine is widely seen as a twentieth-century *invention* and an outcome of the tumult of World War II, questions remain about the origin and genealogy of the human rights idea. What are human rights and how have human rights ideas and struggles developed over time in various societies? How far back in time can and should we go to trace the genealogy of human rights? What are the defining moments of rupture and breakthrough in the evolution of the human rights idea and the development of the human rights movement?

In crafting a *longue durée* history of human rights in Africa, this book addresses some of these broad questions. But my aim is not so much to answer them conclusively as it is to engage them from a distinctly Africanist perspective. Although the past few decades have witnessed an explosion of interest in human rights history, Africanist historical

perspectives have been few and far between. Much of the scholarship on the history of human rights has been framed in ways that omit or gloss over African experiences and perspectives in discussions of key episodes in the history – antislavery and abolitionism, liberalism and modernism, social movements and political revolutions, and the post–World War II international human rights movement. Yet African experiences, from antislavery to anti-colonialism, are clearly integral to the history and *pre-history* of international human rights.

This book aims at two intersecting goals. The first is to explore the place of Africa in the global history of human rights. The second is to broadly map the development of human rights as idea, discourse and struggle in Africa. In these endeavors, this book resists the presentism and essentialism that characterizes much of the scholarship on human rights, to tell a story that goes beyond twentieth-century violations and present-day activism. The story of human rights offered in these pages is not a tidy narrative to ruthless violators and benevolent protectors. It is a more convoluted story of indigenous African rights traditions embodied in the wisdom of *elders and sages*, of *humanitarians and abolitionists* who marshaled arguments about natural rights and human dignity in the cause of antislavery, of conflictual encounters between *natives and colonists* in the age of Empire and civilizing missions, of *nationalists and anti-colonists* who deployed an emergent international human rights lexicon to legitimize longstanding struggles for self-determination, and of *dictators and dissidents* locked in struggles over power in the era of independence and constitutional rights.

Writing a deep history of human rights in Africa demands confronting the dual presentism of African history and human rights scholarship. The presentism of human rights scholarship has long been recognized. The main critique is that human rights historiography appears trapped in an intellectual tradition of linear progressivism that tends to hinder proper understanding of historical continuities and ruptures. In a field that, until recently, attracted few historians, the linearity of human rights narratives is partly a consequence of a preoccupation with the here and now, and a tendency to read history backward. The traditional history of human rights has essentially been a retrospective teleology whereby contemporary vantage points are applied for a linear and causal projection into the past.[1] Reviewing

[1] Jean-Paul Lehners, "Pleading for a New History of Human Rights," in *The SAGE Handbook of Human Rights*, Mark Gibney and Anja Mihrand, eds. (New York: Sage, 2014), 34.

the bourgeoning human rights historiography, it is difficult to escape the impression that most accounts have been aimed at interpreting contemporary human rights through linear causality.

Beyond the presentism of human rights scholarship, this book confronts the presentism of Africanist historiography. Historical scholarship about Africa has been critiqued for being clustered in the twentieth century. This is driven by the pervasive sense that anything significantly before 1900 tells us little about where Africa is today. The result is a historiography that has privileged twentieth-century topics such as colonialism, decolonization and post-colonial state building, over all that came before. As others have noted, this prevailing presentism threatens to inhibit our comprehension of the continent's historical trajectories over the longer term.[2] This book addresses the charges of presentism in both African history and human rights scholarship by seeking to decenter the putative defining epochs in each field – the colonial moment within African history and post–World War II internationalism within human rights scholarship. This is reflected in my preference for terms such as "indigenous traditions" rather than "pre-colonial traditions," and "independent Africa" rather than "post-colonial Africa."

Given the book's goal of outlining the broad contours of the histories of human rights in Africa, one approach to organizing this book that I considered was a thematic approach, based on the generations of rights schema that has become a canon of human rights scholarship. This would require organizing the narrative around typologies or generations of human rights including first-generation civil and political rights that emphasize individualism and egalitarianism, second-generation economic, social and cultural rights that emphasize equality, and third-generation solidarity rights that demand global distributive justice. I opted against this approach to organizing the book mainly because of the limitations it imposes on constructing a narrative that does not take as its reference point the ruptures of mid-twentieth-century international politics. While the generations of rights framework might work well for analyzing the post–World War II human rights movement (and I draw on it at some points in this book), it is not very useful for understanding its local and global antecedents. The ideological impulses and social conditions that

[2] Richard Reid and John Parker, "African Histories: Past, Present, and Future," in *The Oxford Handbook of Modern African History*, John Parker and Richard Reid, eds. (Oxford: Oxford University Press, 2013), 10.

fostered human rights movements at various points in history cannot be neatly subsumed under these categories. Moreover, ordering the history of human rights in terms of generations that prioritize civil and political rights over social and economic rights, or vice versa, tends to privilege particular ideological and epistemological constructs of human rights. This runs against the counter-hegemonic impulse of human rights that also frames this book.

Another possibility in organizing this book was to adopt a country-specific or regional approach. The appeal of this approach is that it allows for a contained narrative framed around national and regional histories and institutions. Constructing narratives around nation-states is particularly attractive to human rights scholars because of the state-centric character of modern day international human rights systems. For legal and positivist scholars who see human rights essentially as enforceable entitlements that individuals hold in relation to the state, a state-centered approach to human rights has undeniable appeal. However, as with the generations of rights schema, the key limitation of this approach is that it negates accounts that do not take the nation-state or the post–World War II human rights regime as paradigmatic take-off points. Presuming the primacy of the national unit in thinking about human rights is, in itself, a presentist conception and it is perhaps not a durable one.[3] The modern state is a relatively recent *invention* with origins in the collapse of the great multinational empires in the early twentieth century that brought several new states into existence. The emergence of the sovereign nation-state as the dominant unit of political organization became global only with mid-twentieth-century decolonization. In Africa, where the nation-state has had the shortest history, national identities remain fragile and unsettled. Although discussions about human rights are often framed around state obligations, I have chosen not to organize this book primarily around countries or regions.

I have opted instead to organize this book around themes that cut across both human rights and African history to allow a narrative that is attentive to transnational and transregional patterns. The main themes include indigenous egalitarian morality and African notions of personhood, dignity and justice; slavery and antislavery; colonialism,

[3] Frederick Cooper, "Afterword: Social Rights and Human Rights in the Time of Decolonization," *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*, 3, 3 (2012): 476.

anti-colonialism and decolonization; independence, democracy and state-building; and, finally, debates about localizing or vernacularizing universal human rights. To complement this thematic ordering, I have tried to present an account that is regionally representative. Conscious of the tendency to read Africa as meaning essentially sub-Saharan Africa, I have paid attention to the histories of human rights ideas and struggle in North Africa. With regard to periodization, I have resisted the temptation of framing this history of human rights in Africa primarily with the milestones of the beginning and end of colonial domination. Although colonialism marked a defining moment in the history of human rights in Africa, I have sought to decenter this narrative by treating it as one episode, among many, in the human rights story rather than the core of the story itself.

Chapter 1 examines the conceptual and theoretical framings of human rights. It explores the *vision* of human rights and the continuing *disputes* over its meaning, interpretation and scope. It asks the basic questions that every book on human rights must confront. What are human rights? How can human rights as discourse and struggle be understood and analyzed historically? How do we address the tensions between the universalist aspirations of international human rights and the challenges of cultural relativism and cultural legitimacy? The chapter also addresses specific questions about conceptualizing human rights in Africa. Rather than seeking definitive answers, the aim of the chapter is to lay bare the contending arguments and outline a guiding conceptual framework.

Chapter 2 explores what may be termed the *pre-history* of human rights in Africa. It examines indigenous humanism as expressed in moral principles and cultural practices that affirm human dignity and promote individual and collective liberties. It considers how these early humanist traditions have been invoked in contemporary human rights discourse and considers their place in the broader history of human rights in Africa.

Chapter 3 offers an Africa-centered narrative of antislavery rights discourses and struggles. It seeks not simply to reinterpret abolitionism in Africa using the lens of human rights or to fit antislavery neatly into a genealogy of human rights. Rather, it is an attempt at constructing a pre-history of modern human rights by exploring the place of antislavery in the development of ideas about human rights in and about Africa. The chapter also explores the links between antislavery and human rights in the context of abolitionism as an organized sociopolitical movement, and the role of Africans within it.

Chapters 4 and 5 center on discourses about and struggles for human rights within the colonial state. These range from affirmations of native rights deployed to justify and legitimize colonial rule, to the human rights impacts of colonial policies and practices. Chapter 4 examines how colonial rule changed understandings of rights at discursive and practical levels, and how it restricted or expanded the scope of liberties enjoyed by particular groups within the colonial state. Chapter 5 specifically explores the links between colonialism and human rights as they relate to anti-colonial struggles and the legacies of colonial rule on human rights. I pay particular attention to the labor question within anti-colonialism and argue the case for reading labor struggles and discourses of workers' rights as part of a nascent economic and social rights advocacy movement.

The focus shifts to independent Africa in Chapter 6 with discussions of oppositional politics, individual liberties, minority rights, state sovereignty and the challenges of state-building. The chapter specifically addresses the claim that African leaders who invoked the right to self-determination in anti-colonial struggles abandoned human rights ideals once they assumed power at independence. Did African political elites turn their backs on human rights once independence was attained? If so, what accounts for this volte-face? In addressing these questions, I explore the shifts and turns in human rights in the independent African state, juxtaposing state authoritarianism with a resurgent oppositional rights discourse. I go beyond the narrative of abandonment to examine the political, economic and social contingencies that shaped the shifts in human rights discourses and practices. I am concerned here not only with the objective human rights conditions in the independent state, but also with the contestations over the human rights in statist and oppositional rights discourses.

Chapter 7 offers concluding reflections on the history of human rights in Africa and the continuing tension between local visions and interpretations of human rights, on one hand, and the obligations of states under international human rights law and norms, on the other. It also ponders the transformative changes and underlying continuities in the history of human rights in Africa.

In writing this book, I have aimed for a narrative that appeals to audiences beyond academia. My goal from the onset was to tell a story of human rights that engages key academic questions while also appealing to a broad non-specialist audience of educators, policymakers, field practitioners and general readers. This made it

sometimes necessary to distill complicated debates and episodes into a few lines or paragraphs, and to focus on general themes that pull the story together rather than the minutiae of national and regional contexts. Admittedly, this broad brush approach does not always do justice to the complexities of the issues discussed. While I understand the misgivings that some might have about such an approach, I believe that there is much to be gained from a history of human rights undertaken from a broad transnational and comparative perspective. After all, universality and transnationalism are defining attributes of modern human rights. My quest to construct a history of human rights in Africa that appeals to a general audience is also driven by the belief that the subject of human rights is too important to be left to experts and specialists. Human rights discourses, laws, policies and practices affect the everyday lives of millions of ordinary people in Africa and around the world. It is important to engage the broadest audience possible in conversations about human rights.

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This book draws on some of my arguments previously presented elsewhere. I am grateful to journals and editors for granting me permission to reproduce them in this volume. Other ideas were tested

at various scholarly forums, eliciting comments, suggestions and critiques from students, practitioners and colleagues. I am indebted to the students in my undergraduate courses and graduate seminars on human rights at McMaster University, the University of Lagos and Covenant University. This book has benefited from our discussions about the meanings of human rights, the paradoxes of rights talk, the challenges of protecting human rights in Africa, and the *problematique* of constructing local and global human rights histories. A conference on "Human Rights and the Public Sphere in Africa" organized by Carleton University's Institute of African Studies provided an excellent opportunity to share my ideas with an assemblage of distinguished Africanists and human rights scholars. I am grateful to my student research assistants at various stages of writing this book: Samantha Stevens-Hall, Lekan Akinosho, Paul Emiljanowicz, Halimat Somotan and Rashida Shariff. My thanks to Martin Klein for nudging me into this project and pushing me to see it through. I am deeply grateful to friends whose interest in this project has been a constant source of motivation – Julius and Bimpe Egbeyemi, Dominic and Catherine Adesanya, John and Lisa Sainsbury, Shedrack and Nkiru Agbakwa, Bill and Christine Oates. Finally, and as always, I am indebted to my family – Omo and our boys whose love and support make all my research endeavors possible.

Abbreviations

ACHPR	African Charter on Human and People's Rights
ANC	African National Congress (South Africa)
APS	Aborigines Protection Society
ARPS	Aborigines' Rights Protection Society
ASAPS	Antislavery Society and Aborigines Protection Society
AU	African Union
BFASS	British and Foreign Anti-Slavery Society
CCPR	Covenant on Civil on Civil and Political Rights (United Nations)
CESR	Covenant on Economic and Social Rights (United Nations)
CPP	Convention People's Party (Gold Coast)
ECHR	European Convention on Human Rights
EOHR	Egyptian Organization for Human Rights
FLN	National Liberation Front (Front de Libération Nationale)
ICC	International Criminal Court
ILO	International Labor Organization
IMF	International Monetary Fund
KANU	Kenya African National Union
KPU	Kenya People's Union
MPLA	People's Movement for the Liberation of Angola
NAUK	National Archives of the United Kingdom
NCAW	National Council of African Women

OAU	Organization of African Unity
SANNC	South African Native National Council
SAPC	South African Communist Party
TANU	Tanganyika National Union
TLHR	Tunisian League of Human Rights
TRC	Truth and Reconciliation Commission
UDHR	Universal Declaration of Human Rights (United Nations)
UGCC	United Gold Coast Convention
UGTT	Tunisian General Labor Union (Union Générale Tunisienne du Travail)
UN	United Nations
UNITA	National Union for the Total Independence of Angola (União Nacional para a Independência Total de Angola)
UNHRC	United Nations Human Rights Council
UPC	Uganda People's Congress