

Human rights in the African state

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The modern African state is in many ways a product of the post-Second World War universal human rights movement. The end of the war in 1945 marked the beginning of an era of renewed international emphasis on the themes of freedom, democracy, and fundamental human rights. These ideas had direct impacts on independence struggles throughout the continent. Although nationalist demands for independence had been mounting in many parts of the colonized world for several years, the Second World War made self-determination a living principle for many in the non-European world. The Allied Powers led by Britain and the United States proclaimed self-determination and other fundamental rights as universally applicable and the guiding principles of Allied policy. The war was presented as a struggle for the ideals of freedom, democracy, and self-determination against the oppression and tyranny of Nazism and Fascism. The Atlantic Charter issued by Prime Minister Winston Churchill and President Franklin Roosevelt in 1941 famously declared 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” (Atlantic Charter, 1941). In Africa as elsewhere in the colonized world, nationalists demanded that these ideals of freedom and self-determination used to justify Allied war campaigns in Europe be also extended to them.

After the war, this discourse of universal human rights anchored on political self-determination was reinforced with the establishment of the United Nations and, specifically, the provisions of the UN Charter and the Universal Declaration of Human Rights. The UN Charter endorsed the right of self-determination of peoples while the UDHR articulated common human rights standards which all nations and peoples were to strive to promote and respect. Heralded as “a magna carta for all humanity,” the adoption of the UDHR by the UN General Assembly in 1948 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 (UN 1997; Glendon 2002, p. 214).

The UDHR was significant in the global anti-colonial movements of the post-war period and, specifically, the emergence of independent states in Africa because it reinforced the right of self-determination. With its emphasis on political and civil rights and its affirmation that government should be based on the will of the people, the UDHR helped to legitimize long-standing

