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RIGHTS



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VOLUME 1

Afghanistan—Democracy and Right to Participation

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COLONIALISM

by *Bonny Ibhawoh*



A discussion of the legacies of colonialism for human rights can go as far back as the beginning of European overseas empire in the fifteenth century, which included the Iberian conquest and settlement of America. Early European colonialism in the Americas had far-reaching implications for the rights and liberties of the indigenous peoples they encountered in the course of conquest, settlement, and expansion. As their control of the Americas began to wane in the late eighteenth century, European colonial powers, particularly Britain and France, gained new influence and control over territories in Africa and Asia. This marked a new imperial age that spanned much of the nineteenth and early twentieth centuries. It prompted, among other things, the "scramble for Africa," a race by many European countries to acquire territories in Africa for political and economic reasons. The discussion here focuses on this "new" imperialism in Africa, Asia, and the Middle East rather than on earlier Iberian colonialism in the Americas. The discussion here also focuses specifically on the post-World War II notion of universal human rights that emerged within the framework of the United Nations (UN) system and the Universal Declaration of Human Rights (UDHR).

COLONIALISM AND RIGHTS

The link between colonialism and human rights manifests itself on several levels. The first relates to the origins and rationale of European colonialism. Underlying nineteenth- and twentieth-century European colonialism in Africa and Asia were the notions of the "civilizing mission" and "the white man's burden." This was the view, genuinely believed by some and used as a cover for expedient concerns by others, that European colonists had a responsibility as colonizers to spread the benefits of European civilization to colonized peoples. These benefits included the doctrines of Christianity as well as European liberal Enlightenment traditions of freedom, democracy, and the rights of humans. The argument of extending European traditions of rights and liberties to colonized

people in principle, if not in practice, was often used to justify and rationalize European colonialism. In many parts of Africa, the process of European colonial intervention was founded on the need to stop the slave trade and promote legitimate trade. The language of freedom, free trade, liberty, and civilization characterized many of the treaty agreements between the European colonial powers and African chiefs in the early colonial period. European powers saw their role partly in terms of promoting the liberties of colonized people under their influence through active intervention in local politics. They justified their military campaigns against uncooperative communities and the overthrow of indigenous rulers on the grounds of protecting the rights and liberties of European and colonial subjects living in such areas.

The second link between colonialism and human rights has to do with the end of colonialism. Twentieth-century anticolonial nationalist movements in Asia and Africa drew on the same language of rights that had earlier been used to justify colonialism to demand independence and self-determination. The language of universal human rights that gained prominence after World War II was extensively deployed by peoples throughout the colonized world to challenge European imperialism. In India anticolonial nationalists led by Mohandas ("Mahatma") Gandhi took advantage of the new international emphasis on the right to self-determination espoused in the UN Charter to demand independence from British colonial rule. However, although Gandhi and other anticolonial nationalists utilized the language of right to self-determination against European powers, they were not always supportive of the rights discourse on other subjects.

The final link between colonialism and human rights relates to the legacies of colonialism. Although colonialism in many parts of Africa and Asia came to an end in the mid-twentieth century, its legacies continue to dominate discourses about universal human rights. Cultural relativists and pluralists have invoked the history and legacies of colonialism in Africa and Asia to challenge

the notion of universal human rights. They challenge and sometimes reject the international human rights body norms developed within the UN as being too Western oriented and not adequately reflective of non-Western perspectives. They argue that the promotion of a "universal human rights" regime in non-Western societies is evocative of a tradition of European colonialism and cultural dominance. In this regard the universal human rights movement has been compared with earlier Eurocentric colonial projects in Africa and Asia that promoted a homogenizing worldview and cast societies into superior and subordinate positions. The invasion of Iraq by the United States in 2003, partly for articulated reasons of imposing freedom, reinforced this postcolonial skepticism about rights discourse. The following discussion explores these three aspects of the legacies of colonialism for human rights.

RIGHTS, LIBERTIES, AND THE COLONIAL RATIONALE

European colonialism claimed a rights agenda that was inherent in the notions of the "civilizing mission." These rights claims were central to early attempts to justify and rationalize colonial empires. They were also evident in the benevolent paternalism and Christian humanist agendas of some European groups and colonial regimes. Underlying these rights claims were assumptions about the obligations of colonial governments to protect the basic rights and liberties of their subjects. In the case of Britain, colonial authorities sought to extend as far as practicable to the colonies the same standards of law and justice that prevailed in England. Local customs and traditions were allowed to exist alongside the imported English legal system eventually and only to the extent that they did not patently contradict English law. The objective was to create within the empire some legal and judicial standards that represented British ideals of rights and justice. These ideas expressed a broad concern for private rights and individual freedom of action. For France, the emphasis was on extending the republican ideals of the French Revolution—liberty, equality, and fraternity—to its colonial subjects. Colonial discourses on rights and liberty provided a powerful rationale for empire, particularly against the background of the antislavery and anti-slave trade movements. But colonial ideals were quite different from colonial practices.

In practice, more pragmatic imperial political and economic imperatives were always considerations in

the process of colonial administration. The history of eighteenth- and nineteenth-century European colonialism in Africa and Asia shows clearly that the protection or promotion of the rights of colonial subjects was never really a foremost priority. Yet, even though the rights and liberties of colonial subjects were often violated in the pursuit of overriding political and economic objectives, the rhetoric of rights and liberty remained appealing to colonial officials because it was a powerful device for rationalizing and legitimizing empire.

In addition to extending European legal and libertarian ideas to the colonies, colonial powers also stressed their political and social obligations toward colonized people. Britain, for instance, spelled out its social obligations to its colonial subjects, including "the protection of their liberties in the free enjoyment of their possession" (Boldero, p. 211). It was on the basis of these ideals and obligations that Britain eventually sought to dismantle slavery and other institutions of servitude in Africa as well as the Indian caste system, which limited the freedoms of certain groups within society. Using the imported English legal system, British authorities over time abolished all forms of slave dealings within the territories under their control and prescribed severe penalties for the contravention of antislavery laws. Colonial authorities presented this antislavery posture as evidence of British concern for the basic rights and freedoms of native peoples. They deliberately sought to legitimize colonial rule in terms of Britain's late abolitionist role rather than its record of active slave trading for more than half a century.

The extension of European law to many parts of Africa and Asia in the nineteenth century ushered in new regimes of individual rights whereby previously marginalized groups were able to escape from traditional institutions of servitude and oppression. In India and many parts of Africa, the introduction of new English style divorce laws provided women opportunities to assert their independence and escape traditional patriarchal control. Colonial authorities put in place laws intended to change local attitudes toward marriage relationships. They emphasized the rights of women to have a say in the choice of their husbands and to be able to divorce their husbands under certain conditions. Colonial marriage laws contained provisions that permitted children over the age of twenty-one to marry without their parents' consent. These were intended to check the practices of child betrothal and arranged marriages that were prevalent in many traditional African and Asian societies.

In some cases, colonial laws entirely abrogated indigenous customs regarding marriage, divorce, and custody of children and replaced them with practices that European officials regarded as moral and more in accordance with the principles of natural justice. Whereas many indigenous societies emphasized communal and collective rights, colonial laws tended to emphasize individual rights. Although such colonial reforms did not always go down well with indigenous ruling elites and those interested in maintaining the traditional status quo, they were welcomed by others. Women and other marginalized groups, such as former slaves and persons of lower castes, took advantage of liberal colonial laws and policies to assert their rights and freedoms. They used colonial arguments about women's rights and the need to change "uncivilized" customary practices to escape from restrictive traditions.

But although there was an emphasis on abrogating indigenous institutions and practices that were thought to limit individual rights and freedoms, colonial authorities introduced policies that restricted and violated the rights of colonized people in other ways. Prevailing racial attitudes about the inherent inferiority of colonized peoples and assumptions about their incapability to govern themselves limited the readiness of the European colonists to allow colonial subjects autonomy and self-government. The general pattern among European powers was to implement individual civil rights so long as British power was not reduced.

In this sense, colonialism was inherently a violation of the right of colonized people to self-government. Apart from ruthlessly uprooting the political and social orders in these societies, colonial regimes fell short of their own liberal agendas. Britain, like other European colonial powers, frequently used military force to suppress struggles by colonized people for autonomy and self-government. In 1919 British troops fired indiscriminately on a crowd of unarmed Indian protesters in what became known as the Massacre of Amritsar. British colonial authorities also ruthlessly put down the Mau Mau uprising for land reform and independence in Kenya in the 1950s.

French colonialism followed a similar pattern. The extension of rights to colonized people was an important part of the discourses it deployed to justify colonialism. For much of the colonial period, the French pursued a policy of assimilation that was aimed at incorporating colonized people into French culture as part of the broader agenda of the civilizing mission. Notions of human rights in the context of French republican idealism shaped some colonial policies throughout the French empire from

French Africa to French Indochina. At a time of ascendant liberalism in France, republican elites maintained that colonized peoples in Africa and Asia should be freed from the material and moral want that had once oppressed the French nation. As far back as 1792, a revolutionary decree had proclaimed, "All men, without distinction of color, living in the French colonies are French citizens and enjoy all the rights assured in the constitution" (James, p. 115). This represented the aspiration, if not the predominant reality, of French colonialism.

Within French colonial officialdom the prevalent view was that France had an obligation to extend its republican principles of liberty, equality, and fraternity to its overseas territories. However, the dominant approach within French officialdom to colonial administration tended to be authoritarian and repressive. It was assumed that colonized peoples were still to evolve within their own cultures, but they were to do so in a way that respected the universal rights of all individuals. This thinking, which influenced French policy in realms as different as education and labor, convinced committed French Democrats and Republicans that colonialism was actually advancing the cause of human rights and liberty. In line with the French aspiration of extending universal rights to its colonial subjects, the government made elaborate provisions for the representation of its dependent peoples in the central governing institutions in Paris.

Despite this universalist outlook, however, the reality was that French colonialism offered little in the way of democratic institutions or real rights to colonized people. French citizenship and the full range of rights accorded French citizens in France were limited to a few colonized people, and there was virtually no representation of the colonies in Paris. French colonialism in Africa was particularly notorious for its widespread violations of individual rights and liberties. Until the end of World War II, French authorities enforced a brutal system of forced labor in West Africa known as the *indigénat* (indigene) (Thomas, 2005). French colonial policies from education to administration also tended to promote French economic and political interests and assert European values above all else, often undermining the culture and overall welfare of colonized people. Even when reforms were eventually introduced at the end of World War II, racial discrimination and political repression remained prevalent in many French colonies, leading to bitter anticolonial warfare in Indochina and Algeria.

More notorious examples of the excesses of colonialism are the atrocities of the Belgian king Leopold in the

Congo and the Germans in South-West Africa. In the latter case, thousands of Africans, including women and children, were killed by German troops in the Herero uprising in 1904. In the Congo, the Congo Free State was created in the 1880s as a private empire of King Leopold II. This part of Africa was particularly attractive to European powers because of its potential for mining and rubber production, and Leopold sought to maximize production by granting concessions to private companies. These profit-driven concession companies became notorious for the atrocities they committed against the Africans under their control. Colonial and company officials routinely used coercion, torture, arbitrary detention, and mutilation to guarantee the supply of labor in the mines and rubber plantations. These atrocities became so widespread that they prompted a concerted campaign by missionaries and humanitarians to publicize and end the practices. They even drew condemnation from other European colonial powers, leading the Belgian government to take over the colonial administration of the Congo from Leopold in 1908.

But even with King Leopold II in Belgium and the Germans in South-West Africa, the promise of promoting civilization and protecting the liberties of colonized Africans had provided the justification for colonialism. During the mid-nineteenth-century scramble for Africa, Leopold staked his claim to the Congo partly on the grounds of eradicating the residues of the slave trade in the area while promoting Christianity and "civilization." In the end, the atrocities committed under Leopold's rule were as much a violation of the rights of Africans as the inhuman slave trade he sought to suppress.

Although European colonialism promised universal rights, in reality it kept colonized peoples in a state of subjugation. Indeed, the history of European colonialism in Africa and Asia is replete with examples of how colonial policies and actions not only violated the basic rights of colonial subjects but also fell short of the liberal and republican agendas put forward by European colonial powers. English libertarian traditions and French republicanism professed broad concerns for the rights of colonized people, but this did not in fact guarantee human rights conditions in the colonies comparable to those that prevailed in England and France. The purported extension of rights to colonial subjects and the official rhetoric that kept them on colonial agendas seem more a discourse produced to legitimize and rationalize empire than an objective to which European colonial powers were seriously committed.

Despite their limitations, however, colonial discourses on rights and liberties ultimately had a liberating effect. Colonized people were able to appropriate this language of universal rights and use it in their demands for social inclusion and political participation in ways not originally intended by colonial powers. The rhetoric of rights and liberties that underlined colonial propaganda and justifications of empire became an important instrument with which colonized people expressed dissent, challenged colonialism, and articulated nationalist aspirations for self-determination. In this sense, European imperialism forged the tools with which its victims ultimately pried it loose.

NATIONALISM AND DECOLONIZATION

The contemporary human rights movement has been influenced by colonialism. Like colonialism, the human rights movement involves challenges to the practices and sometimes sovereignty of particular regions of the world in the name of universal standards deriving from, and largely enforced by, the West. In the cases of Africa and Asia, such moral discourses were partly shaped by the history of colonialism. Anticolonial nationalist struggles in Africa, in Asia, and elsewhere in the colonized world were among the first mass movements to draw on the universal language of human rights of the post-World War II era. Anticolonial nationalists demanded that the ideals of freedom and self-determination that had been the basis of Allied military campaigns against Nazism in Europe also be extended to them. Thus, although not often recognized as such, anticolonial struggles were not only nationalist movements but also veritable human rights movements. For this reason, it is necessary to reconstruct the histories of twentieth-century anticolonial nationalist movements as human rights histories.

Although the aspiration toward protecting the rights and liberties of colonized people provided a rationale for European colonialism from the very beginning, the world wars made such references to rights even more prevalent as opposition to colonialism gathered momentum. During World War I, President Woodrow Wilson of the United States gave the concepts of decolonization and national self-determination much prominence, although they were not articulated in the language of human rights. In a speech to Congress in 1918, Wilson voiced the objectives of the United States in World War I in what became known as the Fourteen Points. The Fourteen Points, which became the basis for the Treaty of Versailles

and the League of Nations, included proposals for securing the independence and self-determination of several European states and societies. Inspired by the Fourteen Points and other wartime developments, people rose throughout the colonized world to rid themselves of imperial domination.

The end of World War I signaled the effective beginning of the great upsurge of anticolonial nationalism, which reached its fruition after 1945. During the Great War, European colonial powers relied extensively on their colonies for contributions of material and labor. In declaring war, European colonial powers such as Britain, France, and Germany were also committing their empires, which included most of Africa and Asia, to the war. The contributions of these colonies to European war efforts were substantial. British colonies in the Indian subcontinent, including present-day India, Pakistan, Bangladesh, and Sri Lanka, provided about 140,000 soldiers and support workers who were engaged in active service during the war. Many of these people served in France, Belgium, and the Middle East. French colonies in Africa contributed an estimated 235,000 soldiers to the war efforts, and French West Africa alone provided ninety-four battalions for the European front.

The contributions of the colonies to European war efforts engendered a sense of entitlement among colonial subjects. Nationalist leaders began to articulate their demands for self-determination and independence not simply as political concessions from colonial powers but as rights—meaning entitlements. In India the period following World War I marked the rise of a vigorous anticolonial nationalist movement. From 1918 the Indian National Congress, under the leadership of Gandhi, launched a series of nonviolent campaigns of civil disobedience, many of which were suppressed by the British colonial government. In Africa former soldiers who had fought in World War I drew on their wartime experiences once they returned home to lead new nationalist movements against colonial domination. They too began to demand independence as a matter of right rather than concession.

WORLD WAR II AND UNIVERSAL HUMAN RIGHTS

Even more than World War I, World War II marked a period of renewed international emphasis on the themes of freedom, democracy, and the fundamental rights of humans. These ideas were of profound importance to

colonized people throughout the world and their struggles for independence. Although nationalist claims had been mounting in Asian and African colonies for several years, World War II made self-determination a living principle for the non-European world. During the war, self-determination was proclaimed as a doctrine of universal application and was one of the guiding principles of Allied policy. Allied propaganda presented the war as a fight between the ideals of freedom, democracy, and self-determination and the oppression and tyranny of Nazism and Fascism. However, as the war progressed, it became apparent that the principle of self-determination, which was so forcefully espoused by the Allies, was not intended to reach beyond the confines of Europe or apply to colonized people in the non-Western world. There were also competing claims to self-determination between and within nations as well as conflicts between a national people's right to collective self-determination and individual human rights.

The principle that nations can freely determine their own destinies was accorded international prominence soon after World War I by Wilson. He famously stated at the outbreak of World War I that the central empires had been forced into political bankruptcy because they dominated alien peoples over whom they had no natural right to rule. Wilsonian doctrines of democracy and the right of peoples and nations to govern themselves were also expressed in the Atlantic Charter, a statement on the outcome of a meeting in 1941 between Prime Minister Winston Churchill of Britain and President Franklin Delano Roosevelt of the United States aimed at drawing up a common position on the war. The charter declared, among other things, that both leaders "respect the right of all peoples to choose the form of government under which they will live" and that they wished to "see sovereign rights and self-government restored to those who have been forcibly deprived of them" (Menon, p. 110). The charter was one of the first major documents of global significance to affirm the right to self-determination in both humanistic and universal terms.

The Atlantic Charter became the focus of global discussions and debates about the right to self-determination throughout the colonized world soon after it was issued. Its famous third clause, which affirmed the right of all peoples to choose their own governments, raised the hopes of nationalists everywhere who saw it as an unequivocal recognition of their rights to self-determination and independence. It soon became clear, however, that Churchill did not intend to extend the principle of

self-determination espoused in the Atlantic Charter to colonized people in the non-European world.

In a speech before the British House of Commons in 1942, Churchill stated that he and Roosevelt had only European states in mind when they drew up the charter and that the charter was intended as "a guide and not a rule" (Pearce, p. 22). Even more controversial was his widely quoted response to the demands from British colonies that the principle of self-determination affirmed in the charter be extended to them. In rejecting such demands, Churchill stated that he had not become the prime minister of Britain to "preside over the liquidation of the British Empire" (Dukes, p. 89). At about the same time, however, a different message was coming from the other side of the Atlantic. Roosevelt, in keeping with the U.S. anticolonial tradition, maintained that the Atlantic Charter was not intended to apply exclusively to Europe, but to all humanity. Roosevelt's liberal interpretation of the provisions of the charter was more in tune with the expectations of colonized people, who had begun to use it to demand an end to colonial rule.

In British India the Indian National Congress, led by Gandhi and Jawaharlal Nehru, opposed Fascism and Nazism but, drawing on the Atlantic Charter and principles of self-determination espoused by the Allies, also continued its challenge of British colonialism. The Indian National Congress highlighted the contradictions between Allied propaganda that war against Nazi Germany was being fought for the sake of freedom and the denial of these same freedoms to those under British colonial rule. For this reason, the congress refused to support Britain in the war against Germany even though it opposed Nazism and Fascism.

The demands of Indian nationalism went far beyond what Britain was willing to grant. Rather than the full autonomy that Indian nationalists demanded, Britain was willing to grant only some form of limited self-government to the colony. The British argument, which became a standard response of colonial powers to demands for independence, was that the colonies were not completely ready for full autonomy. Britain, like other European colonial powers, stressed what it considered its obligation to maintain political control in the colonies until such time as they were deemed adequately prepared for independence and self-rule. But the Indian National Congress flatly repudiated Britain's right to rule the country and initiated the Quit India movement, which threatened nonviolent mass struggle. The response of the British colonial authorities was to outlaw the congress and

imprison its leaders. Similar developments occurred in other Asian colonies, including Burma, the Netherlands Indies, and Indochina, where nationalists rejected tentative imperial reforms and demanded complete independence. These demands for full autonomy were also predicated partly on the idea that the principles of self-determination espoused in the context of wartime Europe also had to be extended to the colonies.

In Africa comparable anticolonial rebellions that broke out against the French in Madagascar and the British in Nigeria and the Gold Coast (Ghana) spurred colonial governments on to reforms and allowed for greater representation of colonized people in governance. The emergence of a new class of Western-educated African elites strengthened the nationalist movements and intensified local opposition to colonial rule. In the Gold Coast a vigorous anticolonial nationalist campaign led by the charismatic Kwame Nkrumah rejected British wartime reforms and demanded complete independence from British rule. Nkrumah's Convention People's Party took as its motto "We prefer self-government with danger to servitude in tranquility." These insistent demands for full independence, along with other global developments, set the stage for the eventual collapse of European imperialism on the continent.

This discourse on self-determination marked a transformation of the Wilsonian notion of self-determination of peoples, a central aspect of international relations since the end of World War I, into a collective human right for national peoples. Anticolonial nationalist movements in the non-Western world tended to emphasize the collective rights of nations and ethnicities rather than individual human rights of a civil, political, economic, social, and cultural nature. Some non-Western nationalist movements, such as that led by Gandhi in India, were prepared to articulate and practice both the collective rights of national peoples and the individual rights of citizens. However, many new governments stressed the collective right of the states and communities while violating individual political, social, and economic rights.

THE UNITED NATIONS AND DECOLONIZATION

The principle of self-determination expressed in the Atlantic Charter formed the basis of the creation of the UN in 1945. The principle found expression in Chapter 11 of the UN Charter, which urges member states with colonies to develop self-government and take due account

of the political aspirations of the peoples. This statement reflected the new realities of the postwar order, in which the old imperial order could no longer be justified or sustained—although the British, French, and Dutch tried. Roosevelt, one of the main advocates for the formation of the UN, saw the organization as the ultimate solution to postwar problems, including the agitation for independence by colonized people. In his famous Four Freedoms speech before the U.S. Congress, Roosevelt outlined four fundamental freedoms that he argued humans everywhere in the world ought to enjoy: freedom of speech and expression, freedom of worship, freedom from want, and freedom from fear. Roosevelt sought to extend these principles of universal freedoms to the UN. Thus, unlike the League of Nations, which had essentially been a club of European powers unconcerned with colonial problems, the more broadly based UN was embroiled in them. And the leading power was opposed to continued colonialism as long as Roosevelt lived.

However, the idea that the UN should be actively engaged in colonial problems was not without controversy. In the San Francisco debates over the UN Charter, some colonial powers protested any thought of dismantling the colonial empires or extending the rights of self-determination to colonized peoples. The British delegation objected to dismantling colonies on the grounds that in the early stages of World War II, Britain had been saved from defeat only by the existence of its African colonies, the essential materials that they provided, and the route from the Middle East across Africa that they offered. "If we had been defeated at that time," stated one British delegate, "very likely none of us would be sitting here today" (United Nations, p. 695). Given these conflicting viewpoints among the Allies, the sections of the UN Charter devoted to colonial matters necessarily represented a number of compromises, but in the end the charter endorsed the right of self-determination of peoples. This constituted recognition that old colonial systems could not be sustained within the postwar international order.

The vague human rights provisions of the UN Charter were strengthened by the UDHR, which was adopted by the UN General Assembly in 1948. The adoption of the UDHR marked the international recognition of certain fundamental rights and freedoms as inalienable universal values to which all individuals are entitled simply by virtue of their humanity. At its adoption the UDHR was heralded as "a world milestone in the long struggle for human rights" and "a magna carta for all humanity"

(Krasno, p. 84)—this despite the reality that a third of the world's population was still under colonial domination at the time of its adoption and that most colonized peoples were not represented at the UN and as such had no input in drafting the UDHR. This exclusion of the voices and perspectives of colonized peoples remains one of the strongest limitations of the UDHR's claim to universality. But despite its limitations, the UDHR was significant in the decolonization process because it reinforced the right of self-determination. Like the Atlantic Charter and the UN Charter before it, the UDHR was an international document that could ground the demands of colonized peoples for independence. In direct repudiation of colonialism, Article 21 of the UDHR states that the will of the people shall be the basis of the authority of government and affirms the right of everyone to take part in the government of his or her country. In the drafting of the UDHR, the core negotiating group contained representatives from former colonies, including India, Lebanon, the Philippines, China, and Taiwan, although most African countries, still under colonial rule, were unrepresented.

The UDHR is widely acknowledged as the cornerstone of the contemporary human rights movement. Its adoption by the UN General Assembly marked an important phase in the discourse of rights in the colonized world. Its language of universal rights provided a new framework for articulating long-standing demands for political autonomy in the colonized world. However, it is important not to overstate the impact of the UDHR on the decolonization process in Asia and Africa. Colonized peoples, particularly nationalist leaders, were cautiously optimistic about the impact of the UDHR on their aspirations for independence. This was because some of the key signers of the declaration, including Britain and France, still held onto their colonies in Africa and Asia. The Dutch also tried hard to hold Indonesia and Surinam. One African nationalist leader stated that, although the human rights principles of the declaration were laudable, the imperialist European nations who subscribed to it would find it difficult to implement.

Nevertheless, the UN remained at the forefront of international efforts to assert the right to self-determination of colonized people throughout the postwar period. In 1952 the UN General Assembly decided to include in the Covenant on Human Rights, which became the basis of the two core human rights covenants, an article that affirmed the rights of all peoples to self-determination and the obligation of states having responsibility for

non-self-governing people to promote the realization of this right. A subsequent draft article prepared by the Commission on Human Rights stated, "All people and all nations shall have the right to self-determination, namely the right freely to determine their political, economic, social and cultural status" (Raič, p. 229). The commission also recommended a further provision that specified that the demand for colonial self-government be ascertained through a plebiscite held under the auspices of the UN.

Although these initiatives were not always welcomed by European colonial powers reluctant to dismantle their empires, they received overwhelming support from the United States and several Communist nations. At the height of the Cold War, the Soviet Union and the Communist bloc positioned themselves as advocates for colonized people in their struggles against Western European imperialism. The Soviet Union allied with anticolonial Communist and nationalist movements across Africa and Asia in the military and ideological campaign against colonialism. This support was also crucial to the anti-colonial initiatives taken by both the UN General Assembly and the UN Security Council. The Soviet support was likely designed more to weaken Western power than genuinely to advance human rights, given Soviet violations of rights at home.

In 1960 the UN General Assembly issued the Declaration on the Granting of Independence to Colonial Countries and Peoples. The declaration reaffirmed the fundamental human rights, the dignity and worth of all humans, and the equal right of peoples of all nations to self-determination. It asserted that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty, and the integrity of their national territory. It also acknowledged that the process of liberation of colonized people was "irresistible and irreversible" (Sohn, p. 319). These principles were subsequently included in the International Covenant on Civil and Political Rights (ICCPR) in 1966, Article 1 of which states, "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." The same article was included in the International Covenant on Economic, Social, and Cultural Rights (ICESCR), adopted by the UN General Assembly in 1966.

In the UN debates on colonialism and human rights, the presumption was that national self-determination is the starting and indispensable condition for all other rights and freedoms. Individual rights could only be fully

achieved when the collective rights of nationhood and self-determination were attained. In the end, the obligations undertaken in the UN Charter, the UDHR, and several other documents created toward self-government and the development of free political institutions had to be accepted by the colonial powers as the new realities of the postwar order.

NATIONALISM AND INDEPENDENCE

After 1945 colonialism was in retreat despite the efforts of various colonial powers to hold onto their colonies. With the UN Charter asserting the interests of colonized peoples and their goal of self-determination, colonialism lost international legitimacy and acceptance. By about the mid-1950s it became clear to European colonial powers that old arguments about the civilizing mission or the gradual reform of colonial rule were no longer acceptable and that nationalist struggles for independence could no longer be held back. Britain was among the first to begin the process of dismantling its colonial empire. Having earlier partitioned its Indian empire into India, Pakistan, and Sri Lanka, Britain bowed to the demands of the Indian National Congress and granted India independence in 1947. The Republic of India was proclaimed soon after, in 1950. However, it was only in 1956, after the Suez crisis, that the United Kingdom pulled back from its global role, which was also about the time that France lost its fight to maintain control of Algeria and Vietnam in 1962 and 1954, respectively. The Dutch also gave up trying to hold principally Indonesia.

The independence of India marked the beginning of the first wave of decolonization processes that swept across Africa and Asia in the 1950s and 1960s. It ushered in the dawn of a new world order that challenged the legitimacy of old colonial empires and asserted the right of self-determination of colonized people. At the UN the emergence of the Asian and African blocs of newly independent nations radically changed the landscape of international politics. Within a span of five years from the end of World War II, India, Pakistan, Ceylon, Burma, the Philippines, Indonesia, Jordan, Syria, and Lebanon had all achieved their independence. By the 1950s another group of former colonial powers gained independence in Asia, Africa, and the Middle East. In Asia, Cambodia, Laos, and a divided Vietnam received independence from France, while Malaysia gained independence from Britain. In Africa, after much international bickering over the fate of the former Italian colonies, Libya became

independent and was joined soon afterward by Ethiopia, Somaliland, Morocco, Tunis, and Egypt.

An important event in the postwar decolonization process that had some implications for human rights was the Asian-African Conference of 1955, also known as the Bandung Conference. The conference in Bandung, Indonesia, brought together a group of newly independent Asian and African countries, including Egypt, Indonesia, India, Pakistan, Ethiopia, the Gold Coast (Ghana), Saudi Arabia, and the Sudan, to discuss Afro-Asian cooperation and state their collective opposition to colonialism. Among the primary concerns of the conference were such issues as national sovereignty, racism, nationalism, and struggles against colonialism. In its final communiqué the conference condemned colonial repression in Asia and Africa and in particular the repression of French colonial rule in Algeria, where nationalists had launched a guerrilla war for independence. The conference also adopted the Declaration on Promotion of World Peace and Cooperation, which listed ten principles for handling international relations. Among these were opposition to imperialism and colonialism in all its manifestations and support for the struggle for national independence. The Bandung Conference inspired nationalist movements across Africa and Asia and added to the momentum of global opposition to colonial rule.

Perhaps the most symbolic decolonization process in Africa was in the Gold Coast, where Nkrumah's Convention People's Party led a mass nationalist movement for the independence of the country, which was renamed Ghana, in 1957. The independence of Ghana ushered in the era of decolonization in sub-Saharan Africa. One year after the independence of Ghana, nationalist leaders from across Africa held an All-African People's Conference in Ghana, at which they passed a resolution on imperialism and colonialism. The resolution drew extensively from postwar discourse on universal human rights to demand an end to European colonization of the continent. Among other things, the resolution condemned colonial oppression and subjugation, which denied Africans their fundamental human rights. It also demanded that fundamental human rights and universal adult franchise be extended to every African. In addition, the conference established a human rights committee to examine complaints of human rights abuse across Africa and to work toward redressing them.

The chairman of the conference, Tom Mboya of Kenya, had proposed the conference slogan "Europeans Scram out of Africa" in refutation of the European scramble for Africa

in the nineteenth century that marked the beginning of colonial rule in the continent. Indeed, the 1960s saw the end of European colonial rule in Africa as several countries became independent—Nigeria, Senegal, and Cameroon, in 1960; Uganda, in 1962; and Kenya, in 1963. The notable exceptions were the settler colonies of eastern and southern Africa—Rhodesia, Namibia, and South Africa—where white minority settler governments held onto political power until the 1980s and 1990s.

The process of decolonization in French Asia and Africa was particularly shaped by the outcomes of World War II. France's war burden had been intensified by the conflict between the Vichy regime and the Free France of General Charles de Gaulle, which relied heavily on French colonies, particularly those of North Africa. Although de Gaulle was imbued with a strong sense of French nationalism and imperial destiny, he also recognized the need to dismantle the old colonial system. France had fallen victim to Nazi expansionism in Europe and in the drastically changed postwar climate was no longer in a position to hold onto its colonies in Asia and Africa. In West Africa, French colonialism and paternalism inevitably gave way to the idea of a community based on partnership between colonial powers and their former colonies. This new approach was influenced by the postwar universal human rights movement. The constitution of the Fifth Republic acknowledged the "free determination of peoples" and pledged the commitment of France to guide its colonial dependencies toward freedom to govern themselves and toward their own democratic institutions.

COLONIAL LEGACIES AND THE HUMAN RIGHTS MOVEMENT

By the end of the 1960s, most Asian and African countries formerly under colonial rule had become independent. However, the end of colonial rule did not end the discussions about human rights in the context of European colonialism. The legacies of colonialism continued to resonate in discussions about human rights and particularly the international human rights regime that developed under the auspices of the UN. Criticism of the global human rights regime as it relates to the legacies of colonialism centers on two main points. First, there is the argument that the International Bill of Human Rights, and specifically the UDHR, had little or no input from colonized peoples and as such does not wholly reflect non-Western values and aspirations. The point has been repeatedly made that colonized peoples could not fully

participate in drafting the international human rights documents. For instance, at the time of the adoption of the UDHR, in 1948, many countries in Africa and Asia were still under colonial rule and were not represented at the UN. They were therefore not party to the drafting of the document, although some of these nations were represented in the drafting process and most of them subsequently endorsed the declaration upon attaining independence. This became one of the grounds on which the universality of the international human rights regime has been challenged. It is also the basis of the arguments for Asian and African values in the conception and promotion of human rights.

References to Asian values in discussions about human rights draw on the history of European colonialism and cultural domination of Asian societies. This is evident in the Bangkok Declaration, a document seen by some Asian countries as a counterdocument to the UDHR. The Bangkok Declaration was drawn up by Asian state representatives to represent the Asian region's position on human rights at the World Conference on Human Rights held in 1993. The declaration states in essence that the notions of human rights enshrined in the UDHR have never been universal and have no roots or sanctions in the traditions of most countries of the world. It also argues that if ideas about "universal human rights" are to be taken seriously, they must be expanded to include other, non-Western notions of human rights. Some scholars have suggested that this position was articulated mainly by authoritarian Asian countries to deflect criticism of their human rights records and that it is generally not shared by democratic Asian countries, such as Japan and South Korea.

European imperialism also continues to feature prominently in early-twenty-first-century debates about the theory and practice of human rights. Proponents of cultural pluralism have repeatedly criticized the human rights movement for being too Western-oriented and reminiscent of the tradition of Western colonialism and paternalism. Some scholars have argued that the human rights movement falls into the historical continuum of the Eurocentric colonial projects in Africa and Asia that disregarded indigenous cultures and imposed a homogenizing Western political and social system on colonized societies. They assert that the human rights corpus put into effect following the atrocities of World War II has its theoretical underpinnings in Western colonial attitudes and that the human rights movement continues to be driven by Eurocentric, totalitarian, or totalizing impulses.

Although these views have been forcefully rebutted by other scholars, they speak to the continued legacies of colonialism for the theory and practice of human rights.

Other scholars have sought to explain the poor human rights record of some countries in Africa and Asia partly in terms of the legacies of colonial rule in these societies. It has been suggested, for instance, that some of the political constraints on the exercise of human rights that manifest in African states can be partly attributed to the colonial experience. Three main features of colonial rule tended to hinder human rights. First, the basic shape of the colonial states themselves was the consequence of European administrative convenience or imperial competition. Second, colonial states installed authoritarian frameworks for local administration, reducing most indigenous rulers to relatively minor cogs in the administrative machinery and leaving until the terminal days of colonialism the creation of a veneer of democratization. Third, colonial states introduced and widely applied European law codes, notably in the urban areas, whereas traditional legal precepts were incompletely codified and relegated to an inferior position in civil law, particularly in the rural areas. These historical realities shape the human rights conditions in many postcolonial societies. It has therefore been suggested that formerly colonized African and Asian countries need to adopt regimes of human rights that not only are founded on basic universal human rights standards but also take into account the distinctive historical legacies of colonialism for human rights in these societies.

[See also Belgian Congo; East Asian Values; Indigenous Peoples; Franklin Delano Roosevelt; Self-Determination and Universal Declaration of Human Rights.]

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