



## FES GENEVA REPORTS

# HUMAN RIGHTS IN AFRICA 50 YEARS AFTER INDEPENDENCE

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On 15 June 2011, Friedrich Ebert Stiftung (FES) and Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO) organized a panel discussion, presenting the publication: *Introspection, Retrospection and Prospecction. 50 Years of African Independencies*. This publication was produced by RADDHO in partnership with the FES, and it constitutes a new contribution to evaluating the trajectory of fifteen African states, as regards respect for the Rule of Law, Democracy and the Right to Development. The Panelists were Alioune Tine, President, RADDHO, Coordinator of the publication, Senegal, Ibrahima Guissé, Representative RADDHO to the UN, Researcher – HES-SO/HETS Geneva “Migration and Human Rights” and Mutoy Mubiala, Chief a.i. of the Africa Section II, Office of the High Commissioner for Human Rights (OHCHR).

**Alioune Tine** started his speech with the statement that when the independence came to African countries most of the leaders were not prepared for it. Some countries like Gabon did not even want to be independent, but they were forced to accept the independence. Then a period of political instability followed. In the 1990s finally there was a strong political will to reform. In comparing the democratic processes Senegal was quite ahead with its multiparty elections in 1987. But these days there are a lot of problems around democracy and Human Rights. The

creation of the African Union in 2002 gives hope to deal with these problems. The situation in the continent is worsening and the obstacles rise. If there are diplomatic conferences dealing with these issues most of them take place in other contexts than the African one, but the Africans have to be involved in processes, like the peace process in Libya.

**Ibrahima Guissé** referred to the change in the U.S. where in the 1990s migrants from African countries were welcome but currently this is not the situation anymore. In tackling the problems of migration there are double standards as they become apparent in the Mediterranean region where refugees are trying to reach Europe. The majority of those migrants is below 25 years, has no jobs and desires freedom. The current economical and political development in Africa seems not to offer the youth a perspective for their future. The reasons for their migration are various. They range from social-economic factors to natural components (e.g. where the landscape/fish stock has changed). In the countries Africans migrate to, the situation around discrimination is far from satisfactory. According to the Convention on Migrant Workers a state party has the duty to help its citizens who are in danger even in other countries. But if a state has not the ability to protect his citizens in the own country, how could a state

manage to protect the rights of his citizens in Europe for example? There must be monetary and social support for institutions which protect migrants from discrimination. But it is a cross-cutting issue and refers among others to a Human Rights approach, faire trade regulations and adequate migration policies.

**Mutoy Mubiala** highlighted the issue of racial discrimination as a main challenge in Human Rights protection in the region. This has its origin in impunity and a lack of democracy. Many courts in Europe try to judge African leaders but most of the time the conflicts are settled by communication, so violations of Human Rights are not sanctioned. There are programs implanted by some regions which try to face problems via the traditional structures, others are installed to monitor actions against electoral violence, impunity and the lack of democracy according to Human Rights standards. The society has to be trained for being aware of their rights. Most notably for Africa is the Right to Development which was defined by Keba Mbaye and incorporated in the African Charta adopted in 1981. The realization of the Right to Development is strongly required by the current African situation. To counter serious crimes in Africa a strategic and systematic handling must be found. Sometimes traditional justice systems have been used in conflict situations, but similar methods are mostly neglected in peacetime.

Through the traditional justice there is a link to the problems of culture and the development process of democracy. This could be a good way to improve development in consideration of the presumption that Western-type democracy maybe does not fit perfectly in the African context.

**In the discussion** questions were raised as 'how can we make sure that the historical origins of Human Rights (Charter of Kurukan Fuga/Charter of Mandè, 1236) are remembered?' First of all the African peoples would have to be sure about their heritage. Their culture would be much older than the European one and had to be remembered for a sustainable implanting of Human Rights. Participants felt that one should not focus on who is right and who is wrong but share the burden of problems referring to developing democracy. Another question was how to strengthen the weak position of migrants in Libya in the revolts these days. The treatment of Sub-Saharan African migrants in Libya could be read in different contexts (political, global, and ethnical). There would be still a lack of ratification of the convention on Migrant Workers which should not be a reason to withhold other countries to help affected people. Another problem in the more concrete political area in individual countries would be the one of realizing the objectives of the party platform in practice. If

you were elected that does not mean you would have an own program for governance but there were much more global players like the World Bank which would have a certain degree of influence. There would be an ethic of power and responsibility in great demand, especially with the increase of wealth in Africa, so there should be a capacity building to face the abuse of power. The problem would be also the realization of the Right to Development which were only linked to the economic dimension but actually would refer to the political and social dimensions, too. An essential remark was the call for learning

from the past and the cruelties that were done. The speakers stated that Africa has to be aware of his own weaknesses. Africa would move quietly to democracy but there were better diagnoses needed to define the right dose to confront the crisis of leadership, democracy and elections today. There would be a lot challenges to face by West-Africa, because instead of learning from the past many problems would be repeated today. If nothing would change in the objective implementation of Human Rights and their effectively monitoring, the negative outcomes would be the joint burden of the world.

On the author:

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