Bonny Ibhawoh Responds to Vuco and Wilson

The role of human rights, **Richard Wilson** argues, is to create the bedrock of accountability on which democratic legitimacy can be built. But need this be the *sole* function of human rights? Beyond accountability and retributive justice, is it valid to deploy human rights discourses for the larger ends of social stability and peace building? Today, human rights have become too important to be limited to their legalistic foundations. Beyond law and the quest for retributive justice, there is much that the legitimizing language of human rights can bring to our quest for peace and social stability, as **Ivana Vuco**'s essay suggests.

In highlighting the limitations of supposedly traditional African models of conflict resolution and restorative justice, the essays by Wilson and Vuco address a growing concern with the construction of localized narratives, which draw on culture and tradition, in human rights and peace work. Much of this concern springs from the old debate over the universality and cultural relativism of human rights, which in recent years has shifted toward a discourse on legitimizing universal human rights and making them relevant to local sociopolitical contexts. The debate reflects the tension between the universal and the local, and the ways in which the language of human rights has been deployed to further nation-building agendas.

When former archbishop Desmond Tutu used the African concept of *ubuntu* to justify the South African Truth and Reconciliation Commission's emphasis on restorative justice and social stability rather than retributive justice, he was following in a tradition of African leaders and intellectuals who have articulated distinct cultural interpretations of human rights to meet local political exigencies. In the 1960s, Tanzania's president Julius K. Nyerere articulated a socialist-oriented concept of human rights, which prioritized social and economic rights over civil and political rights. Like Tutu's *ubuntu*, Nyerere's *ujamaa* (African socialism) was an attempt to manufacture legitimacy for state institutions using a combination of the language of contemporary human rights and perceived African traditions of communalist/restorative justice. Although such appeals to African traditions are often idealistic, they represent an attempt to legitimize nation-building agendas with the language of human rights.

Wilson clearly does not think that the compromised, nonlegal/juridical use of rights language can ultimately serve the ends of justice, human rights, and peace. He argues that regimes should seek legitimacy not through efforts to forge moral unity and communitarian discourses but, instead, on the basis of justice defined as proportional retribution and fairness. In contrast, Vuco understands the appeal that conflict resolution has to some Nigerian human rights organizations, which are employing the language of human rights as "an indispensable part of peace processes." These organizations are seeking the middle ground in the work of advocating for the protection of human rights without undermining the legitimacy of the country's fledgling democracy. In many other African countries, human rights groups have found it useful to draw on traditional community-based resolution methods, with their emphasis on securing consensus and on the reciprocal relationship between rights and social responsibilities, in their conflict resolution work.

The concern about detaching human rights from their legal foundation when they are deployed to legitimize nation-building agendas is a valid one. As Wilson rightly points out, the risk in this approach to human rights is that it obscures accountability and does not particularly serve to promote the rule of law. However, while legal enforcement founded on accountability and retributive justice is a core part of contemporary human rights, the normative traditions on which human rights are built are not solely legal. They are also moral, religious, and philosophical. The language of human rights can contribute a great deal more to efforts to secure peace and social stability when the breadth of its basis is recognized.

The tide of global justice is turning in favor of legality, prosecution, and punishment rather than reconciliation and forgiveness. The TRC represented a shift from this dominant paradigm of retributive justice. But rather than being a deviation from a supposedly global ideal, the TRC in its emphasis on reconciliation and restorative justice might in fact represent an African-inspired normative contribution to the universal human rights corpus. The move by Nigerian human rights groups from human rights advocacy to conflict resolution represents a similar paradigmatic shift. As Vuco notes, by making this shift, they have become more involved in aspects of conflict that extend beyond traditional human rights issues.

This is significant because one of the major challenges of human rights discourse in Africa (at both academic and policy levels) has been the need to legitimize universal human rights within local contexts. One way of doing this is by articulating a sense of human rights informed by local exigencies and perspectives, which the rest of the international community can also use. With the sanctity of the legalistic/individualist paradigm of human rights being increasingly questioned, an African sense of community obligation that goes beyond retribution can serve to strengthen the cross-cultural legitimacy of universal human rights. This may be the most significant impact of the South African TRC and the conflict resolution work of Nigerian human rights groups.