

Human rights discourse:

# African viewpoint

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■ The phenomenon known as the human rights movement – the totality of norms, institutions and processes that seek to shield the individual from arbitrary and excessive state action – grew out of the specific abominations of the Second World War.

Fifty years later, this movement is slowly being universalized as people everywhere seek constitutional and political arrangements that limit state power and condition it on popular accountability.

Anchored in the Western liberal tradition, the human rights movement arose primarily to control and contain state action against the individual. The two principal instruments on which it is based – the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights – largely establish ‘negative’ rights or limitations on the reach of governmental action into

‘private society’. Consequently, the movement has developed the notion of ‘core’ rights, that is, a set of norms which are absolute and whose violation is completely prohibited.

These norms or rights include the freedom from torture, extrajudicial executions, and arbitrary arrests and detention. Other less absolute but core rights are the rights to free speech, assembly and association, and the right to due process.

These paradigmatic civil and political rights form the backbone of the human rights movement and the foundation on which all the major non-governmental organizations – which are located in the North – are based. In large measure, the potency of the movement is due to its mobilization of shame and pressure in defence of these core rights. To be sure, this traditionalist articulation of rights has proven tremendously useful to pro-democracy activists in Africa.

The reformers have used the rhetoric of rights to undermine the domestic and international legitimacy of despotic regimes throughout the continent. Internationally, especially in the West, this rhetoric has helped to isolate dictatorships by pressing donor countries and agencies to withhold or condition aid and assistance to economic and political reforms. But beyond the overthrow of the despots of today, what other promise does this discourse hold for Africa?

Will this rhetoric form the philosophical foundation for a new tomorrow? Will it assist Africans in their efforts to reverse centuries of malevolent government, unspeakable abuses and repression?

Many in both the pro-democracy and the human rights movements in Africa are drawn from the urbanized, educated elites in the law, the academy, the press, and veteran opposition politics. The dictatorial party-state, in many cases a mere terrorist organization masquerading as public authority, has become so arbitrary and unpredictable that not even these privileged few could be safe from its bloody claws. Through the focus on civil and political rights, the reformers hope to dismantle the despotic state and bind its successor by creating a strong opposing force, the civil society.

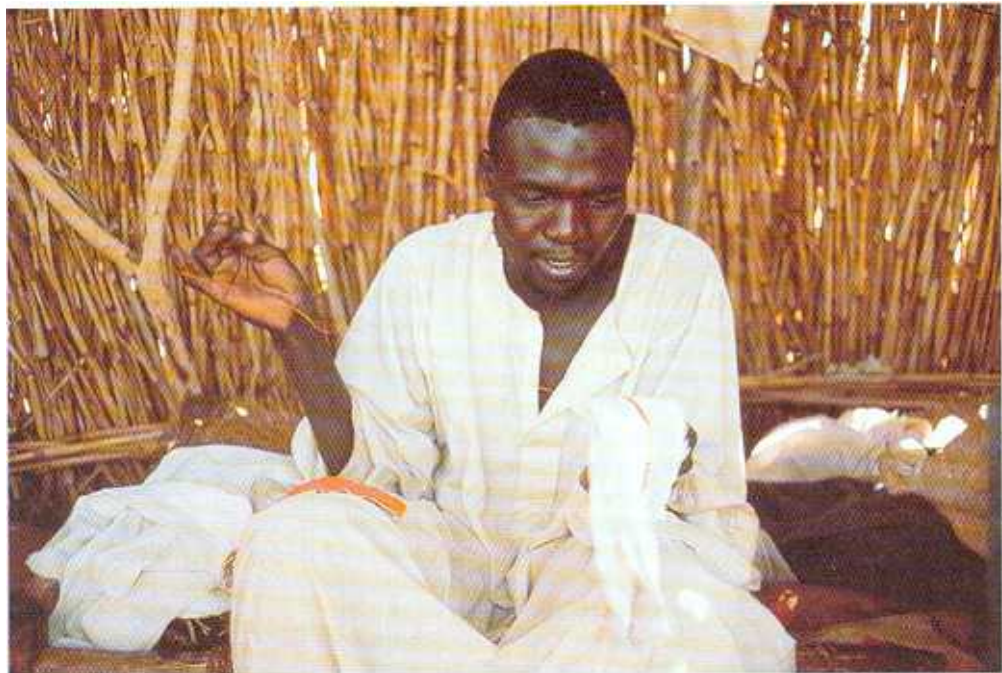
But it will be a mistake for African human rights activists and reformers to accept this limited definition of the rights discourse.

The determination by the human rights movement that some rights are ‘core’ is inherently political; the choice prioritizes rights and creates a hierarchy of norms. It legitimates and delegitimates causes and struggles. It is also politically suspect because it freezes history in

**African human rights activists are determined to reverse centuries of ‘malevolent government, unspeakable abuses and repression’. A boat carrying Somali refugees arrives in Mombasa harbour, Kenya**



African refugees continue to practise their traditional skills: here a refugee in Sudan embroiders a skull cap



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time by presenting certain rights as historical. While it is politically convenient to locate the beginning of the rights discourse in a pre-determined set of rights, it obscures the basic fact that any discourse over rights is a struggle over conflicting political claims to power and economic resources. African human rights activists must reject rights discourse that presents the movement as frozen or historically determined.

For Africa, the relevance of the discourse lies not in absolutism but in the dynamic ability of the human rights movement to accept new dimensions and shifting priorities.

The universality of the movement will be compromised if it retreats into formalism and narrow legalism. Similarly, African activists who subscribe to the limited view of the movement are bound to become the enemies of genuine democratization.

Once they overthrow state despotism and establish a viable civil society and work out the containment of certain aspects of government authority within the liberal paradigm, they could create the conditions for destroying the peasantry as a class by eliminating the reasons for its existence, the freeing of the worker from exploitative relationships, and the eradication of the patriarchy that oppresses women.

After the new democrats attain certain civil and political rights – the rights to expression, association, and political participation – they may give little attention to economic and social rights. They might even abridge the speech rights of those with opposing views on these rights. Many activists also naively equate democratization with simple multipartyism, periodic elections or the introduction of free markets. This constricted view of democracy is

a dead end.

One of the drawbacks of the rights language is its ability to decontextualize concrete struggles through universalization. But this is a blunder African scholar-activists cannot afford. While the linguistic universalization of the general struggle against state despotism is a necessary and an essential first step against repressive regimes, it will not undo the concrete localized conditions that allow dictatorship to flourish.

The traditional discourse provides a powerful theoretical tool for advocacy but does not address conditions of economic dependency (individual, gender and national) which permit despotism. The effective enlistment of the rights discourse in the struggle for democracy requires the recognition that power relations complicate and hide the underlying causes of disempowerment which formal declarations of rights cannot unveil.

To cut through this abstraction, the pro-democracy movement will have to go beyond the traditional medium of the rights discourse.

It is this democratization of the rights discourse which will be necessary, and indispensable, if the pro-democracy movement is to go beyond the creation of sad and second-rate duplications of liberal democratic models. Such political societies will inspire little historical longevity or survival.

It is essential that the movements reconceptualize the minimalist and abstracted approach of the human rights movement to align it with the concrete needs of Africa. While it is true that the rhetoric of rights confers legitimacy and potency to the cause of democratization, its effective deployment will require the rearticulation of language of rights.

The World Conference on Human Rights was an opportunity for peoples of the world to meet and focus on the essential issues of human rights observance. In particular, the international community needs to recognize that peace and security, economic development and respect for human rights are interdependent and cannot be goals that are pursued separately. We commend the efforts of the United Nations in bringing to the forefront the task which today confronts all our countries: the sustained human rights protection of all our peoples during this time of great global change. Jamaica, an active participant in the World Conference, is confident that renewed efforts will be made to realize the promotion and protection of human rights worldwide.

**The Rt. Hon. P.J. Patterson**  
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