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IS MIGHT A RIGHT IN INTERNATIONAL HUMAN RIGHTS?
NOTES ON THE IMPERIALIST ASSAULT ON THE RIGHT OF PEOPLES TO SELF-DETERMINATION.

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The Contentious Discourse

Human rights is a contentious discourse. Like any other articulated set of ideas, or ideology, human rights ideology is historically and politically determined. It embodies unequal relations of power and social and economic inequities present in our national societies and international orders. (See Shivji 1989, 1999).

Those who dominate and rule also produce ruling and dominating ideas. But wherever there is oppression there is bound to be resistance. Just as domination is articulated through ruling ideologies and mainstream discourses, so does resistance find expression, however truncated, in contending ideologies and discourses. Human rights discourse therefore is not an absolute truth, true for all times and all people in all places but a series of historically and politically constructed contentions (or truths, half-truths and untruths, if you like) articulating within it the wishes, desires and interests of the powerful as well as the voices and cries of the powerless. The powerful cloth their might in 'right and legality', while the powerless struggle to justify their resistance in 'righteousness and justice'. This is not a watertight binary as at times 'resistance' appropriates 'legality', while 'might' feigns 'justice and morality'.[1]

In this brief presentation, I try to highlight the contentious discourse around one of the rights central to our modern societies, the *right of peoples to self-determination*.

The Right of Peoples to Self-determination

The right of peoples to self-determination, together with the right to life, may be called the mother of all rights (Shivji 1999). The whole gamut, categories and

[1] The 'high moral ground' in the current US vocabulary in its so-called war against terrorism is an example. Here even naked revenge is clothed in the language of 'Operation *Infinite* Justice'. The absolutist language of 'infinite' itself betrays the fascist political mode for justice is always finite, relative, historical, and believed to be achievable.

generations of *individual* rights and freedoms that we so fondly enumerate, makes little sense if the societies in which the individual being lives and works and reproduces are themselves unfree and rightless. You cannot have a *free* individual in an *enslaved* society. Individual beings are social beings. Robinson Crusoes exist only in fiction, but even in a fiction, you have to invent a Friday to make it real and exciting.

The right of peoples to self-determination no doubt invokes the images of the nationalist struggles against colonialism in the second half of the last century. But the northwestern imperial domination and enslavement of our societies is much older than formal colonialism just as it has survived its formal demise.[2] The late-eighteenth century Black Caribbean slave revolt, which established the state of Haiti, might not have been articulated in the language of rights but without doubt it was a struggle for freedom, for self-determination (James 1980)[3], as was the Maji Maji rebellion of the early twentieth century in German Tanganyika (Iliffe 1969).

The struggle for self-determination is a broad canvas on which has been painted the epochal contention between imperialism and self-determination, a painting which remains unfinished, never mind if imperialism is mesmerised as "globalisation" and resistance is museumised as "fundamentalism".[4]

The more recent struggle for self-determination articulated in the language of rights is of course the nationalist struggle for independence and statehood against West European colonialism.

Colonialism, Nationalism and Racialism

The colonialist enterprise was deeply steeped in blood and soiled in racist ideologies as it subjugated Third World peoples, looted their resources, exploited their labour and reduced them to sub-human existence (Williams 1980, Rodney 1972, Davidson 1961). The "white man's burden" was justified in a patently racist ideology as its politicians prided in their "civilising mission" while their scholars and scientists

[2] Northwestern European powers have dominated and exploited Third World peoples for the last five centuries from the extermination of indigenous peoples (see Cocker 1998) to the gruesome trade in human beings or the West Atlantic Slave Trade (Williams 1964).

[3] As C. L. R. James puts it, 'The difficulty was that though one could trap them [i.e. slaves] like animals, transport them in pens, work them alongside an ass or a horse and beat them both with the same stick, stable them and starve them, they remained, despite their black skins and curly hair, quite invincibly human beings; with the intelligence and resentments of human beings." (Op.cit. pp.11-2.)

[4] I have taken this nice little phrase from Mahmood Mamdani 2002.

weighed and measured the brains of the colonised to prove them inferior (Said 1994). The story is familiar but these days we are told to forget it and even forget to learn from it.[5] The monumental crimes of imperialism and massive denial of self-determination to whole civilisations, cultures and continents are, literally and figuratively, as much in 'the present' as in 'the past', as we shall see.

Western writers trace the formulation of the right of self-determination to President Woodraw Wilson. Wilson used this rhetoric in the light of the Treaty of Versailles after the First World War, which dismantled the Austro-Hungarian Empire and recognised the right of *European* nations to form independent states. The accent, of course, was on the *European* for it was inconceivable for imperial supremacists that all races could possess the right to nationhood (Furedi 1994, 13). As Robert Lansing, Wilson's Secretary of State, said during the Peace Conference:

> The more I think about the President's declaration as to the right of 'self-determination', the more convinced I am of the danger of putting such ideas into the minds of certain races. It is bound to be basis of impossible demands on the Peace Conference and create trouble in many lands.
>
> What effect will it have on the Irish, the Indians, the Egyptians, and the nationalists among the Boers? Will it not breed discontent, disorder and rebellion? Will not the Mohammedans of Syria and Palestine and possibly of Morocco and Tripoli rely on it? (quoted ibid., 13).

The imperialised and colonised people did not need Wilson's formulation to struggle for self-determination. They had used Voodoo as in the case of Haitian insurrection, and magic, as in the Maji Maji rebellion, to mobilise themselves so as to determine their selves. But as in all history, the ruled use the rhetoric of the rulers to articulate their own interests and demands, so did the Western educated nationalist elites, - the Nehrus and the Nkrumahs and the Nyereres - appropriated the language of the right of self-determination to demand freedom and independence for their peoples.

Imperialism did not give up easily. Nonetheless the myth of racial superiority had received sever blows as Europeans fought Europeans in the barbarous two world wars (Hobsbawm 1994, 216). Even more damaging was Nazism, in which Hitler extended imperial racism to its logical conclusion - elimination of non-Aryan races. Imperialist racism had created a Frankenstein, perhaps not for the last time in history as the recent

[5] Mamdani (op.cit.) reports that with reference to the Durban Conference on Racism and Xenophibia., Condoleeza Rice, Security Adviser to President Bush, talked about the need to forget slavery because the pursuit of civilised life requires that we forget the past. Israel and US walked out of the Durban Conference in which the NGO Forum declared Israel a racist state and described the Palestinian struggle as the struggle for self-determination.

events have palpably demonstrated.[6] Thus the historical rationale of the universalist language in which the Universal Declaration of Human Rights was couched. The text was universalist; the sub-text betrayed the power of the victor as the new imperial power poised to *universalise* its might trampling on rights and maim and mutilate humans in the process.

Significantly, the UDHR expounded all-important individual human rights except the right of peoples to self-determination. That was relegated to the status of a principle in the United Nations Charter. 'Right' or not, nationalist leaders reforged the language of the 'master' to demand freedom for the enslaved in their anti-colonial struggles. The struggle for independence was thus one of the two broad currents to emerge from the Second World War. The other current was the struggle *against* socialism, as represented by the Soviet Union. These together defined and characterised the 45-year long cold war, 1945-1990. The current human rights talk and ideology was incubated in the crucible of cold war, unambiguously formed, and deformed, by the ideological, political and military struggles of the time.

When the Universal Declaration was adopted in 1948, there were only 56 states who were members of the UN and only 3 from Africa, including the apartheid South Africa. Just before the end of the cold war, there were some 185 members as most countries in Asia and Africa had attained political independence. The immediate task that nationalist governments in Africa set themselves was a development agenda of sorts, which found expression internationally in an argument for the right to economic self-determination. Political nationalism and economic sovereignty, which some African states sought to exercise (for example, in nationalisations) immediately, became a pawn in the cold war. Many African leaders, from radical nationalists to moderate ones, found themselves being overthrown in coups engineered or supported by the US and its erstwhile spy agency, the CIA. Patrice Lumumba was murdered in cold blood with the assistance of the CIA (Blum 1986, 174) so was Nkrumah overthrown in a CIA plot (ibid., 223). Between January 1956 and end of 1985 there were sixty successful coups in Africa, that is, an average of two every year (Hutchful 1991, 183). In 1966 alone there were eight military *coup d'etat* and by 1986 out of some 50 African states, only 18 were under civilian rule (Nyong'o 1998, 78).

[6] Now it is well known that the reviled Osama bin Laden was the creation of US and Pakistan to fight the Soviet Union so were the Taliban (which literally means 'religious students'.) Talibans were created in madarasas spread ove Pakistan and funded by the US and Saudi Arabia.

Relentlessly and shamelessly, in total defiance of basic rights and in particular the right to self-determination, moderate leaders who attempted to exercise some self-determination were branded as "communists" and overthrown or assassinated. At the same time, dictators like Mobutu in the Congo, Pinochet in Chile, Marcos in the Phillipines, Sukarno in Indonesia, the Shah in Iran were either created or supported by the US. The so-called cold war was cold only in Europe. It was a hot war in the Third World for which the peoples of the Third World paid in millions of lives, shattered countries and economies all in the interest of imperial hegemony. In Vietnam, one American Senator admitted, US dropped toxic chemical amounting to six pounds per head of population, including women and children (Pilger 1998, 581), destroying half the forests and leaving behind deformed children.

With the assistance of the US, the apartheid South Africa carried out its destabilisation in neighbouring countries, destroying the Angolan and Mozambican revolutions. A study by the UN Economic Commission for Africa estimated that 'South Africa's military aggression and destabilisation of its neighbours cost the region $10 billion in 1988 and over $60 billion and 1.5 million lives in the first nine years of this decade. [i.e. 1980s] (Chomsky 1991, 239). The land mines, which were planted in Angola during the civil war in which South Africa and US supported UNITA, are killing men women and children to this day. While it needs US$ 3 to produce a land mine, it takes over US$300 to clear it, the kind of money that Angola does not have and the corporations would not clear the mines unless they are paid!

Atrocities, force, violence and terror are inherent in the imperial system. It has been documented and documented again yet the ideological hegemony that paints imperial powers as do-gooders, humanitarian Samaritans and the defenders of human freedom and liberty are so propagandised that they seem to be accepted as non-challengeable 'eternal truths'. But people determined to determine their selves have challenged them.

In spite of its prowess and apparent military might, the imperial ideology was on the defensive during much of the cold war period. In the exercise of their right of self-determination, Third World nationalists argued for a New Economic Order, developed the right to development, proclaimed their Sovereignty over Natural Resources (1962 UN Resolution), formed UNCTAD, pressed on their credo of non-alignment and refused to lend a hand to US's military adventures in Indo-China (see generally Furedi 1994). To have included the article on self-determination in the two 1966 human

rights covenants in the teeth of US opposition was no small triumph for the South. Article 1(1) of the 1966 Covenants boldly proclaimed,

> All peoples have the right to self-determination.
>
> By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural developments.

True, it took another 10 years before the Covenants received the requisite signatures of ratification. The US did not ratify it until 1992 and then only the covenant on political and civil rights. By then its adventures in the Third World had made mincemeat of the right of peoples to self-determination. As we speak today, the onslaught of imperial assault on self-determination appears so complete that our leaders advise us to accept and applaud 'globalisation' (read imperialism), whether or not it is right, whether or not it is justified and whether or not it is legitimate. If so, then all the more reason for us, intellectuals, to interrogate it. All 'truths' which are proclaimed as self-evident, timeless and indefeasible are suspect, for both history and science teach us that knowledge is time- and space- bound.

Let us record, however briefly, this "new truth" which is proclaimed to be unquestionable.

Globalisation: Another Massive Assault on Self-determination

There is a lot of myth and little reality in the globalisation talk. As Professor Sawyerr pointedly observes,

> The mythology begins when globalization is presented as a *novel, all-encompassing and inexorable* movement with a *necessarily neo-liberal, all-market logic*, which you "either accept or perish". The essential point of this myth - the conflation of globalization with the neo-liberal agenda, and its promotion as the unstoppable movement of our times, is hidden behind the oft-quoted expression: "the world is a global village". This oversimplification, whose limitations are quite patent, once you stop to think about it, is nevertheless powerful as *ideology*. It gives the impression that "we are all in this together", that it is "good for all of us", that the neo-liberal agenda is the logical, rational choice of our times, and that, in any event, the process is unstoppable. Of course, none of these is uncontestable truth. (Italics in the original) (Sawyer 1998, 5).

We had our own test of the neo-liberal agenda in Africa when in the eighties we were subjected to various World Bank and IMF conditionalities called structural adjustment programmes or SAPs. This came in the form of conditionalities with the IMF loans to pay debts! The story of how we were chained in this modern slavery called 'The Odious Debt' itself has an uncanny similarity with the way our forefathers and mothers were cheated into colonialism.

In 1973-74, OPEC countries quadrupled the price of oil. A surplus of some $433 billion was deposited by oil-exporting countries in commercial banks in the US, Europe and Japan. Awash with funds, the banks pushed developing countries to borrow at low but variable rates of interest. It is not unknown that many African countries were coned into buying second-hand machinery (MUTEX in Mwanza, for example) from corporate salesmen and embark on prestigious, white-elephant projects, all funded by loans. Dictators were given arms on credit to fight imperialism's wars and keep themselves in power (*Third World Resurgence* July 1999, no. 107, 13). Debts mounted and when commodity prices collapsed in 1980s and interest rates skyrocketed, poor African countries found themselves in impossible position having to pay not only original debts but ever spiralling debt-service charges.

Between 1980 and 1996, sub-Saharan Africa's debt trebled and this in spite of $170 billion paid in debt servicing. 'Sub-Saharan Africa has paid off its 1980 debt twice and more, but is now three times deeper in debt.' (Toussaint 1998, 195).

Now listen to this extract from a letter written in the early part of the 19th century by a Herero chief from Namibia complaining against the malpractice of European traders:

> Often, when we refused to buy goods, even on credit, the trader would simply off-load goods and leave them, saying that we could pay when we liked, but in a few weeks he would come back and demand his money or cattle in lieu thereof. He would then go and pick out our very best cows he could find. Very often one man's cattle were taken to pay other people's debts. If we objected and tried to resist the police would be sent for and, what with the floggings and the threats of shooting, it was useless for our poor people to resist… They fixed their own prices for goods, but would never let us place our own valuation on the cattle. They said a cow was worth 20 Marks only. For a bag of meal they took eight cows ... For a pair of boots a cow was taken ... Often when credit had been given, they came back and claimed what they called interest on the debt. Once I got a bag of meal on credit, and later on the trader came and took eight cows for the debt and two more cows for what he called credit; thus it cost me ten cows altogether. (Cocker 1999, 309)

Today it costs Africa four times more on debt-servicing every year than it does on healthcare and education combined (Toussaint 195), perhaps a far greater price to pay than the two extra cows of 1900s.

The millstone of debt around Africa's neck became an occasion for the IFIs and the erstwhile "donor community" to impose on African states their economic policies of liberalisation, marketisation and privatisation, which in essence, meant opening up to the transnationals to siphon off the country's resources. An UNCTAD report estimates that for every $1 of net capital inflow to sub-Saharan Africa from the rest of the

world, a dollar and six cents has flowed out (UNCTAD 1999, 36). Yet we celebrate the opening of supermarkets and casinos among the blessings of globalisation.

Mwalimu was not very far from truth when he described the IMF as the International Financial Ministry for truly 'sovereignty' is meaningless, if people cannot make their own economic policies, through their elected representatives and hold them accountable. The irony is that it is this very same international community, which imposes its will on the African state wants it to be accountable - perhaps accountable to the International Ministry of Finance rather than its own people.

If 1980s saw economic conditionalities in the form of SAPs, the 1990s came with political conditionalities - multiparty democracy, good governance, rule of law, human rights, etc. The "donor community" transformed into "international community" to set standards of governance under the supervision of the international foreman, the World Bank. Political self-determination is assaulted, nationalism is wounded, and our very humanity is insulted, as our elected leaders are subjected to lectures, called advice, on good governance from consultants hired by the World Bank.

Today African politicians, whether from the ruling or opposition parties, seek legitimacy not from their people but from the so-called international community. Our parliamentarians rubber-stamp laws drafted in IFI offices. We do not even have the right to choose our friends and shun our enemies. They are chosen for us as we are drafted into "international coalitions" of which we only know through CNN. Global wars are declared in our name, on countries and peoples with whom Africa shared a common colonial heritage, and who were our friends-in-need when we were fighting our wars of independence and liberation. Imperialism has even begun to play god as it defines the 'good' and the 'evil' for us.

Yet, we dare not raise even a small finger. In the 1960s Mwalimu, rejecting West Germany's pressures to break off relations with East Germany, boldly declared that he would not allow a foreign friend to choose enemies for his country. As a result, West Germany withdrew aid. Today we are denied the capacity to think for ourselves; rather we are offered and accept aid for "capacity-building", which includes capacity to make policy, capacity to govern, capacity to determine our future… . Neo-liberal fundamentalism is thrust upon us while we glibly nod our heads as the culture,

practices and beliefs of sections of our people are derided as fundamentalist, militant, extremist, terrorist, etc.

Needless to say, that all this shows that imperialist ideology has been trying to rebuild its self-confidence, which was seriously shaken by the nationalist and liberatory ideas and movements of the post-war period. Notwithstanding declarations of 'end of ideology' and 'end of history', our world is experiencing a period of intense ideological struggles, but not only ideological struggles, nay, violent struggles as imperialism falls-back on its veritable war-mongering nature.[7] In this "new" war rhetoric, there is no human rights talk, not even humanitarian laws are to be observed. The bellicose nature of this rhetoric is poised to mount another mighty assault on people's self-determination. But people cannot and will not give up their resistance and the struggle for self-determination. As a Palestinian poet, whose people, after 50 years, are still struggling for self-determination sings,

Restore to me the colour of face
And the warmth of body,
The light of heart and eye,
The salt of bread and earth … the Motherland.[8]

However strong imperialism may appear, however easily African leaders may give up by giving in to the TINA (there-is-no-alternative) syndrome, the people of the imperialised world can only sing with the Palestinian poet and declare their determination with Mwalimu, so simply but beautifully expressed in a 1972 extempore speech to Chang'ombe Teachers' College:

Humanity has already passed through many phases since man began his evolutionary journey. And nature shows us that not all life evolves in the same way. The chimpanzees - to whom once we were very near - got on to the wrong evolutionary path and they got stuck. And there were other species which became extinct; their teeth were so big, or their bodies so heavy, that they could not adapt to changing circumstances and they died out.

I am convinced that, in the history of the human race, imperialists and racialists will also become extinct. They are now very powerful. But they are a very primitive animal. The only difference between them and these other extinct creatures is that their teeth and claws are more elaborate and cause much greater harm - we can see this even now in the terrible use of napalm in Vietnam. But failure to co-operate together is a mark of bestiality, it is not a characteristic of humanity.

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[7] President Bush, without a blink, committed $40 billion for his war against terrorism and a large chunk of it would go to arms build up. There have been more arms sales and more warring after the end of the cold war as new enemies of freedom, liberty and "our civilised values" are discovered and invented to replace godless communists. From Kennedy through Johnson to Reagan, imperialist wars were justified in the cold war vocabulary - rolling back the iron curtain, pulling down the bamboo curtain, destroying the evil empire and now "bomb to hell" "the axis of evil".

[8] Quoted in Said 1993, 273.

Imperialists and racialists will go. Vorster, and all like him, will come to an end. Every racialist in the world is an animal of some kind or the other, and all are kinds that have no future. Eventually they will become extinct.

Africa must refuse to be humiliated, exploited, and pushed around. And with the same determination we must refuse to humiliate, exploit, or push others around. We must act, not just say words. (Nyerere 1973, 371).

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