1 Seeking the Political Kingdom

Universal Human Rights and the Anti-colonial Movement in Africa

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Amidst the anti-colonial movement of the 1950s, Kwame Nkrumah, the nationalist politician who became the first prime minister of independent Ghana, outlined the key principle of his anti-colonial campaign. Rejecting the idea of gradual decolonization contingent on his country's preparedness for self-rule, Nkrumah demanded immediate political independence from British rule. He urged his countrymen and women: "Seek ye first the political kingdom, and all other things shall be added unto you."[1] His reference was the biblical injunction in Matthew 6:33, "Seek ye first the Kingdom of God and his righteousness; and all things shall be added to you." Nkrumah went on to stress the primacy of the struggle for national liberation, stating, "we prefer independence with danger and uncertainties to servitude in tranquility."[2] For Nkrumah and many African nationalist leaders of this era, the political struggle for self-determination took precedence over all other matters confronting colonized peoples. Nkrumah's quest for the "political kingdom" symbolized a tendency to view self-rule as the paramount rights question in the colonial state. In his words, "self-determination is a means of further realization of our social, economic and cultural potentialities. It is political freedom that dictates the pace of economic and social progress."[3] For Nkrumah, the collective right to self-government was a prerequisite to fulfilling other rights aspirations.

The primacy accorded national self-determination by those living under colonial domination shaped their interpretations of human rights. Self-determination alluded not only to political independence but also to the capacity of people to choose their own paths to economic and social development. For African nationalist leaders of the era, collective

[1] Kwame Nkrumah, *The Autobiography of Kwame Nkrumah* (Nelson: London, 1957), 146.
[2] George M. Houser, *No One Can Stop the Rain: Glimpses of Africa's Liberation Struggle* (London: Pilgrim Press, 1989), 69.
[3] *Gold Coast Weekly Review*, July 20, 1955. Quoted in Martin L. Kilson, "Nationalism and Social Classes in British West Africa," *Journal of Politics* 20 (1958): 380.

political freedom was the most fundamental right. "What do we mean when we talk of freedom?" Julius Nyerere of Tanzania asked in one of his many political treatises. His answer expressed a hierarchy of rights in which "national freedom" and collective economic and social well-being took precedence over individual civil liberties. He stated

> First, there is national freedom; that is, the ability of the citizens of Tanzania to determine their own future, and to govern themselves without interference from non-Tanzanians. Second, there is freedom from hunger, disease, and poverty. And third, there is personal freedom for the individual; that is, his right to live in dignity and equality with all others, his right to freedom of speech, freedom to participate in the making of all decisions which affect his life.[4]

This ordering of freedoms that prioritized the collective right to self-determination over individual liberties stood in sharp contrast to the ordering of universal human rights at its mid-twentieth-century moment of inception at the United Nations. Within this dominant "generations of rights" framework, first generation of individual-centered civil and political rights come before second-generation economic and social rights and third-generation collective solidarity rights. Shaped by Enlightenment notions of liberal individualism, the twentieth-century crises of nationalism in Europe, and postwar Great Powers politics, universal human rights came to mean primarily, individual-centered entitlements. To be sure, this ordering of rights was always contested – by socialist arguments for the primacy of economic and social rights, and by anti-colonial activists who prioritized the collective right to self-determination over other rights.

In this chapter, I examine the politics of rights prioritization in the age of empire and decolonization. While Western statesmen or stateswomen negotiating an international human rights order at the UN privileged individual civil liberties as the primary human rights, African nationalists campaigning against colonial domination prioritized the collective right to self-determination as the first human rights. African political leaders were skeptical of discussions of individual state-centered rights at the UN orchestrated by the same European imperial powers that were actively denying Africans the right to self-determination. They rejected imperial defensives at the UN and the attempts to delink national liberation struggles in the colonies from the emergent universal human rights movement. Instead, they framed self-determination in terms of the collective rights of peoples and as a fundamental human right. Their

[4] Julius Nyerere, *Man and Development: Binadamu Na Maendeleó* (Oxford: Oxford University Press, 1974), 25.

collective rights agenda would be progressively incorporated into the international human rights system with the emergence of a postcolonial UN. Rather than simply marking the *succession* or *displacement* of paradigmatic individual-centered state-centric human rights, I read anti-colonial prioritization of collective rights as deliberative assertions of an alternative human rights order, a counter-ordering of rights that emerged from anti-colonial struggles and the misgivings of colonized peoples about "universal" human rights in the age of empire. This is evident in the writings of African nationalist leaders such as Jomo Kenyatta who decried Britain's denial of "elementary human rights" to Kenyans and Nnamdi Azikiwe who called on Africans not to "accept as their destiny, the denial of human rights."[5]

Turning Points and Breakthrough Moments

Human rights scholarship has been critiqued for being obsessed with the notion of breakthroughs moments and paying less attention to historical processes and trends over time.[6] Indeed, recent scholarship seems to converge around identifying seminal moments and turning points in the development of human rights. Key debates have tuned on human rights genealogy and the intellectual and political provenance of rights as idea, discourse, and movement.[7] Interest has also centered on how to interpret the historical development of human rights, whether in terms of progress, continuities, or ruptures. New transnational human rights histories have challenged earlier grand "textbook narratives" of human rights whose status as uncontested truths rested on endless repetition.[8] These mostly teleological grand narratives trace a history of human rights running

[5] Jomo Kenyatta, *Facing Mount Kenya: The Tribal Life of the Gikuyu* (New York: Vintage, 1965), 189–90; Nnamdi Azikiwe, *Zik: A Selection from the Speeches of Nnamdi Azikiwe* (Cambridge: Cambridge University Press, 1961), 50.

[6] Steven L. B. Jensen and Roland Burke, "From the Normative to the Transnational: Methods in the Study of Human Rights History," in *Research Methods in Human Rights: A Handbook*, ed. Bård-Anders Andreassen, Hans-Otto Sano, and Siobhán Mclnerney-Lankford (Northampton: Edward Elgar, 2017), 124.

[7] For some exemplary works, see Louis Henkin, *The Rights of Man Today* (Boulder, CO: Westview Press, 1978); Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (Philadelphia, University of Pennsylvania Press 2003); John M. *Headley, The Europeanization of the World: On the Origins of Human Rights and Democracy* (Princeton, NJ: Princeton University Press, 2007); Lynn Hunt, *Inventing Human Rights: A History* (New York: Norton, 2008); Elizabeth Borgwardt, *A New Deal for the World: America's Vision for Human Rights* (Cambridge, MA: Belknap Press of Harvard University Press, 2005).

[8] Miia Halme-Tuomisaari and Pamela Slotte, "Revisiting the Origins of Human Rights: Introduction," in *Revisiting the Origins of Human Rights*, ed. Miia Halme-Tuomisaari and Pamela Slotte (Cambridge: Cambridge University Press, 2015), 11.

seamlessly through defining events such as the Magna Carta, the British Revolution and Bill of Rights, the US Revolution, the French Revolution and the Declaration of the Rights of Man, the Holocaust, and post–World War II internationalism. A key critique of these narratives is that they are based almost exclusively on events that occurred within the boundaries of the European world. There is little or no attention to the non-European world in these narratives, which also tends to marginalize the histories of imperial violence and colonization.[9] Another critique is that these grand narratives represent an instrumental view of human rights history, imposing coherence, continuity, and closure on the *longue durée* history of human rights. The methodological tools of legal positivism and textual formalism in legal disciplines, where most of these early narratives emerged, inevitably produced representative and interpretative "blind spots" in human rights history. Global political developments, including the mid-twentieth-century anti-colonial movements and decolonization that were transformative historical developments with worldwide ramifications, were deemed to have had no autonomous impact on the chronology, substance, and precedents in the evolution of human rights.[10]

More recent transnational histories have sought to remedy these flaws. Historians now recognize that we can do much to further our understanding of global political discourse by not taking the term "human rights" or its genealogy for granted.[11] We can produce more representative histories by carefully attending to different rights claims and by locating those claims in local political and social contexts. Insights from recent scholarship have transitioned from a singular narrative of human rights history toward a constellation of human rights histories with complementarity of global, regional, and thematic accounts. As human rights historiography become finer in its granularity, it has also become more attentive to the varied meanings with the term "human rights," the diverse expressions of the idea in local vernacular, the shifts in those meanings over time, and the problematic nature of the claim to universality. Human rights histories are becoming less triumphalist and more inclined to differentiate between various emancipatory campaigns across time and space.[12]

[9] José-Manuel Barreto, "Imperialism and Decolonization as Scenarios of Human Rights History," in *Human Rights from a Third World Perspective: Critique*, ed. José-Manuel Barreto (Newcastle upon Tyne: Cambridge Scholars, 2013), 20.

[10] Jensen and Burke, "From the Normative to the Transnational," 119, 123.

[11] Kenneth Cmiel, "The Recent History of Human Rights," *American Historical Review* 109, no. 1 (February 2004): 126.

[12] Jensen and Burke, "From the Normative to the Transnational," 120.

Transnational human rights histories have shown that rights discourses and movements have facilitated progressive change; but they have also operated historically to insulate power and sustain structures of ideological, cultural, economic, and political hegemony. The language of international human rights has been used to institutionalize, legitimize, normalize, and reproduce existing relations of domination.[13] It is essential, therefore, that we pay attention not only to the emancipatory outcomes of rights talk but also to the ways in which rights have been used to make claims and counterclaims in defense of particular interests, and against others, at different moments. By expanding the defining locus of human rights history to the imperial and postimperial eras, transnational histories draw attention to the role of non-Western actors, ideas, and struggles in the development of international human rights. Where earlier grand narratives tended to be drawn along European frontiers, new histories show how developments in the Global South shaped the human rights movement. It is now well established that the international politics of decolonization had significant repercussions creating international and regional human rights standards. What remains uncertain, however, is the more specific place of local anti-colonial struggles in the broader human rights story.

Placing Anti-colonial Struggles

African history, long treated as a footnote in the global human rights story, is gaining more attention in the bourgeoning historiography.[14] However, assessing the place of anti-colonialism in the global human rights story continues to be complicated by two factors. The first has to do with the dominance of a "hegemonic Eurocentric understanding of human rights" that undergirds much of human rights historiography.[15] The second relates to the sources and methods preferred by historians in constructing human rights histories. Human rights embody a set of values; the most important are historically the notions of human dignity, freedom, and equality. International human rights, as we understand

[13] Nicola Perugini and Neve Gordon, *The Human Right to Dominate* (Oxford: Oxford University Press, 2015).

[14] Fabian Klose, *Human Rights in the Shadow of Colonial Violence: The Wars of Independence in Kenya and Algeria* (Philadelphia: University of Pennsylvania Press, 2013); Saul Dubow, *South Africa's Struggle for Human Rights* (Athens: Ohio University Press, 2012); Bonny Ibhawoh, *Human Rights in Africa* (Cambridge: Cambridge University Press, 2018).

[15] José-Manuel Barreto, "Introduction: Decolonial Strategies and Dialogue in the Human Rights Field," in Barreto, *Human Rights from a Third World Perspective*, 24.

them today, are not only individual claims against authorial power but also extend to a broad spectrum of collective rights claims anchored on moral obligations that people have toward each other. The international human rights regime spans the gamut of individual civil liberties outlined in the Universal Declaration of Human Rights (UDHR) and the UN Covenant on Civil and Political Rights to the collective rights of peoples to self-determination in the 1960 UN Declaration on Decolonization and the communal rights entitlements affirmed in the 1966 Covenant on Economic, Social and Cultural Rights. Narratives of individual-centered rights, which inform much of human rights scholarship and orients activism, privilege certain interpretations of human rights, and overlook historic tensions in the meanings and ordering of rights.

In human rights historiography, the vocabulary of "human rights" remains inextricably linked with possessive individualism, operating as the ideological groundwork for the rise of capitalism and mass democracy.[16] This interpretation of "universal human rights," is framed as paradigmatic. However, in the age of empire, interpretations of human rights centered primarily on the collective rights of peoples appealed more to those living under colonial domination than a notion of human rights premised on narrow possessive individualism. In Africa, nationalists and anti-colonial activists articulated an alternate vision of human rights that prioritized the collective rights of people to self-determination over atomized individual liberties. The relationship between self-determination within anti-colonialism and individual-centered "human rights" was not simply one of succession or displacement; it was also one of contestation and repudiation.

The second complication of placing anti-colonialism within human rights history arises from the tendency of historians to over-rely on more easily accessible Western records and metropolitan archives. Despite the recognition that international human rights history cannot be written credibly from sources that are exclusively and narrowly limited to Western thought and thinkers, the human rights story has been constructed as a markedly more Western story than the full historical record merits.[17] There are limits to what UN records and Western archives can tell us about the place of anti-colonialism and decolonization in the human rights story. Debates on the colonial question occurred occasionally at

[16] Martti Koskenniemi, "Foreword: History of Human Rights as Political Intervention in the Present," in Halme-Tuomisaari and Slotte, *Revisiting the Origins of Human Rights*, xiv.

[17] Jensen and Burke, "From the Normative to the Transnational," 125; Jean Quataert, "Review of *The International Human Rights Movement: A History*," *Journal of Human Rights* 13, no. 4 (2013): 537.

the UN, but it was in the colonies that the decolonization process played out. For the first two decades of the UN, most African countries were under colonial domination and unrepresented at the organization. African political leaders were largely excluded from early debates about fashioning "universal" human rights. The limitations of UN records and textual formalism in constructing transnational human rights histories of this period are obvious. To gain the perspectives of the colonized, we must shift attention to the informal spaces to which they were marginalized in the age of empire.

Among anti-colonial activists, big power politics and imperial defensiveness at the UN engendered deep skepticism of the postwar international human rights agenda. African political leaders were not persuaded by discussions of individual state-centered rights at the UN orchestrated by the same European imperial powers that were actively denying Africans the right to self-determination. African insistence on prioritizing collective solidarity rights over individual liberties cannot simply be considered as attempts to displace paradigmatic human rights. It is also simplistic if not disingenuous, to explain their counter-ordering of rights in terms of a new postcolonial UN majority emptying human rights of its original meaning or hijacking it for authoritarian political agenda.[18] African political leaders confronting colonial repression at home and imperial defensiveness aboard, framed collective rights as the most fundamental human rights mainly because this ordering of rights was more relevant to their lived political and social realities.

Anti-colonial activists were not alone in challenging the assumed primacy of individual-centered civil and political rights. The position that economic rights constituted the "primary rights for survival" – instead of belonging to the second generation of rights, as has become the prevailing view – was a view also forcefully forwarded by late nineteenth-century socialist activists in the United Kingdom. Rather than being a momentary challenge to paradigmatic "first-generation" civil and political rights, socialist insistence on the primacy of economic rights was a central tension characterizing the making of rights claims over a much longer period.[19]

[18] Dore Gold, *Tower of Babble: How the United Nations Has Fueled Global Chaos* (New York: Crown Forum, 2013), 33.

[19] Gregory Claeys, "Socialism and the Language of Rights: The Origins and Implications of Economic Rights," in Halme-Tuomisaari and Slotte, *Revisiting the Origins of Human Rights*, 228. Claeys argues that UK socialists "prioritized rights claims based upon actual labour and its produce rather than abstract claims rooted in need."

The Colonial Limits of "Universal" Human Rights

Several studies have drawn attention to the role of power and interest at the UN in general and the erection of the postwar human rights regime in particular.[20] They show that far from a pure quest to establish a normatively objective universal morality, the position taken by states in the early debates about human rights were influenced by propagandistic and strategic geopolitical motives aimed at projecting domestic values into the international arena. This allowed the United States and victorious European states "to occupy the moral high ground by day and sleep the sleep of the just by night."[21] The UN was an arena where all initiatives, even on human rights questions, followed a decidedly political logic and sprang from complex state interests.

The main concern of European statesmen and stateswomen in early discussions about human rights at the UN was postwar international peace and security, and the balance of power in Europe. The "colonial question" sometimes complicated this agenda, but it was not a primary concern. At the first general assembly in 1946, the UN passed a resolution on "non-self-governing peoples" which expressed awareness of the problems and political aspirations of colonized people and recognition that the colonial question was a "vital concern to the peace and general welfare of the world community."[22] In general, however, before the 1960s, the UN Security Council shied away from racial or colonial matters. Nationalist liberation movements especially by nonwhites in European-controlled areas were treated as the domestic affairs of controlling European power and not subject to UN intervention. The work of the UN Human Rights Commission in its early days consisted of underlying struggles over what rights to include and which ones to leave out.[23]

Discussions about colonies occasionally became a source of embarrassment for imperial powers, but that did not deter resolute rejection of human rights proposals that were considered political interference in

[20] Mark Mazower, "The Strange Triumph of Human Rights, 1933–1950," *Historical Journal* 47 (2004): 379–99; Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton, NJ: Princeton University Press, 2009); Kirsten Sellars, *The Rise and Rise of Human Rights* (Stroud: Sutton, 2002).

[21] Sellars, *Rise and Rise of Human Rights*, 65.

[22] United Nations, General Assembly Resolutions on Non-self-governing peoples. A/RES/9 (I) of February 9, 1946, accessed January 12, 2018, http://research.un.org/en/docs/decolonization/keydocs

[23] Johannes Morsink, *The Universal Declaration of Human Rights: Origins. Drafting and Intent* (Philadelphia: University of Pennsylvania Press, 1999), 12–14.

colonial affairs. For example, a 1953 proposal by Arab and Asian states for Tunisian independence on the basis of the UN principle of the right to self-determination, was rejected as an interference into France's domestic affairs.[24] There could also be no serious debate on political issues such as the liberation war in Algeria. Despite compelling evidence of atrocities and gross human rights violations, Western powers at the UN supported the French position that the North African conflict fell under France's domestic jurisdiction. South Africa's racism would be debated mainly in terms of the treatment of people of Indian origin because apartheid was viewed as an internal problem.

Anti-colonial activists were keenly aware of the politics of imperial self-interest in discussions about human rights at the UN. They highlighted the contradictions in the discourse of human rights by imperial countries and the realities of state repression and violence in the colonies.[25] They noted, for example, that neither the emergent doctrine of universal human rights nor the more established Geneva Conventions on the Conduct of War had any significant impact on British military campaigns against the Mau Mau in Kenya or the French war against the Algerian National Liberation Front (FLN) in Algeria. Although the European Convention came into effect in Kenya in 1953, just over a year into the Mau Mau insurgency, it had little impact on the conflict.[26] The atrocities perpetrated in these campaigns marked some of the most egregious human rights violations of the twentieth century.[27] Yet, both conflicts came up only marginally in discussions about human rights and the colonial question at the UN. Even less impactful on colonial conditions was the European Convention on Human Rights which the UK ratified in 1951 and Belgium in 1955. The European Christian conservatives who authored the Convention saw human rights as emerging from a shared regional culture nominally Christian. Despite the rhetoric of inalienable "rights and freedoms," such rights were not considered appropriate for all persons everywhere. In particular, they were deemed

[24] United States Department of State, *The Department of State Bulletin*, Office of Public Communication Bureau of Public Affairs, 28 (1953): 396.

[25] Klose, *Human Rights in the Shadow of Colonial Violence*, 6.

[26] Huw Bennett, *Fighting the Mau: The British Army and Counter-Insurgency in the Kenya Emergency* (Cambridge: Cambridge University Press, 2013), 80.

[27] For Kenya, see Caroline Elkins, *Imperial Reckoning: The Untold Story of Britain's Gulag in Kenya* (New York: Henry Holt, 2005); David Anderson, *Histories of the Hanged: The Dirty War in Kenya and the End of Empire* (New York: Norton, 2005); Wunyabari Maloba, *Mau and Kenya: An Analysis of a Peasant Revolt* (Bloomington: Indiana University Press, 1998). For Algeria, see Alistair Horne, *A Savage War of Peace: Algeria 1954–1962* (London: Macmillan, 1977); Martin Evans, *Algeria: France's Undeclared War* (Oxford: Oxford University Press, 2012).

inapplicable to nonwhite European colonies, not least those Winston Churchill as British Under-Secretary of State described as the "African aboriginal, for whom civilization has no charms."[28]

Although anti-colonial activists drew on an emergent lexicon of universal human rights in their struggles for self-determination, they doubted its transformative potential. They were not alone in their skepticism of the new international human rights agenda. The UN's creators envisioned a world organization that would address rights violations but also protect the interests of empire. The acceptance of human rights at this moment was conditioned by pessimism among the great powers such that it would have little practical effect.[29] The South African statesman Jan Smuts, who introduced the concept of "human rights" into the UN Charter, remained a firm believer in white supremacy and could not countenance extending the human rights principles he so vigorously championed at the UN to the nonwhite populations of his own country. Delegates of the white minority South African government at the UN strongly opposed discussions about racial discrimination in their country, seeing it an undue interference in their internal affairs and a violation of sovereignty.

The adoption of the UDHR in 1948 did not elicit much excitement in the colonies. Doubt and cynicism arose partly from the sense that it took the suffering of "whites" during World War II to jolt world powers into action, whereas colonial atrocities had left the world indifferent. It did not escape African independence activists that colonial massacres and atrocities against Indigenous people in the Congo and in South West Africa (Namibia) described as the "first genocide of the twentieth century"[30] did not garner enough outrage and indignation to trigger a rights revolution.[31] When Japan, fresh from its victories in the Pacific, pressed for including a language promoting racial equality in the Covenant of the League, it received a cold response from the United States and other key European powers. This was in spite of a majority vote for the proposal from delegates at the Paris Peace Conference and calls for the inclusion of a statement on *human rights* in the Covenant.[32]

[28] Quoted in Marco Duranti, *The Conservative Human Rights Revolution: European Identity, Transnational Politics, and the Origins of the European Convention* (Oxford: Oxford University Press, 2017), 126.
[29] Mazower, *No Enchanted Palace*, 30–5.
[30] Jeremy Sarkin-Hughes, *Colonial Genocide and Reparations Claims in the 21st Century: The Socio-Legal Context of Claims under International Law by the Herero against Germany for Genocide in Namibia, 1904–1908* (Westport, CN: Praeger, 2009), 5.
[31] *West African Pilot*, March 13, 1945, 8.
[32] Paul Gordon Lauren, *Power and Prejudice: The Politics and Diplomacy of Radical Discrimination* (Boulder, CO: Westview Press, 1988), 98.

Responding to Japanese proposals for a racial equality clause at the 1919 Versailles Conference, British statesman Arthur Balfour stated that it was "true that all men of a particular nation are created equal, but not that a man in Central Africa was created equal to a European."[33] Japan was eventually convinced to omit the word "race" from its proposal altogether. The United States also demanded that "equality" be stricken and that any mention of justice be placed in the preamble rather than an article, which might imply enforcement.[34] Wilsonian rhetoric of self-determination and the promising human rights impulses of post–World War I internationalism did not coalesce into a global rights movement. That would wait until Europe encountered its own era of tyranny and atrocities. As historian Mark Mazower put it "such was the shock of being subjected to a regime of unprecedented and unremitting violence that in the space of eight years following the war, a sea-change took place in European's political attitudes, and they rediscovered the virtues of democracy."[35]

The sudden rediscovery of human rights and democracy by European imperial powers was met with skepticism in the colonies. British hurried efforts to enact a constitutional bill of rights fashioned after the European Convention in the colonies in the late 1950s did not gain wide support. Some African leaders saw this late rhetorical embrace of human rights as an imperial strategy to douse the fervor of nationalist anti-colonial movements and a means of achieving decolonization on terms favorable to European colonists and settlers. Swazi politicians thought that pre-independence British insistence on enacting a bill of rights was disingenuous and showed lack of confidence in Africans. Why, they asked, had no one heard of a bill of rights while the British were firmly in command? "But now that they are withdrawing, we hear a great deal about them."[36] To these Swazi politicians, the imperial instrumentality of human rights was manifest.

A Lexicon for Liberation

In the age of empire, African political leaders were also skeptical of the UN's peace and security agenda. They were less interested in the

[33] A. J. Balfour, quoted in Adom Getachew, *Worldmaking after Empire: The Rise and Fall of Self-Determination* (Princeton, NJ: Princeton University Press, 2019), 22.
[34] Vernon D. Johnson, "The Structural Causes of Anticolonial Revolutions in Africa," *Alternatives: Global, Local, Political*, 18, no. 2 (1993), 206. For a detailed account of how the race issue was handled at the peace talks and the League of Nations, see Lauren, *Power and Prejudice*.
[35] *Dark Continent: Europe's Twentieth Century* (New York: Vintage, 2000), 140.
[36] Quoted in Denis Cowen, "Human Rights in Contemporary Africa," *Natural Law Forum* 9, no. 1 (1964): 11.

specific procedures for assuring world peace than in the reaffirmation of faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of all nations.[37] They noted with disapproval that the framers of the UN Charter in 1945 first declared their determination to "save succeeding generations from the scourge of war" and then only secondly to "reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small."[38] Judging by their policies, attitudes, and stands, nationalist leaders in Africa and Asia would have reversed the order of affirmation. They would have affirmed, first, "faith in fundamental human rights [and] in the dignity and worth of the human person" and only secondly their determination "to save succeeding generations from the scourge of war."[39]

As the politics of imperial defensiveness became evident in UN debates, the engagement of African leaders with international human rights discourse served two purposes. The first was to highlight the hypocrisy and contradictions of European imperial positions on human rights questions. "Those who call themselves protectors of civilized standards," Julius Nyerere wrote in 1958 "can ignore this at their own cost, that under the Declaration of Human Rights, Africans are people too, all of them, not just the most advanced ones."[40] The second purpose of nationalist engagement with human rights discourse was to reinforce longstanding struggles for independence with the new legitimatizing lexicon of human rights. In the changed international geopolitical landscape of the post–World War II world, European imperial powers favored gradual decolonization – what British officials described as the "progressive evolution of self-government" in the colonies.[41] A new crop of African nationalists countered with demands for immediate unconditional independence based on the fundamental collective human right to self-determination.

The Guinean nationalist Sekou Touré expressed his political credo of dignity and equality for Africans and campaign against French colonial rule both in terms of the French Declaration of the Rights of Man and the

[37] Ali A. Mazrui, "The United Nations and Some African Political Attitudes," *International Organization* 18, no. 3 (Summer, 1964), 501.
[38] United Nations, Charter of the United Nations, www.un.org/en/charter-united-nations, accessed May 7, 2017.
[39] Mazrui, "United Nations and Some African Political Attitudes," 509.
[40] "The Entrenchment of Privilege," *Africa South* 2, no. 2 (1958): 85–90.
[41] John Hargreaves, *The End of Colonial Rule in West Africa: Essays in Contemporary History* (London: Macmillan, 1979), 51.

UDHR.[42] In Algeria, Ferhat Abbas the FLN leader drew on the wartime discourse of the right to self-determination to articulate political demands for independence. In his manifesto in 1943, *Manifeste du Peuple Algérien*, Abbas referenced the right of people to choose their own government affirmed in the Atlantic Charter. After France's defeat in World War II, he asked the Vichy government to implement comprehensive reforms in Algeria in line with new global norms that warranted the redefining of the relationship between France and its colonies. In response to pressure by French authorities on Muslim Algerians to actively participate in the fight against Hitler for the liberation of their "Arabian brothers" in Tunisia, Abbas stated that if the war was being fought for the liberation of people of all races and religions as proclaimed by the Allied leaders, Muslim Algerians would be willing to commit themselves wholeheartedly to this endeavor. However, he linked participation in the war to specific political demands, one of which was the convening of a conference where elected Muslim representatives would negotiate political, economic, and social equality for the Muslim population. Abbas also demanded the abolition of colonial repression, the right of self-determination for all peoples, and an Algerian constitution anchored in human rights.[43]

In the Gold Coast (Ghana), a vigorous anti-colonial campaign led by the charismatic Kwame Nkrumah rejected British wartime reforms and demanded complete independence from British rule. A central theme in Nkrumah's anti-colonialism was social equality and political self-determination. "The peoples of the colonies," he wrote, "know precisely what they want. They wish to be free and independent, to be able to feel themselves . . . equal with all other peoples, and to work out their own destiny without interference."[44] It was in this context that Nkrumah urged his countrymen and women to prioritize the cause of national liberation – to seek first the political kingdom before all other things. Because the "political kingdom" could only be achieved through collective struggle, solidarity rights had to be prioritized over individual rights. In this phase of state building, the collective right to self-government was considered a prerequisite to fulfilling other rights aspirations. Nkrumah also highlighted the contradictions in British rhetorical support for human rights and its policies in the colonies. He questioned why Britain considered an election based on universal franchise and constitutional

[42] John Marcum, "Sékou Touré & Guinea," *Africa Today* 6, no. 5 (1959): 6.
[43] Klose, *Human Rights in the Shadow of Colonial Violence*, 24–5.
[44] Kwame Nkrumah, *Revolutionary Path* (London: Panaf, 1980), 40.

rights a prerequisite for independence in the Gold Coast but ruled it out for white-minority-ruled Southern Rhodesia.[45]

In Nigeria, the nationalist politician Nnamdi Azikiwe used the platform for his wide-circulating newspaper *West African Pilot* to highlight the contradictions and illogicalities of imperial human rights discourse. His positions on these questions were shaped by his experiences of colonial oppression at home and racial discrimination in the United States where he studied at black universities in the 1930s. Encounters with African-American intellectuals at Howard University and Lincoln University shaped his anti-colonial politics and views of rights questions. Azikiwe linked the struggles for self-determination in the colonies with US President Roosevelt's four freedoms, the Atlantic Charter, and, later, the debates about universal human rights at the UN. He decried British colonial rule as a "benevolent despotism" that committed the African to political servitude and economic serfdom. He deplored the hypocrisy of European imperialists who espoused political freedoms and social equality in Europe and at the UN, but were ambivalent about extending these rights to Africans.[46] Following Prime Minister Churchill's statement that the principles of self-determination outlined in the Atlantic Charter applied only to Europe and not to British colonies, Azikiwe wrote that it was imperative for Africans to prepare their own political blueprint rather than rely on "those who are too busy preparing their own."[47] In 1943 he published his *Political Blueprint of Nigeria* in which he outlined a rights-based vision for Nigeria's independence which referenced the Atlantic Charter and Woodrow Wilson's Fourteen Points, using both to support his uniquely anti-colonial rights agenda.

At a time when European colonial powers sought to drive a wedge between self-determination struggles in the colonies and discussions about universal human rights at the UN, Azikiwe insisted on the fundamental interrelatedness of both ideas. He countered British attempts to delink national liberation struggles in the colonies from the emergent universal human rights movement. "The people of Nigeria," he insisted, "cannot continue to accept as their destiny the denial of human rights. We, too, have a right to live, to enjoy freedom, and to pursue happiness like other human beings."[48] Azikiwe also led the drafting of the Freedom

[45] Geoffrey Bing, *Reap the Whirlwind: An Account of Kwame Nkrumah's Ghana from 1950 to 1966* (London: MacGibbon & Kee, 1968), 167.
[46] Azikiwe, *Zik*, 82, 159.
[47] Nnamdi Azikiwe, *Political Blueprint of Nigeria* (Lagos: African Book Company, 1945), 72.
[48] Azikiwe, *Zik*, 50.

Charter, which served as a manifesto for his pro-independence political platform.[49] The Charter affirmed the right of all peoples to choose the form of government under which they may live. It also condemned slavery, servitude, and imperialism; affirmed the equality of all persons; the right to basic education and healthcare and even the right to recreation and leisure. He urged representatives from Liberia, one of only three African member countries of the UN at its founding, to be the voices of people of color and the "degraded and oppressed races in the world."[50]

In Tanganyika, Julius Nyerere referenced frequently the repression and injustices of colonial rule as derogations from basic human dignity and fundamental human rights. He stated that the anti-colonial struggle was a movement for fundamental human rights, based on the belief in the equality of human beings, in their rights and duties as citizens.[51] Similarly, the Kenyan nationalist leader Jomo Kenyatta framed oppressive British policies in terms of collective human rights violations. Kenyatta was particularly critical of Britain's 1930 "Kenya White Paper" which declared that the mission of Britain was to "work continuously for the training and education of the Africans toward higher intellectual, moral, and economic level."[52] "It is beyond our comprehension," Kenyatta argued

> to see how a people can reach so-called "higher level" while they are denied the most elementary *human rights* to self-expression, freedom of speech, the right to form social organizations to improve their condition and, above all, the rights to move freely in their own country. These are the rights that the Gikuyu people had enjoyed from time immemorial until the arrival of the "mission of Great Britain."[53]

Instead of advancing "toward a higher intellectual, moral, and economic level," Kenyatta claimed that the African had been reduced to a state of serfdom, his initiative in social, economic, and political structure had been denied, and he had been subjected to the most inferior position in society.[54] Even though the voices of these indigenous political leaders

[49] National Council for Nigeria and the Cameroons "Freedom Charter," reprinted in *West African Pilot*, January 4, 1949.
[50] Azikiwe, *Zik*, 60.
[51] Julius Nyerere, *Freedom and Unity: Uhuru na umoja; A Selection from Writings and Speeches, 1952–65* (London: Oxford University Press, 1967), 76.
[52] L. C. A. Knowles, *Charles Matthew Knowles, The Economic Development of the British Overseas Empire* (London: Routledge, 2005), vol. 1, 195.
[53] Jomo Kenyatta, *Facing Mount Kenya: The Tribal Life of the Gikuyu* (New York: Vintage Books, 1965), 189–90. My emphasis.
[54] Kenyatta, *Facing Mount Kenya*, 190.

and activists in the colonies were not always heard or considered in the early debates about human rights at the UN and other international forums, their positions show critical engagement with these debates.

Human rights discourses within anti-colonial movements were certainly not limited to vocal political elites or prolific intellectuals. Anti-colonial human rights ideology also found expression in grassroots networks and activities. Local activists mobilized human rights language to protest the everyday violence and injustices of colonial rule. The global political upheavals unleashed by the World Wars provided ordinary Africans with opportunities to express discontent and opposition to colonial rule in international arenas such as the League of Nations Mandate Commission and later the UN Trusteeship Council which was specifically mandated to promote "respect for human rights and fundamental freedoms and recognition of the interdependence of peoples of the world."[55] Anti-colonial activists and their metropolitan allies viewed UN trust territories as the most politically and legally viable channel through which to address the human rights abuses particular to colonial rule.[56]Africa's UN trust territories were therefore pivotal sites for the conception of human rights and a "birthplace of the postwar international human rights project."[57]

The majority of these petitions to UN bodies were from ordinary people – market traders and farmers, civil servants, taxi drivers, market traders, and farmers, women and youth groups, and rural peasants. The issues they raised concerned both collective and individual rights. In French Cameroon, petitioners appealed to *droits de l' homme* not only in the call for self-determination but also to demand protection of individual rights codified in international law. They sent a list with the names of people that French and British administrators had deported, arrested, and killed, appealing to the international community to protect specific individuals. In Tanganyika, Africans petitioned the UN Trusteeship Council to demand protection from the violence and injustice by British officials and European settlers.[58] In Zanzibar,

[55] United Nations, "The United Nations and Decolonization: International Trusteeship System," accessed September 23, 2016, www.un.org/en/decolonization/its.shtml

[56] Roger S. Clark, "The International League for Human Rights and South West Africa 1947–1957: The Human Rights NGO as Catalyst in the International Legal Process," *Human Rights Quarterly* 3, no. 4 (1981): 101.

[57] Meredith Terretta, "We Had Been Fooled into Thinking that the UN Watches over the Entire World: Human Rights, UN Trust Territories, and Africa's Decolonization," *Human Rights Quarterly*, 34 no. 2 (2012): 345.

[58] Tanzania National Archives, Foreign Affairs 37681/5/3. Petition of the African Government Employees Association, Mwanza to the Visiting United Nations Trusteeship Council Mission to Tanganyika, August 10, 1951.

anti-colonial activists formed the Human Rights League, an organization whose primary objective was to advocate for national self-government and whose leaders drew on the language of international human rights to justify their cause.[59]

To construct a fully representative history of human rights and decolonization, it is essential that we pay as much attention to the margins and outposts of empires as we have to imperial centers and metropoles. This requires attending to anti-colonial ideas and movements at the grassroots and interpretations of human rights in local vernaculars. Given the objective of human rights ideology to give voice to the marginalized, it is crucial that histories of human rights be written not only from the top-down perspectives of dominant actors in mainstream political processes, but also from the bottom-up perspectives of local everyday struggles. Histories of human rights centered predominantly on influential political actors and institutions risk becoming hegemonic narratives that reinforce the epistemic power of some while marginalizing others.

Conclusion

Despite their misgivings about the imperial rights discourse, nationalists and anti-colonial activists drew on the human rights lexicon in struggles for civil liberties and self-determination. As the voices of formerly colonized Afro-Asian countries gained recognition at the UN following the wave of independence of the 1950s and 1960s, the tenor of international human rights debates changed significantly. Newly independent African and Asian countries became the driving force behind the salience given to the right to self-determination as a fundamental collective human right – a theme obscured in earlier discussions. The votes of newly independent Afro-Asian states were crucial in bringing about the adoption of two crucial documents that expanded the meaning of human rights – the Declaration on the Granting of Independence to Colonial Countries and Peoples in 1960 and the Convention on the Elimination of Racial Discrimination in 1965. The former reaffirmed the fundamental human rights, the dignity, and worth of all humans but went further to explicitly affirm the equal right of peoples of all nations to self-determination. Significantly, it also recognized that individual rights could only be fully achieved when the collective rights of nationhood and self-determination

[59] National Archives of the United Kingdom, CO 822/2193, "The Human Rights League, Zanzibar," confidential memorandum, November 8, 1961.

were attained – an argument that African nationalists had long made in the cause of national liberation. The 1966 Covenant on Civil and Political Rights which explicitly articulates the right to self-determination also reflects the influence that self-determination and anti-colonialism had on the development of the human rights idea.

What can the politics of anti-colonial rights prioritization tell us about the development of international human rights? For one, it shows that decisions about what claims qualify as "human rights," the ordering of these rights, and even the presentation of right histories are deeply political and ideological. Most rights histories produced in the West tend to concentrate on civil and political rights framed mainly in terms of the development of the relations between authorial power and individual freedoms. These rights histories celebrate the restraint on state power over the individual as the model for institutional developments everywhere.[60] This decidedly state-centric approach anchored on possessive individualism contrasts with postcolonial human rights discourse whose dominant theme is the history of Western domination over non-European territories and the tension between individual liberties and the collective rights of peoples.[61] This postcolonial theme is evident in contemporary debates on regional human rights regimes – the African Charter on Human and People's Rights adopted by the Organization of African Unity in 1981 and the American Convention on Human Rights (Pact of San José) adopted by many Latin American and Caribbean countries in 1969. Both regional documents affirm the collective rights of peoples and outline the relationship between human rights and human duties.[62]

In the age of decolonization, African nationalists and anti-colonial activists interpreted human rights first and foremost as the collective right of peoples to self-determination. They understood human rights not simply in terms of claims that individuals hold against the state but also as collective entitlements that subjugated groups hold against dominating states. Emancipation meant that not only the liberties of individuals but also the collective freedom of peoples to determine their own

[60] Koskenniemi, "Foreword," xvii.

[61] For example, Barreto, *Human Rights from a Third World Perspective*; William Twining, ed., *Human Rights, Southern Voices: Francis Deng, Abdullahi An-Na'im, Yash Ghai and Upendra Baxi* (Cambridge: Cambridge University Press, 2009); Francis Deng and Abdullahi Ahmed Na'im, *Human Rights in Africa: Cross-cultural Perspectives* (Washington, DC: Brookings Institution, 1990).

[62] Makau Mutua, "The Banjul Charter: The Case for the African Cultural Fingerprint," in *Cultural Transformation and Human Rights in Africa*, ed. Abdullahi An-Na'im (New York: Zed Books, 2002), 65–70. See American Convention on Human Rights, Art. 32.

fate. The question of human rights was therefore inextricably linked with the question of national liberation. The undergirding premise was that only the emancipated sovereignty of peoples could guarantee other rights. The linkages between the individual rights of the individual and the collective rights of people would find resonance in international human rights through the struggles of those deprived en masse of human rights in the age of empire.