

# The Yale Undergraduate Research Journal

---

Volume 2  
Issue 1 *Spring 2021*

Article 23

---

2021

## Decolonization: The Litmus Test of the Human Rights Framework

Isiuwa Omoigui  
*Yale University*

Follow this and additional works at: <https://elischolar.library.yale.edu/yurj>



Part of the [International and Area Studies Commons](#)

---

### Recommended Citation

Omoigui, Isiuwa (2021) "Decolonization: The Litmus Test of the Human Rights Framework," *The Yale Undergraduate Research Journal*: Vol. 2 : Iss. 1 , Article 23.

Available at: <https://elischolar.library.yale.edu/yurj/vol2/iss1/23>

This Article is brought to you for free and open access by EliScholar – A Digital Platform for Scholarly Publishing at Yale. It has been accepted for inclusion in The Yale Undergraduate Research Journal by an authorized editor of EliScholar – A Digital Platform for Scholarly Publishing at Yale. For more information, please contact [elischolar@yale.edu](mailto:elischolar@yale.edu).

---

## Decolonization: The Litmus Test of the Human Rights Framework

### Cover Page Footnote

A special thank you to Professor Nuno Monteiro, whose kindness, support, and encouragement made this possible. May he rest in peace, and may his memory be a blessing.

# Decolonization: The Litmus Test of the Human Rights Framework

By **Isiuwa Omoigui**<sup>1</sup>

<sup>1</sup>Department of Political Science, Yale University

## ABSTRACT

This literature review examines the complicated relationship between anticolonial activism and the human rights framework that emerged in the wake of the Second World War. I contextualize the scholarly debate on the tension between conceptions of human rights as an individual entitlement and the collectivist nature of African anticolonial struggles. The universalism of the human rights framework endures the harsh light of critique, given its emergence from the twentieth-century European experience of genocide and great powers' competing commitments to democracy and empire. The crimes against humanity committed in the name of colonial conquest and rule challenge the great powers' moral authority as arbiters of human rights. Varied contexts of anticolonial struggle, from Algeria to Cameroon, offer different answers to the question of the efficacy and applicability of the human rights framework. Ultimately, I look to indigenous praxis and epistemology as paths to liberation that is not merely nominal.

## INTRODUCTION

Different visions of postwar futures articulated by the Allied Powers emerged from the ashes of World War II. The United Nations was created in the early 1940s to maintain international peace and security through peaceful settlement of disputes and avoid the horrors of war. Its international human rights regime declared fundamental rights and freedoms that individually and collectively belonged to people all around the world. Yet the symbolic declarations of universal human rights, as in the United Nations Declaration of Human Rights of 1948 and the European Convention on Human Rights of 1950, were far from universal. The atrocities and oppression of colonial rule stood in stark contrast to Europe's professed commitments to freedom, liberalism, and democracy. Anticolonial movements led by founding fathers like Kwame Nkrumah of Ghana and Nnamdi Azikiwe of Nigeria engaged in different modes of resistance and deployed justifications ranging from self-determination to Pan-Africanism. The postwar decolonization moment tests the limits of individualized human rights canonized by law in the context of Afro-Asian struggles against colonial domination. Although the concept of human rights is widely accepted today, the architects of colonialism created this framework, challenging its validity. Some scholars view the human rights framework as central to anticolonial movements, while other schools of thought identify the right of self-determination as the more resonant instrument that better captured the collective spirit of anticolonial movements. Tensions between the importance of collective and individual rights also animate the scholarly debate on the relationship between anticolonialism and human rights.

## DECOLONIZATION AND THE HUMAN RIGHTS FRAMEWORK

Some scholars of history, like Fabian Klose, contend that decolonization was a human rights movement. Klose defends the centrality

of human rights to the legitimacy of the anticolonial struggle. In his book *Human Rights in the Shadow of Colonial Violence*, Klose points to the centrality of human rights in the successful mobilization of international opinion against France in the case of the Algerian War of Independence. He notes how Ferhat Abbas, the president of the National Liberation Front's government-in-exile, "pledged to uphold the principles of the UN Charter and the Universal Declaration of Human Rights. . . as the sacrosanct basis of Algerian politics" (Klose, 2013, p. 208). By centering human rights in the conversation about the Algerian War of Independence, Abbas and his international affiliates allowed the FLN to wage a rhetorical war against a conventionally superior opponent and weaken France's diplomatic position. As a result of the admittance of new African member states and a public relations campaign that highlighted human rights violations like internment and the scorched earth policy, the UN passed Resolution 1573, recognizing the Algerian people's right to independence; Algeria gained formal independence in 1962 (Klose 2013). In providing a specific context in which anticolonial actors intentionally and successfully deployed the human rights framework, Klose makes a persuasive case for the importance of the human rights framework to decolonization.

In contrast to Klose, political theorist Adom Getachew does not believe that the framework was central to the struggle. In her book *Worldmaking after Empire: The Rise and Fall of Self-Determination*, Getachew examines the Black Anglophone decolonization projects, concluding that human rights were an important instrument of anticolonial nationalism. However, she asserts that it is historically inaccurate to paint an anticolonial movement as a natural extension of the United Nations' principles, given that the UN was never meant to fully include colonized peoples (Getachew 2019). The UN Charter maintained the imperial status quo and mirrored the balance of power in international politics (Getachew 2019). In rebutting the argument that anticolonialism was a human rights movement, historian Sam Moyn also points to the UN's structural

deficiencies and complicity in the colonial project in his book *The Last Utopia: Human Rights in History*. To that end, he cites the Dumbarton Oaks documents that laid out the first plans of the organization while failing to mention self-determination and excluding millions of colonized people (Moyn 2010). Thus, the language of individual human rights originating from an institution dominated by colonial powers could not have figured prominently in the anti-colonial imagination.

Another school of thought championed by Bonny Ibhawoh and Meredith Terretta centers on human rights as a vital liberation strategy that enriched anticolonial movements. Informed by his expertise in history and global human rights, Ibhawoh views anticolonialism and human rights as intersecting social and intellectual movements, rejecting the decoupling of self-determination and human rights discourse after World War II. In his article “Testing the Atlantic Charter: Linking Anticolonialism, Self-determination, and Universal Human Rights,” Ibhawoh explores how African anticolonial activists invoked the Atlantic Charter in service of their struggle. Although Ibhawoh admits to the United Nations’ hypocritical commitment to empire and human rights that Moyn and Getachew point to, he frames the history of human rights as “the story of how anticolonial movements in the Global South drew on metropolitan rights discourses [and] a story of how anticolonialism normatively shaped an evolving human rights idea” (Ibhawoh, 2014, p. 847). Despite the racialized, exclusionary nature of the “metropolitan rights discourses” dominated by imperial voices, anticolonial activists still found ways to appropriate it in their favor (Ibhawoh, 2014, p. 847). Thus, anticolonial activists did not allow the human rights framework’s Western origins to prevent them from strategically and meaningfully engaging with it.

**“Although the concept of human rights is widely accepted today, the architects of colonialism created this framework, challenging its validity.”**

Ibhawoh’s most powerful rebuttal of Moyn’s argument that anticolonialism was not a “human rights movement” lies in the example of Nnamdi Azikiwe, an anticolonial activist and the first president of Nigeria. In Ibhawoh’s words, “After the adoption of the UDHR in 1948, Azikiwe increasingly invoked the declaration and the idea of universal human rights in his speeches and writings. In 1943, he published his Political Blueprint of Nigeria in which he outlined a rights-based vision for Nigeria’s independence. He referred to the Atlantic Charter and Woodrow Wilson’s Fourteen Points, using both to support his uniquely anticolonial human rights agenda” (Ibhawoh, 2014, p. 849). In referencing Azikiwe’s blend of advocacy for Nigerian independence and Wilsonian self-determination, Ibhawoh makes space for the possibility of hybridity between Western political thought and indigenous anti-colonial activism. For how can a continent so profoundly shaped by European contact completely insulate itself from its influence—even in resistance?

Assistant history professor and African decolonization specialist

Terretta corroborates Ibhawoh’s view that human rights and anticolonialism were intersecting movements. In her article “We Had Been Fooled into Thinking That the UN Watches over the Entire World”: Human Rights, UN Trust Territories, and Africa’s Decolonization,” she examines the UN Trust Territories as vital sites for defining and conceiving human rights. Terretta aims the light of critique at Moyn’s argument that anticolonialism and the human rights framework did not intersect, noting that “the new human rights histories exclude the narrative accounts of grassroots activists in favor of official state documents, UN resolutions, or the letters, speeches, and writings of elected office-holders, UN representatives, and colonial administrator” (Terretta, 2014, p. 330). A top-down approach to studying the history of universal human rights is inherently flawed, in that it provincializes the very people that human rights ideology intends to elevate and enfranchise. To Terretta, no story of human rights is complete without an analysis of grassroots activism.

On the other hand, other scholars view African and Asian anticolonial actors’ appropriation of human rights rhetoric as circumscribed. In his article “Human Rights and Decolonization: New Perspectives and Open Questions,” professor of contemporary and modern history Jan Eckel posits that, “Human rights claims did not constitute a prominent strategy in the anticolonial struggle, and those activists making use of them engaged in a distinct appropriation of the idea for highly politicized ends. For this reason, the Afro-Asian group’s shaping of the UN human rights agenda cannot be considered as a series of steps developing a universal rights regime” (Eckel, 2010, p. 129). The concurrence of the UN human rights agenda and the anticolonial activism of the 1940s created the opportunity for activists to frequently deploy the human rights framework, yet most anticolonial texts did not mention the term (Eckel 2010). The absence of the term from most anticolonial texts weakens the strength of Klose’s argument, as the centrality of human rights to one anticolonial struggle does not necessarily apply to all struggles. Klose himself concedes that the case of the Algerian war was a “rather exceptional mobilization [of human rights]” (as cited in Eckel, 2010). Across different contexts of anticolonial struggle, activists generally did not ground their resistance in the logic of human rights, focusing instead on the immediate need for sovereignty.

#### **INDIVIDUAL HUMAN RIGHTS AND THE DEMANDS OF COLLECTIVE STRUGGLE**

Some scholars, such as Samuel Moyn, contend that the human rights lens was ill-suited to the anticolonial movement because of the tension between individual and collective rights, favoring self-determination as the more resonant principle. Collective rights often took precedence over individual rights canonized by international law, and psychiatrist and political philosopher Franz Fanon corroborates the limited appeal of individualized rights that Eckel speaks of. In his critique of European individualism in *The Wretched of the Earth*, Fanon writes, “But during the struggle for liberation, when the colonized intellectual touches base again with his people. . . all the Mediterranean values, the triumph of the individual, of enlightenment and Beauty turn into pale, lifeless trinkets. . . The colonized subject has never heard of such an ideal [“human”

dignity]” (Fanon, 2004, p. 11). The very concept of the human in the Western tradition is a racialized and exclusionary one. Consequently, the notion of “universal human rights” is a logical and moral paradox – especially when championed by imperial powers that dehumanized and brutalized their subjects. Due to this, Moyn regards anticolonialism as a distinct tradition, given its focus on collective economic development rather than classical liberties or social rights (Moyn, 2010, p. 85-86). A framework centered on the rights of the individual could not promise the collective liberation colonized subjects wanted.

A wholehearted embrace of the rhetoric of shared humanity that “the colonized subject has never heard of” seems unlikely to Fanon, Getachew, and Moyn. In the third chapter of her book, Getachew also acknowledges the hypocrisy when she references the work of political philosopher Hannah Arendt. To that end, Getachew writes, “For Arendt, the UDHR, like previous efforts to enumerate the rights of man, were beset by a ‘lack of reality.’ While the UDHR offers a ‘welter of rights of the most heterogeneous nature and origin,’ she worried it would result in the neglect of the ‘one right without which no other can materialize—the right to belong to a political community’” (Getachew, 2019, p. 96). In her book *The Origins of Totalitarianism*, Arendt posits this right to have rights as a pre-condition for the protection of human rights in an incisive critique of the Universal Declaration of Human Rights, stating, “The fundamental deprivation of human rights is manifested first and above all in the deprivation of a place in the world which makes opinions significant and actions effective” (Arendt, 1951, pg.296). To Arendt and Getachew, the dissonance between what formalized commitments to universal human rights promise and deliver is large. Without the right to determine their political fate, an individualized concept of rights lacks utility. Moyn also emphasizes this by asserting that popular liberation was the primary goal of anticolonialism, rather than individual rights enshrined in international law. To that end, he writes, “When founded in 1963, the Organization of African Unity’s charter made reference to human rights but subordinated them to the need “to safeguard and consolidate the hard-won independence as well as the sovereignty and territorial integrity, of our States, and to fight against neo-colonialism in all its forms” (Moyn, 2010, p. 92). This clear ranking of priorities in the OAU Charter is evidence of the necessity of self-determination and the lesser importance of the human rights framework.

Other scholars, like Ibhawoh and Terretta, do not view individual and collective rights as mutually exclusive within the context of decolonization. Not only were the horrors of colonialism inflicted through the denial of collective self-determination, but Europeans also committed atrocities such as “arbitrary arrests and imprisonments, forced labor policies, restrictions on expression and movement, torture, and killings” against colonized subjects individually (Ibhawoh, 2014, p. 847). Getachew, Moyn, and Fanon elide this reality in their analysis, but Ibhawoh attends to the violation of both collective and individual rights in “Testing the Atlantic Charter: Linking Anticolonialism, Self-determination, and Universal Human Rights.” He writes, “At the Pan-African Congresses... African and Afrodiasporan leaders drew the world’s attention to a wide range of individual and collective human rights violations by colonial regimes. Africans and their metropolitan anticolonial allies used the status of UN Trust Territories to address everyday human

rights abuses under colonial rule” (Ibhawoh, 2014, p. 847). Here, Ibhawoh does not extol Western individualism but acknowledges how the political is often personal. To him, anticolonial activism is far more expansive than the fight for self-determination: it encompasses the struggle to force imperial powers to recognize the humanity of the individual colonized subject. However, he does concede to Getachew and Fanon that self-determination is the pre-condition for all other rights, citing the first prime minister of Ghana Kwame Nkrumah’s maxim “seek ye first the political kingdom” (Ibhawoh, 2014, p. 848). Although self-determination was the rallying cry of African anticolonial movements, a fuller picture of anticolonialism allows for the need for individual human rights canonized in law.

To demonstrate the interrelatedness of collective liberation and individual human rights, Terretta alludes to the history of Cameroonian nationalism in her article. Prominent anticolonial activists in Cameroon, such as Pierre Tchapon, pointed to violations of human rights and other UN principles as evidence of the hypocrisy and illegitimacy of British and French colonial administration. In “We Had Been Fooled Into Thinking the UN Watches Over the Whole World,” Terretta notes how Cameroonian activists simultaneously called for human rights and political independence in their petitions to the UN, writing:

‘Long live a unified, independent Kamerun, Long live international rights, Long live all black Africa, Long live human rights!’ Jean Tonmo wrote as he signed off on his petition requesting the withdrawal of foreign troops, unconditional amnesty for imprisoned upecestes, free elections supervised by the United Nations, and suggesting that Visiting Mission members add French Cameroon’s prisons and concentration camps to their itinerary.

(Terretta, 2012, p. 345)

This missive epitomizes the marriage of collective self-determination and individual human rights: Tonmo calls for both a “unified, independent Kamerun” and “human rights” in the same line (Terretta, 2012, p. 345). Tonmo addresses the pressing need for sovereignty and political autonomy in his request for “the withdrawal of foreign troops” and “free elections supervised by the United Nations,” but does not feel the need to limit his vision of liberation to the parameters of nationalism and self-determination (Terretta, 2012, p. 345). Both self-determination and individual human rights are significant to the realization of unbounded anticolonial imagination.

### LOOKING AHEAD: WHERE SCHOLARS AND THINKERS NEED TO GO NEXT

Because imperial powers founded the United Nations and continue to dominate it until this day, there are considerable challenges to its image as champion and defender of human rights around the world. The anticolonial movement provides a lens into the moral failings of an international order led by nations who pillaged and ravaged much of the Global South. This discussion should lead scholars to interrogate how discourses of development provide an entryway for further Western intervention and disruption of societies in the Global South. An institution that has been complicit in colonialism, therefore, has a record of not defending universal human rights. While anticolonial activists like Kwame Nkrumah used the UN

strategically to turn the international conversation towards the horrors of colonialism and the denial of the right of self-determination, decolonization was not a natural outgrowth of the UN. Therefore, the change needed to ensure that dignity and autonomy of people in the Global South must come from below. For how can the UN Security Council, dominated by past and present imperial powers that continue to profit from the exploitation of people in the Global South, truly champion their human rights and advocate for “development” in Africa? The UN will be a key player in human rights for the near future, but it is not and has never been the guarantor of true liberation from colonial domination and its afterlives. Its role as a pathway of action is incontestable. However, the usage of this institution as a vehicle of change raises questions about the constraints of appropriating institutions and concepts from the West—whether the master’s tools can dismantle his house. Fanon’s meditation on the incompatibility of individualism with the collectivist spirit of anticolonialism in *The Wretched of the Earth* sets the stage for further discussion of the limits of this appropriation (Fanon 2004).

Continuing the path that Terretta leads the scholarship on, there is much need for a study of human rights that centers the varied perspectives of the dispossessed grassroots organizers who transformed decolonization from rhetoric to reality—across divisions of gender, class, and ethnicity. The voices of anticolonial leaders like Nnamdi Azikiwe, Kwame Nkrumah, and Leopold Senghor were the most prominent in the texts cited in this critical literature review, however, women made significant contributions to the anticolonial movement. The dual oppressions of gender and colonization, along with activism that they prompted, demand equal attention. Consequently, in contemporary discussions of human rights, we must shift our attention from institutions to people as agents of change and authors of their destinies, rather than victims in need of salvation. The reality of the engineered economic dependence of the Global South on the Global North is worth noting, but scholars should seriously interrogate how to better empower contemporary grassroots organizations. At a fundamental level, the people who need change should lead it: paternalism only replicates the oppressive dynamics of colonialism. Scholars and institutions active in international development must constantly reflect on how to walk beside people and not in front of them, with local histories of colonialism at the forefront of their minds.

## CONCLUSION

In highlighting the human rights abuses of imperial powers in their collective struggle for independence, postcolonial states accepted the inherited colonial borders informed by European interests, rather than kinship, religion, or ethnicity. Anticolonial leaders and activists strongly advocated for collective struggle, yet there are many unanswered questions about the nature of those collectives. Particularly in Africa, a continent irreversibly changed by contact with Europe, extensive debates are still ongoing about the viability of the nation-state and Pan-African ideology as instruments of liberation. Even though invocations of human rights varied across different Afro-Asian anticolonial struggles, the ideals of anticolonial nationalism often fell short after formal independence arrived. The televised horrors of the famine in Biafra during the Nigerian Civil War that Getachew alludes to are evidence of the fact that

postcolonial states were often violators, rather than guarantors, of human rights (Getachew 2019).

At the end of this discussion, the question of who should arbitrate and champion human rights remains unanswered, given that the roots of many postcolonial conflicts, and the consequent human rights violations, lie in the divisive and destructive influence of colonialism; it is up to scholars, policymakers, and activists to decide. Such is the case for the Rwandan Genocide, where racial animus stoked by German and Belgian colonizers deepened the social cleavages that set the stage for the genocide. Moreover, the choice to prioritize sovereignty and collective self-determination over individual rights did not necessarily result in long-term peace: the secessionist conflicts in Nigeria and the Democratic Republic of the Congo resulted from calls for subnational self-determination. Whether ethnic collectives are more legitimate than national collectives is a complicated question that the aforementioned authors do not engage with fully. In essentializing national identity, leading male anticolonial voices ignored ethnic voices that came from below.

The suppression of resistance from below has been a constant feature of postcolonial societies as governments succumbed to authoritarianism and engaged in human rights violations like extrajudicial killings to defend and expand their power. However, this too is part of the afterlife of colonialism. As Africa and Asia became the battlegrounds on which the East-West rivalry played out, Western powers frequently supported dictators like Mobutu Sese Soko in the Democratic Republic of the Congo out of economic self-interest. Multiple parties are culpable for human rights violations in the Global South. Postcolonial governments failed to uphold human rights subnationally, and imperial powers divided the continent without regard for ethnic and religious differences while disregarding their former subjects’ rights to political and economic autonomy long after they won independence.

**“The suppression of resistance from below has been a constant feature of postcolonial societies as governments succumbed to authoritarianism and engaged in human rights violations like extrajudicial killings to defend and expand their power.”**

In this paper, I have shown that the historical United Nations human rights framework failed to protect the very people it claimed to. Several of the aforementioned authors, including Getachew, Eckel, Moyn, and Fanon, challenged the universality of human rights discourse. The ethics of universalizing a discourse that emerged from the twentieth-century European experience of the Holocaust are complicated. The horrors of the Holocaust motivated the great powers to enshrine human rights in law. Yet these same powers

shut their eyes and closed their ears to the genocidal practices that accompanied colonial conquest and rule—as if the Herero and Namaqua genocide, the Setif and Guelma massacre, and more were not crimes against humanity. When ideologies like liberalism and humanism were not designed to accommodate all people, the concept of human rights may not be expansive enough to protect people of all nations—even the idea of who is considered human has evolved. The body of knowledge should provincialize European epistemology and interrogate Indigenous perspectives, taking note of the Eurocentric and colonialist biases that have shaped Western universities since their genesis.

Perhaps the halls of erudite scholarship are not the only sites for engaging fully and robustly with these questions. When Nigerian women in Owerri and Calabar met to resist British taxation and planned the Women’s Market Rebellion of 1929, they confronted these questions. When the exiled leaders of the FLN plotted their next moves during the Algerian War of Independence, they confronted these questions. Although I am a Black Nigerian-American woman, perhaps my positionality as a Yale student affects my critique in unseen ways. The fact that I study at a colonial institution that has produced knowledge weaponized against people throughout the African diaspora may limit my imagination. The people on the ground who dared to imagine a world without colonialism did not spend their days writing literature reviews on the strengths and limitations of the human rights framework, yet they still engaged seriously with complicated ethical, strategic, and theoretic questions about their struggle. The university is not the only site of knowledge production, and the intellectual labor of activists in social movements is worth recognition. While the historical record demonstrates a strategic use of human rights to advance anticolonialism, one deeply flawed framework cannot possibly promise liberation.

## ACKNOWLEDGEMENTS

A special thank you to Professor Nuno Monteiro, whose kindness, support, and encouragement made this possible. May he rest in peace, and may his memory be a blessing.

## REFERENCES

Arendt, Hannah. *The Origins of Totalitarianism*. Houghton Mifflin Harcourt Trade & Reference Publishers, 1973. ProQuest Ebook Central, <https://ebookcentral-proquest-com.yale.idm.oclc.org/lib/yale-ebooks/detail.action?docID=3302075>.

Eckel, J. (2010). Human Rights and Decolonization: New Perspectives and Open Questions. *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 1(1), 111-135. doi:10.1353/hum.2010.0008.

Fanon, F. (2004). On Violence. In *The Wretched of the Earth* (pp. 1-51). New York: Grove Press.

Getachew, A. (2019). *Worldmaking after Empire: The Rise and Fall of Self-Determination*. Princeton: Princeton University Press.

Ibhawoh, B (2014). Testing the Atlantic Charter: linking anticolonialism, self-determination, and universal human rights, *The International Journal of Human Rights*, 18:7-8, 842-860, 2014. DOI: 10.1080/13642987.2014.951340

Klose, F. (2013). *Human rights in the shadow of colonial violence: The wars of independence in Kenya and Algeria*. ProQuest Ebook Central <https://ebookcentral-proquest-com.yale.idm.oclc.org>

Moyn, S., Andrew, J., & Elizabeth, A. (2010). *The last utopia: Human rights in history*. ProQuest Ebook Central <https://ebookcentral-proquest-com.yale.idm.oclc.org>

Terretta, M. (2012). “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(2), 329-360. Retrieved January 4, 2021, from <http://www.jstor.org/stable/23254729>