U.S POSTURE ON HUMAN RIGHTS VIOLATIONS IN AFRICAN: IMPLICATIONS ON THE PROGENITORS

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ABSTRACT
There is a convulsion taking place in Africa in the form of wanton human rights violations attracting the attention of the United States. As a strong bias in the need to protect the human rights and fundamental freedoms of individuals and groups, U.S is playing catalytic roles to check human rights violations in Africa by adopting certain measures, aimed at changing the behavior of human rights violators. An important conclusion that can be discerned from this study is that even though there are cases of human rights violations in many African countries, U.S. efforts in grappling with this outrageous problem are yielding significant results. The study calls the attention of the U.S. to assist African countries to provide socio-economic environment that will make authoritarian rule in Africa unattractive.

Introduction

In a liberal democratic paradigm, respect for human rights and fundamental freedom of citizen's is a pride of place. This is because as Lindsay (1943:229) has noted, since the essence of democracy means general participation of the citizenry, the rights and liberties of the citizens must be guaranteed if it is to achieve those ends.

In its totality, the balance sheet of human rights in Africa shows signs of deterioration every year, and many African countries rank among the world's most repressive dictatorships. The incessant military intervention in the politics of these countries since 1966 has made it impossible for people to enjoy their human rights and freedoms. The incompatibility of military dictatorship with the democratic tradition embedded in the human rights ideology has resulted in the inability of the courts to guarantee these rights and liberties of the people because of the obnoxious provisions of decrees and edicts. According to Onyewo (1991:17), "Nigerians do not savor human rights at all. Starting from the power of the police to check, arrest, detain and treat suspects as they do, one knows that so many human rights abuses go on".

Hence, Human rights violations constitute a significant problem in Africa, even though almost all African countries are signatory to the UN Declaration and African Charter of Human Rights. Dictators rhetorically declare their commitment and observance of human rights as soon as they take over power; these are purely cosmetic, and intended not only to win the support and confidence of the masses, but also to receive sympathy from the international community at large.

The concept of gross violation of human rights is defined as:

> *Torture or cruel, inhuman or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those*

persons, and other flagrant denial of the right to life, liberty, or the security of persons, (Buergenthal & Cohen, 1988:234).

In contemporary times, Africa, human rights violations go beyond cracking down on the individuals and groups opposed to the regime in power as the definition of concept portrays above. **Section II** is dedicated to the theme "**The international justice system and human rights in Africa**". In his article entitled: The United Nations and the advancement of human rights in Africa, **Wilfred Nderitu (2007)** premised on the issue of poverty as a violation of human rights, elaborates on definitions of *poverty* in various international human rights documents, and describes various UN efforts in this regard as human-rights-related regimes or initiatives. Synergies between and among different international institutions and actors in the fight against poverty are debated, and the responsibility of the State in alleviating poverty is considered from a juristic perspective.

The second volume of human rights violations in many African countries implies derogation from the minimum standard by government the rights of an individual given to him by nature and protected by the constitution. These include among other things;

a. Denial of educational opportunities to the majority of African children: Statistics show that many African countries have limited number of educational institutions compared to the number of children of school age seeking admissions. Many African leaders see the education of their citizens not as a right, but a privilege. To this end, education is given the least priority in the national budgets, thereby denying many children the opportunity in all levels of the educational system.

b. Denial of gainful employment: Unemployment is one of Africa's major problems, and has created economic, social and psychological and health problems to many Africans. The high employment rate is cited in the case of Nigeria where about 82,697 people registered for employment opportunities, but 2,378 or 2.88% were employed (Ogbuagu, 1991:157). This problem is shared by other African countries.

c. Violations of women's human rights and freedoms: The discrimination imposed on women in African countries has been part of an African cultural tradition. Though women's roles are shaped by cultural traditions, it is observed that African tradition has been used to perpetuate unjust treatment of women. Women in Africa are denied political, educational, property and other rights equal to those of men. They are regarded to have secondary rights instead of human rights, and qualified to hold important public offices and perform public functions.

Our main focus in this paper is U.S. response to gross human rights violations in Africa, and Africa's attitude to these reactions, aspects about which little has been written so far. To this end, the primary objective of the study is to update, refine and enrich the numerous available literatures in this field. The paper will attempt to answer the questions as to what implications the U.S. human rights foreign policy are on the African continent and the extent to which this policy has deterred the civilian c-zars and juntas from gross violation of human rights and fundamental freedoms of African citizens. This will go a long way to demonstrating the extent to which the influence of the United States can go in changing the behavior of other sovereign states in Africa. The study will also address itself to the measures U.S. has adopted in handling human rights abuses in Africa, including the glaring inconsistencies in the implementation patterns of this policy, especially when human rights violation involves regimes that appear friendly and cooperative with the U.S.

Again, the deep commitment of the United State to championing the human rights enshrined in the Universal Declaration of Human Right is driven by founding values of our nation and the conviction that international peace, security, and prosperity are strengthened when human rights and fundamental freedoms are respected, (https:hrc//2009-2017).

Social and Political Theoretical Underpinnings

Jurists come across various political and social theories in search of jurisprudential concepts that form a good proportion of the basis for legal learning. In *Leviathan*, Thomas Hobbes advanced the theory of the *social contract*. This is the contract between the citizen and the State, i.e. the body politic, in which the people advance from an anarchical 'state of nature' by handing over their instincts of self-preservation and, as such, mutually destructive powers to a central authority (the *Leviathan*) to enable the central authority to exercise the collective power for the benefit of the whole populace. Liberal analysis of the social contract theory stipulates that it is from this contract between man and State, that the latter derives its legitimacy. In return, the populace is entitled to certain fundamental rights and freedoms.

Like any contract, the social contract entails both rights and duties for both parties. As such, citizens have duties to fulfill as subjects, and have natural rights they should enjoy as human beings. Hence, the very legitimacy of the State is partially based on the ability of the citizens to enjoy certain basic rights. It is the proposition of this paper that no right could be more fundamental, basic or natural than the right to basic human dignity: a right recognized by the social contract, and which forms the basic ethos of the human rights philosophy.

Hobbes, John Locke and Jean-Jacques Rousseau are the best-known proponents of this immensely influential theory, which has been one of the most dominant within the moral and political ambit. Rousseau, an influential 18th-Century Hobbes 1998/1651), Political theorist, elaborates on the social contract (also referred to as the *social compact*) as follows:

To maintain its legitimacy, the sovereign must meet its obligations to the citizen, which include ensuring that the citizen is entitled to his or her fundamental human rights. This includes the right to minimum standards of human dignity – which may, from one perspective, be interpreted as the right to be free from poverty and hunger. This is because poverty and hunger deny the citizen the ability to live within minimum acceptable standards of human dignity.

This brings out the equality dimension of liberal political theory. In real sense, true equality is cumbersome to achieve, but the argument is that there should be a certain basic minimum standard available to all citizens to ensure that their lives are commensurate with the basic acceptable standards of human dignity. It follows that the right to basic human dignity entails the right to be free from poverty and hunger.

A resume of U.S. support for and its response to the Violation of Human Rights in Africa Human rights and fundamental freedoms have received prominent attention in the U.S. It has provided added support to UN efforts to promote human rights and is among the first nations of the world to adopt a substantial body of domestic law to promote the enforcement of internationally guaranteed human rights and liberties. The U.S strongly advocated for a treaty aimed at protecting human rights and played significant role in drafting the human rights provisions of the UN Charter (Green, 1956:13-15; Holcombe, 1948:4-5; Sohn and Buergenthal, 1973:506-509).

The Jimmy Carter administration made human rights the centre piece of its foreign policy. During his campaign for the presidency, and subsequently in the opening months of his administration, he moved quickly to make clear the concern of the U.S government over the fate of human rights in many Third World countries including African States. This implied that human rights were going to be an integral part of U.S foreign policy agenda. To demonstrate his administration's strong support and commitment to human rights, President Carter signed three major human right treaties during his first year in office. These include two International Covenants of Human Rights, and the American Convention on Human Rights.

In making itself the champion of human rights, the U.S in the thinking of Carter administration would attain the following objectives:

i. To gain the high ground of public opinion, and place human rights abuses in the Third World as a problem that would be addressed;

ii. To revitalize the links binding the U.S to the world's other major democratic nations who were also its most important security and economic partners, and;

iii. To place itself on the right side of what was seen as the inevitable move of the Third World towards liberty, and equality (James W. Ceaser, et al. 1984:617).

iv. The U.S human rights policy is based on the principle of the common heritage of mankind. According to this principle, man is entitled to enjoy certain inalienable rights, and this is also embedded in the basic American values – the traditional American 19th century optimism, exemplified in Woodrow Wilson's doctrine that liberal democracy is eventual destiny of all people.

U.S. Strategies to Deal with Human Rights Violations

Be it as it may, the gross violation of human rights and fundamental freedoms of individuals and political organizations in Africa is not a new problem. For more than 30 years, the United States and United Nations have grappled with these problems, whose consequences have posed serious political, economic and psychological problems. In his speech in London in June, 1988 in the aftermath of the US-USSR Summit in Moscow, President Ronald Reagan described the oppression and denial of human rights as another threat to mankind on the planet earth after the nuclear war (Obiozor, 1988: XXIX).

Given the strong commitment of the United States in its crusade against the flagrant violation of human rights in Africa, specific strategies have been employed to demonstrate U.S. disapproval of dictatorships which are not fairly respectful of human rights and fundamental freedoms. The strategies range from outright suspension of financial and military assistance to verbal condemnation of military dictatorships. These strategies are discussed in details below.

The suspension of financial and military aid packages have been a veritable strategy to deal with countries which engage in activities that violates fundamental human rights. Such action consequently does not constitute, as many scholars have argued, an illegal interference in the internal affairs of those countries concerned. This strategy finds an expression in the U.S laws, for example, Sections 502B of the Foreign Assistance Act of 1961, and 116 of the same Act (Buergenthal, 1988:232).

The U.S. government and human rights organizations in their speeches have condemned African dictators for human rights violations. The U.S was the first country to condemn the massive killings of innocent citizens in Burundi in1993, and the hanging of the eight leaders of Ogoni land by the Abacha regime in Nigeria in 1997. The U.S Press has been vehement in denouncing military dictatorships in Africa, even though it has come under fire for extreme biases in reporting information about human rights violation. It also believes that the enforcement of human rights lies primarily in political and social pressures. It has therefore used propaganda on an unprecedented scale to dramatize the issue and to mobilize and strengthen pro-democratic elements within the political elite from all the countries in Africa.

Far more fundamental is the measure adopted by the U.S to mobilize other Western European countries that do business in Africa to suspend transactions with those countries where there are cases of human rights abuses. This measure produces a multiplier effect leading to greater economic hardships on the citizens. The U.S has also influenced international financial institutions and communities against African countries that have bad human rights records.

With its close relations with the International Non-Governmental Organizations (NGOs) such as the Amnesty International, the International Commission of Jurists, the International Community of the Red Cross, and the International League for the Rights of Man, the U.S uses these organizations, although scholars claim that they operate outside the nation-state framework, as major political instrument to expose human rights violations, and to put pressure on African and other states to respect human rights.

The attitudes of African dictatorships to U.S response to Human Rights Violation

The United State's response to human rights violation in Africa have, generated a series of controversy. To the African civilian rulers such reactions are not in tune with African needs and goals, and therefore, unwarranted. This attitude evolves from the fact that Western democratic

tradition cannot be applicable especially where perhaps, poverty, and illiteracy work to make fundamental human rights, in terms of freedom of political expression an unacceptable luxury at this stage of their political and economic development. The provision of U.S financial and military assistance to Latin American dictatorship in the 1960s with the justification that it would contribute to social and economic development is a strong support to the claim made by African military leaders that the suppression of human rights is influenced by their desire to improve the poor economic situations of other countries. Dictators claim that African countries should deny free expressions to certain group of people in the common interest of promoting more rapid economic growth of the people.

They also maintained that human rights can be guaranteed and protected without building the intricate structure of institutions and laws that characterize the Western approach to human rights. Furthermore, it is argued that political parties, for example, aggravate conflicts, while elections polarize opinions and foster instability. Political opposition groups therefore, take advantage of free speech to whip up the masses and instigate them to actions against the government.

Most important, many African leaders attempt to justify their policies by claiming that public order is required to preserve the individual liberties, and that those who would disrupt the public order must be suppressed in order to protect fundamental human rights of those who are loyal to the state. The obstacles listed by the seven African governments that responded to the questionnaire in respect of implementing human rights education programmes are an indication of a lack of political will rather than the obstacles themselves being insurmountable. This lack of will is evidenced by there being no technical assistance for developing and executing national human rights education plan, and no provision of long-term State funding. NGOs, on the other hand attribute many of the obstacles to a lack of political will.

Given the high expectation that the High Commissioner for Human Rights had and the important role that the UN Plan of Action gave to governments, a mere 14% response by governments can hardly be seen as successful after the first five years of the Plan's existence. Moreover, even those who responded did not necessarily indicate major successes.

The performance of governments in the second five years did not improve significantly. In a High Commissioner for Human Rights report in October 2003, only 17 out of a potential total of 50 sub-Saharan-African countries were listed amongst UN member states who had in fact reported to the High Commissioner on initiatives taken in their countries as part of the Decade for Human Rights Education. Many of these sub-Saharan-African reports were outdated.64 Also evidencing a lack of political will among African governments is the fact that Burundi has not reported to the High Commissioner since June 2000, Cameroon since May 1999, Cape Verde since February 1999, and the list goes on.

However, there were also countries who submitted elaborate reports. These included Mozambique, Namibia and Zimbabwe. Unfortunately, the UN does not have any instruments by means of which to measure the success of human rights education efforts. For example, is a programme successful if human rights are the content of a well-structured and managed school subject? Zimbabwe is a case in point, where the country spent time, money and effort in setting up and implementing human rights education programmes, but the state of the country shows little real impact of these programmes. Indeed, on the contrary: the decline of human rights started at a time when one would have expected the education programmes to produce some results.

Whatever the merit of African leaders' to the U.S concern over human rights violation in this continent, there is in fact a growing residue of resentment against U.S by many African military leaders. Concomitantly, U.S is accused of over-reacting to events happening in Africa, human rights violations being a case in point. In comparison, the U.S reactions to human rights violation in Latin America for instance, especially in the 1960s, showed some inconsistencies in terms of the objectives and the means used to implement U.S reactions. As Buergenthal and Torney (1976) rightly observed, "the position of the U.S as far as international human rights are concerned is a bundle of contradictions". The U.S which advertises itself as the champion of human rights was actively engaged in assisting as morally hypocritical. In the first decade of the century, President Theodore Roosevelt referred to Portifirio Diaz, the Mexican dictator as the greatest statesman of his time. Peron

dictatorship was defended by the American ambassador to Argentina. President Somoza of Nicaragua was adjudged as all-right by the U.S Ambassador to that country (Needler, 1968:33; Edelmann, 1969:39; Gerassi, 1965:144-145; Blankstein, 1967:417). The Johnson administration recognized the Brazilian military coup of 1964, while the Secretary of State, Dean Rusk, praised the junta for redeeming the Brazilian democracy (Lens, 1969:5).

Since World War II, the U.S has given financial and military assistance to Latin America and has trained a large number of its military men in the U.S (Dietsch, 1969). The humanitarian explanation is that U.S aid was offered to relieve the suffering of people in Latin America. It was also argued that the economic aid was not given to dictatorships, but rather to people who happened to be governed by authoritarian rulers. the underlying explanation for U.S and others hypocrisy in its reactions to human rights violations also centres on the fact that Latin American dictators have traditionally advertised themselves as friends of the U.S, have facilitated U.S influence in Latin America, said the things the U.S wanted to hear, and have acted in accordance with the U.S policies and prejudices and praised U.S and damned its enemies. In Sahel countries, where the leader want to be independent at the detriment of the masses, their freedom so-called were gotten through by the establishment Niger, Burkina Faso, Mali pulling out of the union Channels television (Channels 2024, 24).

Implications of U.S response to Human Rights Violation in the context of U.S-African Relations

The U.S enthusiastic reactions to human rights violation have had obvious implications in U.S-African relations. Some of these have been negative and others positive.

On the negative side of these implications is the fact that Africans see U.S over response to human rights issues as another variant of Western imperialism in Africa. Imperialism, as William (1971:2) has noted, connotes the policy, practice, or advocacy of seeking to extend, and control dominion of a nation. In other words, the issue of human rights violation is an instrument to blatantly interfere in the domestic politics in African countries by supporting the countries that seem favorable to U.S and intimidating those not in the U.S good book.

They have drawn our attention to U.S economic interests in Africa. When Warren Christopher, for instance, on a tour of Africa in 1996 called for further measures against Nigeria's human rights violation, the American Secretary of State quietly reassured Mobil and Exxon (Oil Producing Corporations) in Nigeria that he did not mean oil sanctions (Newswatch 1996:30). U.S interest in cheap Nigerian oil seemed to undermine its positive action against Abacha administration.

In another way, U.S reactions have lent support to human rights groups in Africa thereby sharpening conflict situations and perpetuating political instability. Joseph Kamotho, the former Secretary-General of Kenyan African National Union (KANU) charged U.S of setting aside the sum of $30 million to formant instability in selected countries in Africa (Quoted from Enin, 1991:29).

The linkage of U.S financial and economic assistance to African countries for U.S observance of human rights appears to affect the economic fortune of the masses whose human rights and fundamental freedoms U.S is trying to protect. The untold hardships the Nigerian masses for instance, have experienced as a result of American suspensions of aid and imposition of economic sanctions against Abacha regime is a case in point.

On the other hand, U.S reactions to human rights violations have had some positive implications on the domestic policies of some African countries. This has significantly shaped the domestic politics of many African countries towards their struggle for a return to democratic rule, and condemnations of repressive regimes. It was however, these reactions that contributed to the dismantling of apartheid in South Africa, the deposition of Idi Amin to mention, but a few.

World Programme for Human Rights Education

Despite opposition from some European countries and the United States of America, the UN General Assembly adopted a second decade for human rights education, this time called World Programme for Human Rights Education.94

The programme started on 1 January 2005 and still ongoing. The first phase ran until the

end of 2009, and focuses on primary and secondary education.

The Human Rights Council, however, has remained silent on the focus areas of the second phase. National strategies and minimum standards were this time given to governments. The minimum standards expect governments to evaluate the human rights programmes in their education systems. Unfortunately, the programme assigns a politician – the minister of education – rather than a human rights UN (2004). It takes commission or Ombudsman to take responsibility for the implementation.

Informal education and other role players will be dealt with in later phases. However, by repeating the mistakes of the first Decade, the prospects of a more successful second decade must be questioned.

Conclusion

It would be impolitic to assert that U.S reactions to human rights violations have failed because there are still cases of human rights abuses in many other African countries. If these reactions have ameliorated human rights violations, but have not eliminated them, it could be judged successful. This suggests that U.S human rights efforts currently in place in African countries are yielding positive results.

The inevitable question is: What could be done to further improve the human rights situation in Africa. This fundamental question must be seriously addressed by U.S and African countries. It is therefore important in this study to suggest the following policy options, some of which will provide answers to the above questions.

i. There must be a close synergy between the U.S and Africa on the issues of human rights when there are in the mutual interest of the two to do so;

ii. U.S should assist African countries to create socio-economic environment which would make dictatorship unattractive and unacceptable in Africa. This will be achieved through support in the areas of political education which will help create a new and positive political consciousness among the masses, thereby helping to change their thinking, feelings and overt action;

iii. U.S should also focus attention to the abject poverty, and other economic constraints in Africa by providing economic aid, which if well managed will eliminate the conditions which have subjected the masses to injustice and denial of their fundamental freedoms;

iv. Non-governmental Organizations should give support for free access to the markets in U.S, stabilization of prices for African export commodities at prices favorable to African countries. This will reduce the grievous balance of trade deficits and other painful dislocations in their highly vulnerable economies;

v. The debt burden resulting from past foreign loans is so great for African countries that they can never realistically hope to meet their obligations. In such a case, the U.S should assist Africa renegotiate the debts with the lending countries, and if possible, convince them to cancel the debts altogether;

vi. The U.S information agencies should provide unbiased information about human rights issues in African countries.

References

Ayogu, E., et al. (1991) "Who funds them" *Newswatch*, October 21, 17.

Blankstein, G. I. (1967). Peron's Argentina. New York: Russel.

Buergenthal, T. and I. T. Cohen (1988). International Human Rights. St. Paul, Minneapolis: West Publishing Company.

Gaeser, James W. et al. (1984). American Government, Origins, Institutions and Public Policy, New York: McGraw-Hill Book Company.

Dietsch, R. (1969). "President to reject Latin Military hike", *Washington Daily News.* (November).

Edelmann, A. T. (1968). Latin American Government and Politics, Homewood: Illinois, Dorsey Press.

Gary, K, *et al.* (1978). Comparing Political Systems: Power and Policy in Three Worlds, New York: John Wiley and Son.

Gerassi, John (1965). The Great Fear in Latin America. (Revised Edition), New York: Collier Book.

Joseph, Kamotho (1991). "Keep off, Kenya Tells Etim Western Nations to stay clear off its Internal Affairs in a Fresh Diplomatic Row Between it and the U.S"

Lens, Sidney (1969). "Revolution or Reforms" Paper Prepared for the 1969 Inter-American Forum, Mimeo.

Lindsay, A. D. (1943). The Modern Democratic State, Oxford: Oxford University Press.

Needler, M. (1968). Political Development in Latin. America, New York: Random House.

Obiozor, G.A (1988). Basic Issues in Nigerian Foreign Policy: IBB's Foreign Policy Pronouncements (1986-1991). Lagos: Nigerian Institute of Internal

Oluyemo, T. (1998). "Western Hypocrisy and Nigeria's Guest for Democracy, *National Concord* (Tuesday, July 14)21.

William E. J. (1971). The Political Theme of Inter-American Relations. Belmont, California: Duxbury Press.

Wilfred Nderitu (2007). Kenyan section of the international commission of jurist. Archived September 29,2007, at the way back machine. (http:www.icj-kenya.org/index.php/about-us/structure//previous-icj-kenya-chairman/240-mr wilfred-nderitu-2005-2009).

Ogbuagu, C. S. A. "Maximum Employment for Human Rights". In Chibuzo S.A. Ogbuagu (ed). Strategies for National Development in Nigeria, Calabar: University of Calabar Press.

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