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INDEX

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INDEX

VOLUME 32, 1985

A..... Article
B..... Bibliography
BR..... Book Review
CR..... Correspondent's Report
E..... Editorial
M..... Africa Rights Monitor
RA..... Review Article
(location indicated by issue & page number)

SUBJECT INDEX

Africa, General

"Africa Rights Monitor" 1 & 2-91 (M); 3-71 (M); 4-83 (M)
"The African Refugee Dilemma: A Challenge For International Law & Policy" 1 & 2-61 (A)
"American Studies in Africa: Alive and Well" 3-83 (CR)
"Dealing with Africa's Massive External Debt" 4-3 (E)
"Drought and Hunger in Africa: Denying Famine a Future" 4-55 (CR)
"Food Shortages in Africa: A Critique of Existing Agricultural Strategies" 4-39 (A)
"Human Rights, Basic Needs and the State in Africa" 1 & 2-7 (A)
"Human Rights in Africa: Present Realities, Future Prospects" 1 & 2-105 (BR)

AFRICA TODAY

"Islamic Art in Africa" 3-92 (BR)
"Military Establishments and Foreign Policy in Africa" 1 & 2-111 (BR)
"Nuclear Weapons Free Zones and Disarmament" 1 & 2-77 (A)
"Socialist States and Human Rights Measurement in Africa" 1 & 2-25 (A)
"Solving the Agricultural Food Crisis in Africa" 4-71 (BR)
"The State and Human Rights in Africa: Dialogue and Continuing Research" 1 & 2-3 (A)
"The Tributary State and 'People's Rights' in Africa: The Banjul Charter and Self-Reliance" 1 & 2-37 (A)
"Value Assumptions and Human Rights Assessment" 1 & 2-51 (A)
Africa Charter (see Banjul Charter)
African National Congress (ANC)
"Africa Rights Monitor" 1 & 2-91 (M)
"The Role of the South African Defense Force in White Politics" 1 & 2-112 (BR)
"The Role of White Liberals in South African Politics" 1 & 2-115 (BR)
Agrifusiness
"Achieving Self-Sufficiency in African Agricultural Food Production: The Case of Nigeria" 4-29 (A)

"Food Shortages in Africa: A Critique of Existing Agricultural Strategies" 4-39 (A)
"The Predatory State and the Peasantry: Reflections on Rural Development Policy in Somalia" 3-41 (A)
"Solving the Agricultural Food Crisis in Africa" 4-71 (BR)
Agriculture
"Achieving Self-Sufficiency in African Agricultural Food Production: The Case of Nigeria" 4-29 (A)
"Food Shortages in Africa: A Critique of Existing Agricultural Strategies" 4-39 (A)
"Land Tenure in Ethiopia: A Thoughtful Analysis" 3-87 (BR)
"The Predatory State and the Peasantry: Reflections on Rural Development Policy in Somalia" 3-41 (A)
"Solving the Agricultural Food Crisis in Africa" 4-71 (BR)
"Underdevelopment in Somalia: Dictatorship Without Hegemony" 3-23 (A)
American Studies
"American Studies in Africa: Alive and Well" 3-83
Amnesty international
"Africa Rights Monitor" 1 & 2-91 (M)
Angola
"The Role of the South African Defense Force in White Politics" 1 & 2-112 (BR)
Apartheid
"Africa Rights Monitor" 1 & 2-91 (M)
"The Role of the South African Defense Force in White Politics" 1 & 2-112 (BR)
"The Role of White Liberals in South African Politics" 1 & 2-115 (BR)
"The Tributary State and 'People's Rights' in Africa: The Banjul Charter and Self-Reliance" 1 & 2-37 (A)
Armies
"Africa Rights Monitor" 3-71 (M)
"Military Establishments and Foreign Policy in Africa" 1 & 2-111 (BR)
"The Role of the South African Defense Force in White Politics" 1 & 2-112 (BR)
Art
"Islamic Art in Africa" 3-92 (BR)
Banjul Charter
"Africa Rights Monitor" 4-83 (M)
"The African Refugee Dilemma: A Challenge For International Law & Policy" 1 & 2-61 (A)
"Human Rights in Africa: Present Realities, Future Prospects" 1 & 2-105 (BR)
"The State and Human Rights in Africa: Dialogue and Continuing Research" 1 & 2-3 (A)
Barre, Siyad
"Dominance and Conflict on the Horn: Notes on United States-Soviet Rivalry" 3-7 (A)
"Underdevelopment in Somalia: Dictatorship Without Hegemony" 3-23 (A)
Bass
"Dominance and Conflict on the Horn: Notes on United States-Soviet Rivalry" 3-7 (A)

"Nuclear Weapons Free Zones and Disarmament" 1 & 2-77 (A)
Basic Human Needs
"Human Rights, Basic Needs and the State in Africa" 1 & 2-7 (A)
Bibliography
"Africa Rights Monitor" 1 & 2-91 (M)
"A Bibliography of Recent Publications on Somalia" 1-167 (A)
Biography
"Musa Portrayed but not yet Fully Revealed" 1 & 2-117 (BR)
"Mengistu-Robin Hood of the Army and Vanguard of Socialism" 3-89 (BR)
Canada
"Dealing with Africa's Massive External Debt" 4-3 (E)
Cash Crops
"Drought & Hunger in Africa: Denying Famine a Future" 4-55 (CR)
"Food Shortages in Africa: A Critique of Existing Agricultural Strategies" 4-39 (A)
"Human Rights, Basic Needs and the State in Africa" 1 & 2-7 (A)
"The Predatory State and the Peasantry: Reflections on Rural Development Policy in Somalia" 3-41 (A)
"The State and Human Rights in Africa: Dialogue and Continuing Research" 1 & 2-3 (A)
Civil Rights (see Human Rights)
Class
"Class & State in Tanzanian Development" 4-76 (BR)
Climate
"Famine in Ethiopia: Crisis of Many Dimensions" 4-7 (A)
"Food Shortages in Africa: A Critique of Existing Agricultural Strategies" 4-39 (A)
Colonialism
"A Contextual Case Study of Resistance to Colonialism in Kenya" 3-93 (BR)
Communications
"The New International Information Order and International Communication" 1 & 2-108 (BR)
Debt
"Dealing with Africa's Massive External Debt" 4-3 (E)
Dependency
"The New World Information Order and International Communication" 1 & 2-108 (BR)
Development
"Class & State in Tanzanian Development" 4-76 (BR)
"Dealing with Africa's Massive External Debt" 4-3 (E)
"Drought & Hunger in Africa: Denying Famine a Future" 4-55 (CR)
"Human Rights, Basic Needs and the State in Africa" 1 & 2-7 (A)
"Human Rights in Africa: Present Realities, Future Prospects" 1 & 2-105 (BR)

"Solving the Agricultural Food Crisis in Africa" 4-71 (BR)

Disarmament

"Africa Rights Monitor" 3-71 (M)

"Nuclear Weapons Free Zones and Disarmament" 1 & 2-77 (A)

Djibouti

"Africa Rights Monitor" 3-71 (M)

"The African Refugee Dilemma: A Challenge For International Law & Policy" 1 & 2-61 (A)

"Dominance and Conflict on the Horn: Notes on United States-Soviet Rivalry" 3-7 (A)

"Famine in Ethiopia: Crisis of Many Dimensions" 4-7 (A)

Drought

"Food Shortages in Africa: A Critique of Existing Agricultural Strategies" 4-39 (A)

"Drought and Hunger in Africa: Denying Famine a Future" 4-55 (CR)

"Famine in Ethiopia: Crisis of Many Dimensions" 4-7 (A)

"Underdevelopment in Somalia: Dictatorship Without Hegemony" 3-23 (A)

Ecology

"Drought & Hunger in Africa: Denying Famine a Future" 4-55 (CR)

"Famine in Ethiopia: Crisis of Many Dimensions" 4-7 (A)

"Food Shortages in Africa: A Critique of Existing Agricultural Strategies" 4-39 (A)

"Solving the Agricultural Food Crisis in Africa" 4-71 (BR)

Economic Rights (see Human Rights)

Economics

"Food Shortages in Africa: A Critique of Existing Agricultural Strategies" 4-39 (A)

"Human Rights, Basic Needs and the State in Africa" 1 & 2-7 (A)

"The State and Human Rights in Africa: Dialogue and Continuing Research" 1 & 2-3 (A)

Egypt (U.A.R.)

"The Predatory State and the Peasantry: Reflections on Rural Development Policy in Somalia" 3-41 (A)

Environment (see Ecology)

Eritrea

"Africa Rights Monitor" 3-71 (M)

"Dominance and Conflict on the Horn: Notes on United States-Soviet Rivalry" 3-7 (A)

"Famine in Ethiopia: Crisis of Many Dimensions" 4-7 (A)

Ethiopia

"Africa Rights Monitor" 3-71 (M); 4-63 (M)

"The African Refugee Dilemma: A Challenge For International Law & Policy" 1 & 2-61 (A)

"Dominance and Conflict on the Horn: Notes on United States-Soviet Rivalry" 3-7 (A)

"Famine in Ethiopia: Crisis of Many Dimensions" 4-7 (A)

"Land Tenure in Ethiopia: A Thoughtful Analysis" 3-47 (BR)

"A Large, But Very Uneven, Collection of Ethiopians" 3-91 (BR)

"Memories of an Expatriate in the Employ of Ethiopia's Emperor" 1 & 2-119 (BR)

"Mengistu-Robin Hood of the Army and Vanguard of Socialism" 3-89 (BR)

"Socialist States and Human Rights Measurement in Africa" 1 & 2-25 (A)

"Underdevelopment in Somalia: Dictatorship Without Hegemony" 3-23 (A)

European Economic Community (E.E.C.)

"Dealing with Africa's Massive External Debt" 4-3 (E)

Fam

"Africa Rights Monitor" 3-71 (M)

"Drought and Hunger in Africa: Denying Famine a Future" 4-55 (CR)

"Famine in Ethiopia: Crisis of Many Dimensions" 4-7 (A)

"Solving the Agricultural Food Crisis in Africa" 4-71 (BR)

Farah, Nuruddin

"Literature and Politics in Somalia: The Case of Nuruddin Farah" 3-57 (A)

Fiction

"Literature and Politics in Somalia: The Case of Nuruddin Farah" 3-57 (A)

Food

"Achieving Self-Sufficiency in African Agricultural Food Production: The Case of Nigeria" 4-29 (A)

"Famine in Ethiopia: Crisis of Many Dimensions" 4-7 (A)

"Food Shortages in Africa: A Critique of Existing Agricultural Strategies" 4-39 (A)

"Human Rights, Basic Needs and the State in Africa" 1 & 2-7 (A)

"The Predatory State and the Peasantry: Reflections on Rural Development Policy in Somalia" 3-41 (A)

"Solving the Agricultural Food Crisis in Africa" 4-71 (BR)

"Underdevelopment in Somalia: Dictatorship Without Hegemony" 3-23 (A)

Foreign Policy

"Africa Rights Monitor" 4-63 (M)

"Military Establishments and Foreign Policy in Africa" 1 & 2-111 (BR)

France

"Dominance and Conflict on the Horn: Notes on United-Soviet Rivalry" 3-7 (A)

FRELIMO

"Value Assumptions and Human Rights Assessment" 1 & 2-51 (A)

Ghana

"Human Rights, Basic Needs and the State in Africa" 1 & 2-7 (A)

Great Britain

"Dominance and Conflict on the Horn: Notes on United States-Soviet Rivalry" 3-7 (A)

"Memories of an Expatriate in the Employ of Ethiopia's Emperor" 1 & 2-119 (BR)

Green Revolution

"Achieving Self-Sufficiency in African Agricultural Food Production: The Case of Nigeria" 4-29 (A)

"Solving the Agricultural Food Crisis in Africa" 4-71 (BR)

Halle Sellasse

"Land Tenure in Ethiopia: A Thoughtful Analysis" 3-47 (BR)

"A Large, But Very Uneven, Collection of Ethiopians" 3-91 (BR)

"Memories of an Expatriate in the Employ of Ethiopia's Emperor" 1 & 2-119 (BR)

"Mengistu-Robin Hood of the Army and Vanguard of Socialism" 3-89 (BR)

Hegemony

"Underdevelopment in Somalia: Dictatorship Without Hegemony" 3-23 (A)

History

"A Contextual Case Study of Resistance to Colonialism in Kenya" 3-93 (BR)

"A Large, But Very Uneven, Collection of Ethiopians" 3-91 (BR)

"Mboya Portrayed But Not Yet Fully Revealed" 1 & 2-117 (BR)

"Memories of an Expatriate in the Employ of Ethiopia's Emperor" 1 & 2-119 (BR)

"Mengistu-Robin Hood of the Army and Vanguard of Socialism" 3-89 (BR)

"The Role of White Liberals in South African Politics" 1 & 2-115 (BR)

Horn of Africa, The

"Africa Rights Monitor" 3-71 (M)

"Dominance and Conflict on the Horn: Notes on United States-Soviet Rivalry" 3-7 (A)

Human Rights

"Africa Rights Monitor" 1 & 2-91 (M); 3-71 (M); 4-63 (M)

"Human Rights, Basic Needs and the State in Africa" 1 & 2-7 (A)

"Human Rights in Africa: Present Realities, Future Prospects" 1 & 2-105 (BR)

"Socialist States and Human Rights Measurement in Africa" 1 & 2-25 (A)

"The State and Human Rights in Africa: Dialogue and Continuing Research" 1 & 2-3 (A)

"Value Assumptions and Human Rights Assessment" 1 & 2-51 (A)

Hunger

"Africa Rights Monitor" 3-71 (M)

"Drought & Hunger in Africa: Denying Famine a Future" 4-55 (CR)

India

"Drought and Hunger in Africa: Denying Famine a Future" 4-55 (CR)

Indian Ocean

"Dominance and Conflict on the Horn: Notes on United States-Soviet Rivalry" 3-7 (A)

"Nuclear Weapons Free Zones and Disarmament" 1 & 2-77 (A)

Industry

"Achieving Self-Sufficiency in African Agricultural Food Production: The Case of Nigeria" 4-29 (A)

International Law

"Africa Rights Monitor" 4-63 (M)

"The African Refugee Dilemma: A Challenge For International Law & Policy" 1 & 2-61 (A)

"The Tributary State and 'People's Rights' in Africa: The Banjul Charter and Self-Reliance" 1 & 2-37 (A)

International Monetary Fund (IMF)

"Dealing with Africa's Massive External Debt" 4-3 (E)

Islam

"Human Rights in Africa: Present Realities, Future Prospects" 1 & 2-105 (BR)

"Islamic Art in Africa" 3-92 (BR)

Ivory Coast

"Human Rights, Basic Needs and the State in Africa" 1 & 2-7 (A)

Kenya

"A Contextual Case Study of Resistance to Colonialism in Kenya" 3-93 (BR)

"Dominance and Conflict on the Horn: Notes on United States-Soviet Rivalry" 3-7 (A)

"Mboya Portrayed But Not Yet Fully Revealed" 1 & 2-117 (BR)

Label Unions

"Mboya Portrayed But Not Yet Fully Revealed" 1 & 2-117 (BR)

Lagos Plan of Action

"Dealing with Africa's Massive External Debt" 4-3 (E)

"Drought and Hunger in Africa: Denying Famine a Future" 4-55 (CR)

"The State and Human Rights in Africa: Dialogue and Continuing Research" 1 & 2-3 (A)

Land Tenure

"Food Shortages in Africa: A Critique of Existing Agricultural Strategies" 4-39 (A)

"Land Tenure in Ethiopia: A Thoughtful Analysis" 3-47 (BR)

"A Large, But Very Uneven, Collection of Ethiopians" 3-91 (BR)

Liberal Party

"The Role of White Liberals in South African Politics" 1 & 2-115 (BR)

Liberalism

"The Role of White Liberals in South African Politics" 1 & 2-115 (BR)

Liby

"Dominance and Conflict on the Horn: Notes on United States-Soviet Rivalry" 3-7 (A)

Literature

"Literature and Politics in Somalia: The Case of Nuruddin Farah" 3-57 (A)

Local Government

"The Predatory State and the Peasantry: Reflections on Rural Development Policy in Somalia" 3-41 (A)

Markets

"Achieving Self-Sufficiency in African Agricultural Food Production: The Case of Nigeria" 4-29 (A)

Marxism

"Food Shortages in Africa: A Critique of Existing Agricultural Strategies" 4-39 (A)

"Socialist States and Human Rights Measurement in Africa" 1 & 2-25 (A)

"The State and Human Rights in Africa: Dialogue and Continuing Research" 1 & 2-3 (A)

"Underdevelopment in Somalia: Dictatorship Without Hegemony" 3-23 (A)

- Mboys, Tom**
"Mboys Portrayed But Not Yet Fully Revealed" 1 & 2-17 (BR)
- Measurement, Human Rights**
"Socialist States and Human Rights Measurement In Africa" 1 & 2-25 (A)
- Media**
"The New International Information Order and International Communication" 1 & 2-106 (BR)
- Mengistu Haile Mariam**
"Dominance and Conflict on the Horn: Notes on United States-Soviet Rivalry" 3-7 (A)
"Famine in Ethiopia: Crisis of Many Dimensions" 4-7 (A)
"Mengistu-Robin Hood of the Army and Vanguard of Socialism" 3-89 (BR)
- Migration**
"Africa Rights Monitor" 4-63 (M)
- Militarization**
"Africa Rights Monitor" 3-71 (M)
"The Role of White Liberals in South African Politics" 1 & 2-115 (BR)
- Military Aid**
"Dominance and Conflict on the Horn: Notes on United States-Soviet Rivalry" 3-7 (A)
- Military Expenditures**
"Africa Rights Monitor" 3-71 (M)
- Military Forces**
"Africa Rights Monitor" 3-71 (M)
"Military Establishments and Foreign Policy in Africa" 1 & 2-111 (BR)
"Nuclear Weapons Free Zones and Disarmament" 1 & 2-77 (A)
"The Role of White Liberals in South African Politics" 1 & 2-115 (BR)
- Mozambique**
"Value Assumptions and Human Rights Assessment" 1 & 2-51 (A)
- New World Information Order (NWIO)**
"The New International Information Order and International Communication" 1 & 2-106 (BR)
- Nigeria**
"Achieving Self-Sufficiency in African Agricultural Food Production: The Case of Nigeria" 4-29 (A)
"Solving the Agricultural Food Crisis in Africa" 4-71 (BR)
- Nevel**
"Literature and Politics in Somalia: The Case of Nuruddin Farah" 3-57 (A)
- Nuclear Weapons Free Zones**
"Nuclear Weapons Free Zones and Disarmament" 1 & 2-77 (A)
- Ogaden**
"Africa Rights Monitor" 3-71 (M)
"Dominance and Conflict on the Horn: Notes on United States-Soviet Rivalry" 3-7 (A)
"Underdevelopment in Somalia: Dictatorship Without Hegemony" 3-23 (A)
- Oklahoma State University**
"Famine in Ethiopia: Crisis of Many Dimensions" 4-7 (A)
- JAU**
"Africa Rights Monitor" 4-63 (M)
"The Tributary State and 'People's Rights' in Africa: The Banjul Charter and Self-Reliance" 1 & 2-37 (A)
"People's Rights (see Human Rights)"
- Political Economy**
"Underdevelopment in Somalia: Dictatorship Without Hegemony" 3-23 (A)
- Political Prisoners**
"Africa Rights Monitor" 1 & 2-91 (M)
"Political Rights (see Human Rights)"
- Politics**
"Dominance and Conflict on the Horn: Notes on United States-Soviet Rivalry" 3-7 (A)
"The Role of White Liberals in South African Politics" 1 & 2-115 (BR)
"Underdevelopment in Somalia: Dictatorship Without Hegemony" 3-23 (A)
- Press**
"The New International Information Order and International Communication" 1 & 2-106 (BR)
- Pricing Policies**
"Drought and Hunger in Africa: Denying Famine a Future" 4-65 (CR)
"Human Rights, Basic Needs and the State in Africa" 1 & 2-7 (A)
- Private Enterprise**
"Food Shortages in Africa: A Critique of Existing Agricultural Strategies" 4-39 (A)
- Radio**
"The New World Information Order and International Communication" 1 & 2-106 (BR)
- Refugees**
"The African Refugee Dilemma: A Challenge For International Law & Policy" 1 & 2-61 (A)
"Africa Rights Monitor" 4-63 (M)
"Relief, Famine
"Africa Rights Monitor" 3-71 (M)
"Famine in Ethiopia: Crisis of Many Dimensions" 4-7 (A)
- Relocation**
"Africa Rights Monitor" 3-71 (M)
"Famine in Ethiopia: Crisis of Many Dimensions" 4-7 (A)
- Resistance Movements**
"A Contextual Case Study of Resistance to Colonialism in Kenya" 3-83 (BR)
- Rural Development**
"Human Rights, Basic Needs and the State in Africa" 1 & 2-7 (A)
"The Predatory State and the Peasantry: Reflections on Rural Development Policy in Somalia" 3-41 (A)
- SADCC**
"The Tributary State and 'People's Rights' in Africa: The Banjul Charter and Self-Reliance" 1 & 2-37 (A)
- Sahel, The**
"Famine in Ethiopia: Crisis of Many Dimensions" 4-7 (A)
- Saudi Arabia**
"Dominance and Conflict on the Horn: Notes on United States-Soviet Rivalry" 3-7 (A)
- Self-Reliance**
"Achieving Self-Sufficiency in African Agricultural Food Production: The Case of Nigeria" 4-29 (A)
"Drought & Hunger in Africa: Denying Famine a Future" 4-65 (CR)
"The State and Human Rights in Africa: Dialogue and Continuing Research" 1 & 2-3 (A)
- Socialism and Socialist States**
"Class & State in Tanzanian Development" 4-76 (BR)
"Mengistu-Robin Hood of the Army and Vanguard of Socialism" 3-89 (BR)
"Socialist States and Human Rights Measurement in Africa" 1 & 2-25 (A)
"Underdevelopment in Somalia: Dictatorship Without Hegemony" 3-23 (A)
- Somalia**
"Africa Rights Monitor" 3-71 (M)
"Dominance and Conflict on the Horn: Notes on United States-Soviet Rivalry" 3-7 (A)
"Famine in Ethiopia: Crisis of Many Dimensions" 4-7 (A)
"Literature and Politics in Somalia: The Case of Nuruddin Farah" 3-57 (A)
"The Predatory State and the Peasantry: Reflections on Rural Development Policy in Somalia" 3-41 (A)
"Underdevelopment in Somalia: Dictatorship Without Hegemony" 3-23 (A)
- South Africa**
"Africa Rights Monitor" 1 & 2-91 (M)
"Military Establishments and Foreign Policy in Africa" 1 & 2-111 (BR)
"Nuclear Weapons Free Zones and Disarmament" 1 & 2-77 (A)
"The Role of the South African Defense Force in White Politics" 1 & 2-112 (BR)
"The Role of White Liberals in South African Politics" 1 & 2-115 (BR)
"Value Assumptions and Human Rights Assessment" 1 & 2-51 (A)
- State, The**
"Class & State in Tanzanian Development" 4-76 (BR)
"Human Rights, Basic Needs and the State in Africa" 1 & 2-7 (A)
"The Predatory State and the Peasantry: Reflections on Rural Development Policy in Somalia" 3-41 (A)
"The State and Human Rights in Africa: Dialogue and Continuing Research" 1 & 2-3 (A)
"Underdevelopment in Somalia: Dictatorship Without Hegemony" 3-23 (A)
- State Enterprises**
"Food Shortages in Africa: A Critique of Existing Agricultural Strategies" 4-39 (A)
- State of Emergency**
"Africa Rights Monitor" 1 & 2-91 (M)
- Sudan**
"The African Refugee Dilemma: A Challenge For International Law & Policy" 1 & 2-61 (A)
"Dominance and Conflict on the Horn: Notes on United States-Soviet Rivalry" 3-7 (A)
- Tanzania**
"Class & State in Tanzanian Development" 4-76 (BR)
"Dominance and Conflict on the Horn: Notes on United States-Soviet Rivalry" 3-7 (A)
"Human Rights, Basic Needs and the State in Africa" 1 & 2-7 (A)
"Solving the Agricultural Food Crisis in Africa" 4-71 (BR)
- Television**
"The New World Information Order and International Communication" 1 & 2-106 (BR)
- Torture**
"Africa Rights Monitor" 1 & 2-91 (M)
- Transportation**
"Famine in Ethiopia: Crisis of Many Dimensions" 4-7 (A)
- Tributary States**
"Africa Rights Monitor" 3-71 (M)
"The State and Human Rights in Africa: Dialogue and Continuing Research" 1 & 2-3 (A)
"The Tributary State and 'People's Rights' in Africa: The Banjul Charter and Self-Reliance" 1 & 2-37 (A)
- Underdevelopment**
"The Predatory State and the Peasantry: Reflections on Rural Development Policy in Somalia" 3-41 (A)
"The State and Human Rights in Africa: Dialogue and Continuing Research" 1 & 2-3 (A)
"Underdevelopment in Somalia: Dictatorship Without Hegemony" 3-23 (A)
"Union of Soviet Socialist Republics (U.S.S.R.)
"Mengistu-Robin Hood of the Army and Vanguard of Socialism" 3-89 (BR)
"Nuclear Weapons Free Zones and Disarmament" 1 & 2-77 (A)
"Underdevelopment in Somalia: Dictatorship Without Hegemony" 3-23 (A)
United Arab Republic (U.A.R.) (see Egypt)
United Nations
"The African Refugee Dilemma: A Challenge For International Law & Policy" 1 & 2-61 (A)
"Human Rights in Africa: Present Realities, Future Prospects" 1 & 2-106 (BR)
"The New World Information Order and International Communication" 1 & 2-106 (BR)
"The State and Human Rights in Africa: Dialogue and Continuing Research" 1 & 2-3 (A)
- United States of America**
"Achieving Self-Sufficiency in African Agricultural Food Production: The Case of Nigeria" 4-29 (A)

"Dealing with Africa's Massive External Debt" 4-3 (E)
 "Dominance and Conflict on the Horn: Notes of United States-Soviet Rivalry" 3-7 (A)
 "Mboya Portrayed But Not Yet Fully Revealed" 1 & 2-117 (BR)
 "Memories of an Expatriate in the Employ of Ethiopia's Emperor" 1 & 2-119 (BR)
 "Nuclear Weapons Free Zones and Disarmament" 1 & 2-77 (A)
 Universal Declaration of Human Rights
 "The State and Human Rights in Africa: Dialogue and Continuing Research" 1 & 2-3 (A)
 Universities
 "American Studies in Africa: Alive and Well" 3-83 (CR)
 "Famine in Ethiopia: Crisis of Many Dimensions" 4-7 (A)
 Urban Populations
 "Achieving Self-Sufficiency in African Agricultural Food Production: The Case of Nigeria" 4-29 (A)

Values
 "Value Assumptions and Human Rights Assessment" 1 & 2-51 (A)
 Villagization
 "Achieving Self-Sufficiency in African Agricultural Food Production: The Case of Nigeria" 4-29 (A)
 World Bank
 "The African Refugee Dilemma: A Challenge For International Law & Policy" 1 & 2-61 (A)
 "Dealing with Africa's Massive External Debt" 4-3 (E)
 "The State and Human Rights in Africa: Dialogue and Continuing Research" 1 & 2-3 (A)
 Zaïre
 "Military Establishments and Foreign Policy in Africa" 1 & 2-111 (BR)
 Zimbabwe
 "Drought and Hunger in Africa: Denying Famine a Future" 4-55 (CR)

CONTRIBUTORS INDEX

Agyeman, Duah Baffour 1 & 2-77 (A)
 Anikpo, Mark 4-29 (A)
 Browne, Robert S. 4-3 (E)
 Cownie, David S. 3-63 (CR)
 Darch, Colin 4-76 (BR)
 DeGregori, Thomas R. 4-71 (BR)
 Donnelly, Jack 1 & 2-7 (A)
 Fiofori, Ferdinand O. 1 & 2-106 (BR)
 Krenz, Marie E. 4-55 (CR)
 LeRoy, Paul Edwin 3-86 (BR)
 Mengiateab, Kidane 4-39 (A)
 Messing, Simon D. 1 & 2-119 (BR); 3-87 (ER)

Mittelman, James H. 1 & 2-37 (A)
 Nanda, Ved P. 1 & 2-61 (A)
 Okonkwo, Juliet I. 3-57 (A)
 Rubin, Leslie 1 & 2-115 (BR)
 Samatar, Abdi I. 3-23 (A)
 Samatar, Ahmed I. 3-23 (A)
 Scarritt, James R. 1 & 2-25 (A); 1 & 2-106 (BR)
 Segal, Aaron 3-92 (BR)
 Shaw, Timothy M. 1 & 2-111 (BR)
 Shepherd, George W. Jr. 1 & 2-37 (A); 3-7 (A)
 Steinhart, Edward I. 1 & 2-117 (BR); 3-83 (BR)
 Vestal, Theodore M. 4-7 (A)
 Welch, Claude E. Jr. 1 & 2-112 (BR)

INDEX OF BOOKS REVIEWED

Brantley, Cynthia. *The Giriama and Colonial Resistance in Kenya*. 3-93
 Bravmann, Rene A. *African Islam*. 3-92
 Coulson, Andrew. *Tanzania: A Political Economy*. 4-71
 Dinham, Barbara & Colin Hines. *Agribusiness in Africa: A Study of the Impact of Big Business on Africa's Food and Agricultural Production*. 4-71
 Environment and Development in Africa: A study prepared by the Environmental Development Action (ENDA) for the United Nations Environment Programme (UNEP) studies. 4-71
 Foltz, William J. & Henry S. Bienen (eds). *Arms and the African: Military Influences on Africa's International Relations*. 1 & 2-111
 Frankel, Phillip H. *Pretoria's Praetorians: Civil-Military Relations in South Africa*. 1 & 2-112
 Goldsworthy, David. *Tom Mboya: The Man Who Kenya Wanted to Forget*. 1 & 2-117
 Lefort, Rene. *Ethiopia — An Heretical Revolution?* 3-89
 Mantel-Niecko, Joanna. *The Role of Land Tenure in the System of Ethiopian Imperial Government in Modern Times*. 3-87

McPhail, Thomas L. *Electronic Colonialism*. 1 & 2-106
 Norman, David W., Emmy E. Simmons, and Henry M. Hays (eds). *Farming Systems in the Nigerian Savanna: Research and Strategies for Development*. 4-71
 Pitblade, Roger F. *The North Mkata Plain, Tanzania: A Study of Land Capability and Land Tenure*. 4-71
 Rich, Paul B. *White Power and The Liberal Conscience: Racial Segregation and South African Liberalism*. 1 & 2-115
 Schofield, Sue. *Development And The Problems of Village Nutrition*. 4-71
 Simpson, James R. & Phyllo Evangelou (eds). *Livestock Development in Sub-Saharan Africa: Constraints, Prospects, Policy*. 4-71
 Spencer, John H. *Ethiopia At Bay: A Personal Account of the Haile Sellasse Years*. 1 & 2-119
 Terry, E.R., K.A. Oduro, & F. Caviness (eds). *Tropical Root Crops: Research Strategies for the 1980s*. 4-71
 Tubiana, Joseph (ed). *Modern Ethiopia: From the Accession of Menelik II to the Present*. 3-91
 Welch, Claude E. Jr. & Robert I. Meltzer (eds). *Human Rights and Development in Africa*. 1 & 2-105

AFRICA TODAY

Volume 32 (1985)

Numbers One and Two

IN THIS ISSUE

<i>Introduction: The State and Human Rights in Africa: Dialogue and Continuing Research</i>	George W. Shepherd, Jr.	3
<i>Human Rights, Basic Needs and the State in Africa</i>	Jack Donnelly	7
<i>Socialist States and Human Rights Measurement in Africa</i>	James R. Scarritt	25
<i>The Tributary State and "People's Rights" in Africa: The Banjul Charter and Self-Reliance</i>	George W. Shepherd, Jr.	37
<i>Value Assumptions and Human Rights Assessments</i>	James H. Mittelman	51
<i>The African Refugee Dilemma: A Challenge for International Law & Policy</i>	Ved Nanda	61
<i>Nuclear Weapons Free Zones and Disarmament</i>	Baffour Agyeman-Duah	77
<i>Africa Rights Monitor</i>		91
<i>A Look at Books</i>		105
<i>Human Rights in Africa: Present Realities, Future Prospects</i>	James R. Scarritt	105
<i>The New World Information Order and International Communication</i>	Ferdinand O. Fiofori	108
<i>Military Establishments and Foreign Policy in Africa</i>	Timothy M. Shaw	111
<i>The Role of the South African Defence Force in White Politics</i>	Claude E. Welch, Jr.	112
<i>The Role of White Liberals in South African Politics</i>	Leslie Rubin	115
<i>Mboya Portrayed but not yet Fully Revealed</i>	Edward I. Steinhart	117
<i>Memories of an Expatriate in the Employ of Ethiopia's Emperor</i>	Simon D. Messing	119
<i>Publications</i>		121
<i>Books Received</i>		125
<i>Coming Events</i>		127

AFRICA TODAY is indexed in the Public Affairs Information Service (PAIS) the Social Sciences Citation Index; Social Sciences Index, Current Contents Africa: a current bibliography of recent literature (Documentation Service Africa-West Germany) and the International African Bibliography and abstracted and indexed in ABC POL SCI, Historical Abstracts and/or American History and Life.

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Introduction: The State and African Human Rights: Dialogue and Continuing Research

George W. Shepherd, Jr.

This group of articles is the prelude to consideration of certain basic themes concerning human rights that will be investigated further. They recognize that the Western perspective on human rights has been biased by dominance in power relations and remains today influenced by ethnocentric ideas. This is a great limitation both for Western scholars and for policymakers. It distorts U.S. policy, which has attempted to emerge from its nationalistic framework of "Realism" and pseudo-scientific perspectives to embrace a more universal and enlightened approach to world order, but has relapsed under Reagan's leadership into the bitter self-righteousness of the height of the ideological conflicts of the Cold War.

A successful search for a broader basis of human rights understanding will provide the entire world with a more profound basis on which to build policies in areas such as Africa. This is desperately needed in Africa today because of the obvious failures of the state to provide the minimum conditions of life for millions. That these are human rights problems rather than simply the failures of African states is the perspective on the world system that must underlie our understanding. It designates the mutual responsibility we share for the realization of these rights of the members of the world society. Moreover, the origin and nature of these rights is defined globally which means they encompass the experience and aspirations of all people and not simply the most powerful ruling classes and nations.

In the search for better analysis and policies, a group at the Graduate School of International Studies at the University of Denver decided to establish a Concentration on Human Rights for research and teaching. The Africa Committee of the Social Science Research Committee assisted in the holding of an initial Conference on "The State and Human Rights in Africa," at the University of Denver on November 9 and 10, 1984. The purpose was to develop some initial concepts and ideas which would then be further explored. African participation was involved at every step of the way and a second, more focused international conference is to be held in Africa in 1986.

It will continue to build upon the major themes established in the initial Denver discussions. (For a list of the participants in the Denver conference, see the end of this introduction.)

These articles are revised versions of several papers from the Denver conference. The underlying premise has been that human rights are not the product of the state or any particular form of it. They are the reflection of universal humanity in historical transition. No particular era such as 19th Century Europe or any exclusive political-economic system has established a monopoly over the priorities in human rights. Claims to this end are the expressions of various forms of imperialism. Thus, the universal can be found only in a truly global analysis. There are important cultural and regional variations in the interpretations of these universal rights and it is the task of regional specialists to define and apply human rights concepts to these special conditions, as attempted here in relation to Africa.

Conference participants discussing the papers had no difficulty in agreeing that economic and social rights were as significant in international policy as civil and political rights in American policy circles. U.S. policy was seen as singularly inappropriate for a region where food and the provision of the conditions for development are so critical. And the Denver discussants also accepted the general premise that runs through these articles that the establishment of a balanced relationship between civil and political and economic rights is a key to the reversal of the underdevelopment process. This is, after all, a consensus long since established in OAU and UN deliberations on this subject.

There was, however, little agreement on certain specific cases of the clash between universal norms and cultural practices. African participants frequently argued cultural diversity should be allowed to override global human rights, such as equality and individuality. This emerged, as might be expected, over the rights to property and the equality of women. The extent to which property is an individual or a community right and the role of women in society are certainly two of the major unsettled issues in the human rights debates.

An even more fundamental difference arose over individual rights and collective rights or group rights. This is both cultural and an ideological difference between Western individualism and non-Western ideas of the group. This distinction is brought out especially in the first four articles. Two of these authors, Scarritt and Donnelly, while recognizing economic and social rights as co-existing with political liberties, nevertheless see them as rooted in the individual and follow the Western tradition of individual equality before the law as a means of implementing these rights. The other two theory papers, Mittelman's and my own, perceive special social conditions of groups

that provide a particular character and priority to claims of people living under conditions of poverty or discrimination. Mittelman argues that African conditions reveal especially the inherent inequality created by the historical impact of colonialism and cultural norms that must be addressed in a collective sense. While the issue was by no means resolved at the Denver conference, the debate took two primary directions. Claude Ake maintained that Western ideas of human rights as individually based on property and political rights was a major obstacle to any development, while several of the North Americans maintained, as Jack Donnelly does in his article, that adaptation of the private market to Africa's communitarian methods of production is needed. This debate revealed the difference between the liberal Western perspective that all rights are grounded in freedom in a competitive environment as opposed to African norms that emphasize the social group of rights as the origin. The African view is not, as alleged, the European Socialist idea of the state as the validator of law and rights; but as African Socialism has stressed, the community gives identity to the individual.

The boundaries of these communities, James Scarritt shows, are hard to measure and therefore logical positivists find group rights difficult to analyze and prefer the individual unit of analysis. Nevertheless, in a global approach to human rights, the inter-relationship of individuals and groups and the fact that the sum is more than the individual parts has to be accepted. In Africa, where massacres of large numbers of people are not uncommon, the recognition of rights is important, in order to guard against racial or religious genocide or class exploitation. This fusion of the political and economic and individual and groups is contained in the African Banjul Charter, and marks this document with far greater significance than it is usually given in the U.S.

Peoples' Rights in the Banjul Charter are group rights and are often referred to as the "third generation" of rights. This concept poses the second major difference in these articles and the debate at the Denver conference.

My own piece discusses the peoples' right to development within the framework of generational change. The Western view, often expressed at the conference, is that individuals have specific rights that need to be developed but that collective rights to development are a "political dilution" of rights that gives Third World demands excessive authority. The official U.S. view at the United Nations is support for political development but opposition to the right to development of particular peoples as a claim on the world. However, the majority view that there is a right to development on the part of a wide number of particularly poverty-stricken people has become

widely accepted as has the idea of "the common heritage of mankind" in the treaty discussions over the law of the sea and the resources of the sea bed. While the majority does not decide what is a right, the well-established views of the West are being transformed, my article argues, by new African collective ideas of what constitute peoples' rights to development and peace because people now have a voice.

This special issue provides a presentation of two specific issues of peoples' rights as group rights, the rights of refugees to asylum, and of people in Africa to peace. These indicate the important new directions for global human rights in the struggle for emancipation. Prof. Ved Nanda demonstrates asylum in its classic Western form is highly individualized but in the African post-colonial period "non-refoulement," has developed a definite collective character, and is important in the protection of large numbers of people. Dr. Baffour Agyeman-Duah discusses the threat to existence and special rights of peoples in non-nuclear states to remain neutral and free from conflict and rivalry in the nuclear arms race.

These are the participants in the University of Denver Conference on "The State and Human Rights in Africa," in addition to the authors of the papers which appear in this issue.

Presenters:

Dr. Rhoda Howard, McMaster University; Dr. Tilden LeMelle, Provost, Hunter College; Dr. Edward Kannyo, International Affairs Consultant; Mr. Peter Weiss, Vice President of the Center for Constitutional Rights, New York; Mr. Ron Weitzer, University of California-Berkeley; Dr. Laurie Wiseberg, Executive Director, Human Rights Internet

Discussants and Panel Chairs:

Dr. Claude Ake, University of Port Harcourt; Dr. Leo Cefkin, Colorado State University; Dr. Marshall Clough, University of Northern Colorado; Shelley P. Dodge, Karp and Dodge Law Firm, Denver; Dr. John Grove, GSIS, University of Denver; Edward Hawley, Editor, *Africa Today*; Mark Kauppi, University of Colorado, Colorado Springs (Ph.D.); Dr. John McCamant, GSIS University of Denver; Dr. Otwin Marenin, University of Colorado; Dr. Solomon Nkiwane, University of Harare; Susanne Riveles, Southern African Coordination Group, Amnesty Int'l, USA; Dr. Thomas Rowe, GSIS, University of Denver; Mr. Ahmed Samatar, St. Lawrence University; Dr. Michael Schultheis, Center of Concern, Washington, D.C.; Dr. Akbar Thobhani, Metropolitan State College, Denver; Mr. Don Will, GSIS, University of Denver

Satisfying Basic Needs in Africa:

Human Rights, Markets and the State

Jack Donnelly

The current famines in Africa are, unfortunately, only the most graphic and extreme manifestations of a crippling, continent-wide economic disaster. Most African countries simply are unable to meet even the most basic needs of their people, and the current crisis, which threatens to become the long-term norm for the region, suggests that things are likely to get worse before they improve.

Aggregate economic and social indicators notoriously underestimate the extent of needs deprivation by masking often debilitating distributional inequalities. In Africa today, however, even the aggregate figures are appalling. Twenty of the world's thirty poorest countries are in black Africa. Life expectancies at birth are fifty years or less in two-thirds of these countries, and in a similar percentage of countries, per capita calorie supplies are below minimum requirements.¹ Conditions continue to deteriorate: per capita food production has declined over the past fifteen years, GDP growth has been below population growth over the last dozen years, and at least ten African countries have experienced negative growth in per capita income for the entire period 1960-82.² Even when Africa is compared merely to the group of least developed countries, the picture is distressing; since the late seventies, aggregate African economic growth has been only two-thirds that of this lowest of all possible international reference groups.³

There is little that can be done in a short article even to address this catastrophe. Nonetheless, I want to try to lay out, at the risk of excessive abstraction and overgeneralization, some strategic propositions that challenge the conventional wisdom on the role of the state in satisfying basic needs,

1. World Bank, *World Development Report 1984* (New York: Oxford University Press for the World Bank, 1984), Annex Tables 1, 6, 23, 24.

2. *Ibid.*, Table 2.1, Figure 4.2, Annex Table 1 and p. 276.

3. International Monetary Fund, *World Economic Outlook, September 1984* (Washington, D.C., 1984), Statistical Appendix Table 2.

Jack Donnelly is Associate Professor of the Department of Political Science at the University of North Carolina, Chapel Hill, NC 27514. He writes: "I want to thank Rhoda Howard for her comments on an earlier draft, and for all that I have learned from her published and forthcoming work on human rights in Africa. Much of what is good in this paper, I owe to her, while the shortcomings, of course, remain mine alone."

and the place of human rights in this process. I do this in the belief that, even after we discount for the immense external constraints on African development and the impact of bad advice, bad luck and natural disasters, a major part of the problem — and certainly the part most subject to African control — lies squarely with African states and their rulers.⁴

Needs, Growth and Distribution

The single-minded, even mindless, pursuit of aggregate economic growth has given growth a bad name. If needs are to be satisfied in Africa, however, growth is absolutely essential. Whatever the possibilities for inequitable growth — and they are very real, and must remain a major concern — failure to achieve significant aggregate economic growth is certain to result in growing misery.

Satisfying basic human needs is ultimately a matter of distributing goods, services and opportunities to the mass of the population. But distributional strategies can succeed only if there is enough to be distributed, which is largely a function of economic growth. In much of Africa, not enough is produced to satisfy basic needs, no matter how that production were to be distributed. While in wealthier countries much needs deprivation arises from maldistribution, in most of Africa the more immediate problem is underproduction. And the scope of the problem is constantly growing.

Substantial real economic growth is required simply to maintain already inadequate standards of living. As already noted, rapid population growth alone has outstripped the growth of production in Africa in recent years. "Modernization" requires further growth to support those who previously were (partially or wholly) self-sufficient participants in the subsistence sector. The limited ability of the rural economy to absorb entrants to the labor force, even in countries with healthier agricultural sectors, suggests that not merely growth but significant growth in manufacturing is essential to satisfying basic needs in Africa.

But while growth is necessary, it is hardly sufficient; new supplies must be distributed to those in need. Here the role of the state becomes central. A country must choose not only to grow but how to grow. Needs-oriented growth must be targeted growth; increases in output must be directed to those in need.

Free markets are undoubtedly the most efficient institutions for producing aggregate economic growth. They are, however, extremely inefficient in directing growth and its benefits to the poor. Markets respond to those with

the resources to create an economic demand. But those whose basic needs are not being satisfied lack the resources to which markets respond. Therefore, in a free market economy, those most in need of the fruits of growth are at least well positioned to compete for them. The market, both in the short and long run, does not do a very good job of channeling new production to the poor. Furthermore, a free market strategy for satisfying basic needs, in the conditions prevailing in Africa, assures that the poorest will die, in great numbers, and that the lives of literally tens of millions will be both shortened and impoverished. From a human rights perspective, this is simply unacceptable.

Economic and social human rights⁵ establish distributional standards that make particularly powerful claims on social resources and the state. "Basic needs," however they are defined, require implementing a subset of these economic and social rights. If, morally and politically, we take these economic and social rights seriously, then they require that each individual receive certain minimum goods, services and opportunities.

Therefore, failure to satisfy basic needs is not simply unfortunate, bad or merely unjust; it is a serious denial of basic human rights. This is not to suggest that these rights can be easily realized even with many years of dedicated effort — and it certainly is not to suggest that they are today even within the physical limits of possibility in most African countries. But it does imply that human rights to food, health care, education and similar basic goods positively demand, as a paramount moral and political priority, that states target both existing resources and growth and development at the poor. Whatever the technical and aggregate economic merits of free markets, human rights require state intervention in the economy, in order to better satisfy the distributional demands of economic and social rights.

But intervention is economically inefficient. Even assuming the best of intentions and superhuman exertion, state intervention is virtually certain to reduce total output; free markets, despite all their well-known and rightly-lamented shortcomings, do produce resources more efficiently. And, sadly, this is not merely a theoretical argument: the costs of state economic intervention are apparent almost everywhere one looks in Africa, in ever-present shortages, bottlenecks, licensing snafus, graft, underpayments to farmers, and the like.

In fact, intervention to satisfy basic needs engenders special inefficiencies or "distortions." Targeted growth and development policies partially

4. On the primacy of domestic determinants in the case of Ghana, see Robert M. Price, "Neo-Colonialism and Ghana's Economic Decline: A Critical Assessment," *Canadian Journal of African Studies* 18 (1984): 163-93. Price's argument would also seem to be relevant to many if not most other African countries. Compare William F. Steel and Jonathan W. Evans, *Industrialization in Sub-Saharan Africa: Strategies and Performance*, World Bank Technical Paper Number 25, September 1984, p. 2.

5. I shall assume here that these rights are theoretically uncontroversial. For explicit arguments to this conclusion see Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (Princeton: Princeton University Press, 1980) and Jack Donnelly, *The Concept of Human Rights* (London: Croom Helm and New York: St. Martin's Press, 1984), Chapter 6. In any case, they are recognized by all African states as basic rights.

redirect the economy to satisfying, and thus in a certain sense "rewarding," the inefficient, those unable to "make it" in the marketplace. Better satisfying basic needs may even turn the poor into a net drain on the economy, people who consume more than they produce.

Such one-dimensional economic calculations are admittedly mean, even inappropriate, in their reduction of human rights to entries in a ledger book. But in Africa, where most needs remain unmet because not enough is being produced, inefficiencies that reduce growth reduce capacities for satisfying basic needs. Policies that induce inefficiency, for whatever reason, reduce present and future abilities to satisfy basic needs.

Clearly, then, both growth and equitable distribution are required. But they imply very different policy strategies. Growth is compatible with a major economic role for the state; all less developed countries that have grown rapidly have economically active governments. Nonetheless, emphasizing growth implies relatively high reliance on markets. This will maximize long-run carrying capacity, but usually only at the cost of increased current (and interim) deprivation. Emphasizing equitable distribution is compatible with a major role for markets, but it does imply relatively great reliance on economic intervention by the state. This should (although will not always) increase short and medium run needs satisfaction, but at the cost of retarding growth in the productive powers that are the ultimate solution to the problem of satisfying basic needs.

Development planners and human rights advocates therefore face a genuine dilemma. Whatever is done to better satisfy basic needs, whether it encourages growth or equitable distribution, will in another way reduce a state's ability to satisfy these needs. Any appropriate policy is likely to be inappropriate as well when viewed from a slightly different perspective — and a perspective that is no less concerned with basic needs.

The comfortable orthodoxies of left and right alike, however, tend to ignore or deny this dilemma. The left often suggests that needs deprivation is just a matter of maldistribution. In most if not all of Africa, however, production, or rather the lack of it, is a major problem. But the marketplace won't magically solve the problem either; we must do much more than simply get the prices right, if we want to satisfy needs, not just "grow" without direction. Furthermore, while the left too often forgets that equality of poverty and deprivation is nonetheless poverty and deprivation, the right too often forgets that poverty and deprivation in the midst of general prosperity or growth is no less poverty and deprivation. If we are serious about satisfying basic needs, we must directly, perhaps even principally, confront the problem of balancing the competing demands of growth and equitable distribution.

In other words, the real political issue is not whether, but where and how the state should intervene in the economy. How can the benefits of markets be enjoyed without suffering all their costs? How can the state assure a more equitable distribution of resources without excessively retarding growth? I want to suggest that one of the major problems in African development planning today is that while awareness of the shortcomings of market mechanisms lie at the heart of most policy strategies, the no less real shortcomings of state intervention are given inadequate attention. As a result, much needs deprivation — certainly not all, probably not even most, but a large amount that is directly under the control of African regimes — can be attributed to African states and ruling elites.

Basic Needs and State Economic Intervention

I shall focus the following discussion on agricultural policy because the majority of the labor force is engaged in agriculture in all black African countries, and the majority of the population is rural; typically, 70-80% of the population are rural dwellers, and industry provides employment to only about 10% of the labor force. Furthermore, incomes and access to services tend to be significantly lower in the countryside. Therefore, the core of basic needs planning, especially in the short and medium run, must be rural/agricultural development. To give a bit more concreteness to an admittedly very abstract discussion, for illustrations I shall draw on the experience of three countries: Ghana and Tanzania, the two best-studied cases of failed, heavily state-directed agricultural development, and Ivory Coast, which has pursued a rather successful policy that balances state intervention and market forces.

Volatile prices in agricultural markets present a well known threat to needs satisfaction. Furthermore, "natural" market cycles tend to discriminate against small producers. For example, lack of information makes it especially difficult for peasant producers to "play" the market to advantage, and their relatively high immediate need for cash tends to force them to sell their produce right after the harvest, when prices tend to be depressed.

Cooperatives and state marketing boards, therefore, look very attractive from a basic needs perspective, because they can smooth out price fluctuations and engage in profitable strategic market behavior. Such institutions, however, require substantial state participation; even producer cooperatives require resources such as credit, legal services, information and administrative and marketing assistance that in Africa are, at least in part, available only through the state. But the theoretical promise of such state intervention often is not realized in practice because of the tendency of

marketing boards to be used primarily to extract an economic surplus from the countryside.

There are good economic and administrative reasons to use marketing boards to extract a surplus from farmers to invest in national development. Direct taxation is usually an inefficient or ineffective way to obtain funds for investment, which in an agricultural economy must come largely from agriculture. The extraction of agricultural surplus may also reflect needs-based policies; farmers may be "underpaid" in order to subsidize food or services for the urban poor. But all too often it is politics, class and self-interest, rather than economics or needs, that drive the process.

While the state may intervene for the common good or to help the poor, it may just as well intervene to help the wealthy, the powerful or state functionaries, or to help one segment of the poor at the expense of another. The central question is where extracted resources are spent. Do they go to higher salaries, housing and automobile allowances for civil servants? Do they go to the military? Do they go primarily to a minority in the cities? Are they disproportionately consumed by economic and political elites? Are they squandered in corruption and inefficiency?

Far too often in Africa the answers to such questions are an emphatic "Yes." As a result, the poor became victims rather than beneficiaries of state intervention. And this result is, unfortunately, almost as predictable as the negative consequences of markets.

The state is not a neutral instrument of technocratic economic management; or, rather, it only operates as such a neutral manager in very rare circumstances. The state is a political institution, which can be and usually is used to further the political aims of those who control it. In Africa, as elsewhere, the state is under the control of economic and political elites, who, not surprisingly, use it to pursue their own personal, group or class interests, sometimes in addition to social purposes, sometimes to their exclusion.

Furthermore, given the weakness of most African states, governments are particularly vulnerable to the demands of strategically placed groups, such as civil servants, the military and urban workers. On top of this, scarcity is so acute that politics often is a zero-sum game, especially in those relatively common instances where control of the means of coercion is the key to control of the means of production (rather than the more "classic" case of the state being an instrument of economically dominant classes). Not surprisingly, the rural poor, who are physically, politically and often even culturally separated from the centers of power in most of Africa, often find that their needs have a very low political priority.

While some "underpayment" to farmers may be necessary to raise sufficient capital for essential development investments, in Africa the political temptations to extract an excessively large surplus, often for purposes other

than development, are often irresistible — with often devastating consequences for agriculture and basic needs. Any sort of underpayment to farmers reduces the incentives to produce, and excessive underpayment can wreck production. For example, gross underpayment to peasants in Ethiopia seems to have played a major role in transforming a serious drought into the current massive famine, and Ghana and Tanzania present striking, if extreme, examples of the consequences of excessive, inefficient state intervention in agriculture.

In Ghana, the Cocoa Marketing Board, through a combination of underpayment and inefficiency, has devastated the cocoa industry, which traditionally has provided two-thirds of total Ghanaian exports, one-third of agricultural production, and one-sixth of GDP. By the early eighties, production was only about one-half the level of the late sixties and early seventies, forty percent of the mid-sixties peak, and roughly the same as at independence in the late fifties. The primary reason for this precipitous decline is the drop in real producer prices by 1980 to about one-third the level of the early sixties, which were already about a third lower than in the fifties.⁶ Depressed producer prices, in turn, were almost entirely the result of conscious state policy to extract resources from cocoa farmers.

World cocoa prices throughout the sixties and seventies certainly fluctuated, but the general trend was stable until the mid-seventies, and distinctly positive until 1980.⁷ Farmers, however, typically received only about one-third of the export price throughout the seventies, and substantially less than that at the peak of the boom.⁸ When cocoa is compared to food, the picture is even more bleak: the barter price of cocoa did not lag too far behind increases in food prices until the early seventies, but by the early eighties, a unit of cocoa bought only one-third to one-fifth as much food as it had twenty years earlier.⁹ And, sadly the exploitation of small cocoa farmers did not contribute to investment, which had virtually evaporated by the early eighties, or to development expenditures, which also declined.¹⁰

The food crop situation is only slightly less depressing. Total (not per capita) production of the principal staple crops — cassava, cocoyam, yam

6. World Bank, *Ghana: Policies and Programs for Adjustment*, Washington, D.C., 1984, pp. xx, 4, Tables 1.4, 2.1. Price, op. cit., Table 1; John C. de Wilde, *Agriculture, Marketing, and Pricing in Sub-Saharan Africa*, (Los Angeles: UCLA African Studies Center, 1984) pp. 84-85, Tables 6.1, 6.2, 6.3.

7. Price, op. cit., Table 5; Douglas Rimmer, *The Economies of West Africa* (London: Weidenfeld and Nicolson, 1984), Table 16, Figures 1, 2.

8. World Bank, *Ghana*, Tables 2.1, 10.3

9. *Ibid.*, Table 10.2. Compare also Table 6.

10. *Ibid.*, p. xvi, Table 9.

and plantain — dropped by one-quarter between 1970 and 1982, and cereal production dropped by one-third. By 1982, Ghana was producing only three-fifths of the food required merely to meet minimum per capita calorie requirements, and the food consumption of an average household was estimated to be thirty percent below levels of a decade earlier.¹¹ While no single factor can account for such decline, pervasive mismanagement, not merely of agriculture but the entire economy — mismanagement so severe that it has even led to the crumbling of basic infrastructure — lies at the root of the problem.¹²

State-controlled marketing in Tanzania has provided similar, if somewhat less extreme, disincentives to agriculture, with noticeable negative effects for the small farmers who make up the vast majority of the population. Between 1969 and 1978 "a massive cumulative transfer of resources from peasant producers to the state" took place through monopolistic export crop authorities: real prices received on international markets rose by more than one-sixth, while real producer prices for export crops dropped by more than one-third.¹³ While in 1970 producers received about two-thirds of the marketed value of their crops, they received less than forty-five percent between 1977 and 1980.¹⁴ And, as in Ghana, this increased and grossly exploitive extraction of resources from the peasantry went not to national investment but rather "to satisfying the voracious appetite for financial resources of bureaucratic marketing institutions," which set producer prices as a residual after deducting their own ever-escalating costs.¹⁵ Not surprisingly, export crop production declined in the seventies, by about one-fifth among peasants and one-third for estate-produced tea and sisal. This drop represented about one-half of Tanzania's trade deficit for 1979.¹⁶

While domestic food crops suffered much less severe real price reductions, price and income terms of trade for small agricultural producers fell by one-third in the seventies, and output was essentially stagnant.¹⁷ Thus, despite the avowed bias in favor of agriculture and the poor, the economic position of Tanzanian peasants actually deteriorated significantly. Looking

simply at food, the crudest indicator of basic needs, but perhaps the most significant in a country as poor as Tanzania, we find that per capita calorie supplies in 1981 were only eighty-three percent of minimum requirements, while average per capita food production had decreased by more than ten percent from 1969-71 to 1980-82.¹⁸

From a basic needs perspective, serious underpayment is particularly objectionable because those marginal farmers who bear the greatest burden, and even may end up being squeezed out by the state, are precisely those least able to suffer underpayment, those whose needs were most precariously satisfied to begin with. In addition, marketable production, which might have gone to needy urban dwellers, or at least might have kept prices lower, begins to dry up. And the very capacity of the state to extract a surplus is reduced by these disincentives to marketing, so that in extreme cases a vicious cycle of spiralling underpayment may set in. Even before that stage is reached, however, needs may end up being even less well satisfied than by a free market; policies demand to reduce the social costs of markets can, if improperly managed, actually produce worse results than the market.

Laissez-faire, free market agriculture, however, is by no means necessary, let alone desirable, as the case of the Ivory Coast, one of Africa's rare agricultural success stories, indicates. Cocoa production in 1981 was seven times the level of 1960, transforming Ivory Coast into the world's leading exporter, while coffee production, Ivory Coast's second most important cash crop, also increased significantly, if less dramatically.¹⁹ Per capita food production increased seven percent between 1969-71 and 1980-82 (it decreased by 28% and 12% in Ghana and Tanzania), while per capita calorie supplies were 112% of the minimum requirement in 1981 (88% for Ghana, 83% for Tanzania).²⁰ Well-managed agricultural-led development has transformed Ivory Coast from a relatively poor country at independence to one of the most prosperous in Africa today. I say well-managed because the state has been very actively involved in Ivorian agriculture. What distinguishes agricultural policy in Ivory Coast is not the absence of state intervention, but its forms and effects.

Minimum prices and terms of sale for export crops are set by the Caisse de Stabilisation et de Soutien des Prix de Productions Agricoles, which also uses its reserves to help to stabilize prices. Crop development is supervised by semiautonomous agencies which provide research, inputs, extension services and in some instances production subsidies; of particular im-

11. *Ibid.*, Table 2.3 and p. 58.

12. See especially Tony Killick, *Development Economics in Action: A Study of Economic Policies in Ghana* (London: Heinemann, 1978). Compare also J. Clark Leith, *Foreign Trade Regimes and Economic Development: Ghana* (New York: Columbia University Press, 1974). Price, *op. cit.*, World Bank, Ghana.

13. Frank Ellis "Agricultural Price Policy in Tanzania," *World Development* 10 (April 1982), p. 276.

14. Frank Ellis, "Relative Agricultural Prices and the Urban Bias Model: A Comparative Analysis of Tanzania and Fiji," *Journal of Development Studies* 20 (April 1984), Table 2.

15. Ellis, "Agricultural Price Policy," pp. 265-66, 276-77 (quote on p. 266). Ellis, "Relative Agricultural Prices," pp. 35-36. Compare de Wilde, *op. cit.*, pp. 32-42 for a crop by crop review of parastatal policy and performance; Robert Liebenthal, *Adjustment in Low-Income Africa, 1974-78* (World Bank Staff Working Paper Number 486, August 1981), pp. 35-39.

16. *Ibid.*, p. 276 and Table 3.

17. *Ibid.*, Tables 4, 5, Ellis, "Relative Agricultural Prices," Table 1.

18. *World Development Report 1984*, Tables 6, 24.

19. Mathurin Gbetebo and Christopher L. Delgado, "Lessons and Constraints of Export-Led Growth: Cocoa in Ivory Coast," in I. William Zartman and Christopher Delgado (eds.), *The Political Economy of Ivory Coast* (New York: Praeger, 1984), Table 4; Rimmer, *op. cit.*, Table 28. It should be noted that since Ivory Coast and Ghana are neighbors and direct competitors in their principal crop, cocoa, differences in production and exports can be attributed primarily to state policies.

20. *World Development Report 1984*, Tables 6, 24.

portance is the Société d'Assistance Technique pour la Modernisation Agricole de la Côte d'Ivoire (SATMACI), which deals with cocoa and coffee, and other agencies have played a central role in the development of new cash crops, especially palm, cotton and sugar. The state also directly extracts a sizable surplus from agriculture: export taxes on coffee and cocoa were 23% in 1980, and export duties provide about one-eighth of total government revenues.²¹ Marketing, however, has remained in private hands, both for export and food crops, although even here, only within the limits allowed by considerable government price regulation.

But while "one of the most striking aspects about Ivorian agricultural development policy at first glimpse is its apparent similarity to that of other countries in the region,"²² on closer examination the truly striking aspect is its relative efficiency, as evidenced by the dramatic growth in production of cash crops and food already noted. Three distinguishing features of Ivorian policy should be stressed.

First, while the state has played a central directive role, it has resisted the temptation of monopolistic marketing institutions, with their attendant inefficiencies, and, by placing principal reliance on private trade and transportation, has kept the administrative burden to a manageable level. Similarly, the extraction from peasant producers, while high (the producer share of export earnings in Ivory Coast is roughly the same as that in Tanzania), has been bearable, given the relatively constant or slightly improved real producer prices over the last fifteen years and the substantial increase in peasant incomes from improved yields and increased acreage under production.²³ And increases in production and yield have been greatly stimulated by state policy — that is, state intervention has positively improved the economic conditions of peasant producers — which brings us to the second key feature of Ivorian policy.

Through SATMACI and other crop development authorities, the state has provided valuable assistance and support to farmers. This has greatly mitigated the disincentives of the extraction of surplus to fund investment and consumer food price subsidies. In effect, peasant producers get a major return on their taxes that makes the figures on producer price shares a serious overestimate of the level of surplus extraction. This rather effective assistance to small farmers (combined with a relatively efficient private trade and transport system) is in sharp contrast to the shortages, bottlenecks and often simple inability to deliver needed inputs at the required time which are endemic to the system in Ghana, Tanzania and numerous other countries that pursue policies of more complete state intervention.

Finally, in Ivory Coast, again in sharp contrast to countries like Ghana and Tanzania, consumer goods are generally available (due to foreign trade

and domestic economic policies well beyond our scope here), providing farmers with powerful and very tangible incentives for increased marketed production. In Ghana and Tanzania, by contrast, peasants and others have been withdrawing from the market and returning to subsistence production.²⁴

For the peasant or rural laborer who "drops out," even temporarily or only in part, the return to subsistence agriculture may represent an improvement in needs satisfaction, or at least marginal survival; it thus is likely to be a rational strategy for the individual and his family or group. But for the economy as a whole, and the needs of those who have become tied to the now foregone marketed production, the result can be devastating. Land poor peasants and the rural proletariat lose essential opportunities for work; commercial classes lose trade; urban dwellers face growing food shortages and higher prices; the state loses a source of revenue; economic transformation is retarded or perhaps even reversed; etc. Even in the short run, such effects are likely to overwhelm the benefits to withdrawing peasants, and in the long run the damage to the overall economy and total needs satisfaction is likely to be substantial.

Much of the success of Ivorian agriculture can be traced to moderation in state intervention. But this arises not from any abstract love of markets, but rather from a recognition of limited options given the administrative weakness of African states. To put matters bluntly, markets, for all their faults, for all their distributional inequities, often are less flawed than the alternative institutions African states are in fact able to establish and administer. Consider simply the problem of getting nationally grown staple foods to the city, a particularly desirable form of trade that simultaneously satisfies the needs of urban consumers and provides cash to meet the needs of rural producers.

Farmers need credit, fertilizer, at least simple technologies, and similar inputs in order to meet the growing demand for food — and they need them at precise times, times that are determined by forces beyond human control. If feeding the cities is to have the most widely distributed rural benefits, production should come from numerous small producers, who almost always outproduce collectivized production units (as, for example, in Tanzania) and, if properly supported, usually compare favorably even with large private farms. This dispersion of production, however, creates major logistical problems, both in delivering supplies to the cities and in distributing agricultural inputs and wage goods to farmers.

Even without widely decentralized production, logistical problems in Africa are rightly notorious. And when the state decides to intervene to correct shortcomings in private distribution systems, the results often are, not surprisingly, undesirable, due to mismanagement, corruption and simple lack of skill and resources. Perhaps the most striking example of this is the crackdown on alleged profiteering by Ghanaian market women in the se-

21. De Wilde, *op. cit.*, pp. 92-93, 96-102; Bastian A. du Toit, *et al.*, *Ivory Coast: The Challenge of Success* (Baltimore: The Johns Hopkins University Press, for the World Bank, 1978), pp. 41-43, 145-146, 211-222.

22. Gbetibouo and Delgado, *op. cit.*, p. 115.

23. See de Wilde, *op. cit.*, Tables 7.1-A and 7.2. In addition, again in sharp contrast to Ghana and Tanzania, export crop prices have more or less kept pace with food prices. See Gbetibouo and Delgado, Table 9.

24. Ellis, "Agricultural Price Policy," p. 277; de Wilde, *op. cit.*, pp. 79, 87.

cond Rawlings regime, culminating in the razing of Accra market and the effective destruction of a fairly effective food distribution system, which simply was not — and could not be — replaced by the state. As a result, Ghana in recent years has experienced unprecedented malnutrition and even death by starvation.

To repeat, markets are not especially good at getting basic goods to the poor. They may, however, be better than the actually available alternatives. While human rights to the satisfaction of basic needs establish a moral obligation for state economic intervention, this *prima facie* moral obligation becomes a practical political requirement for action only if intervention will, *all things considered*, better satisfy human needs. Experience sadly suggests that this is not nearly as often as we would like.

It is hard — both difficult and mean — to leave the poorest to the not so tender mercies of the market. But it is inexcusable arrogance — often literally deadly arrogance — to intervene in the absence of adequate economic and administrative resources. The very real problems with markets must be compared not to state intervention as an abstract ideal, but to the no less real problems of state economic management and mismanagement.

We thus return to the problem of balancing competing needs-based demands on the state. The available models, however, seem to be of questionable relevance or ambiguous import. For example, the East Asian model of export-led, labor-intensive industrialization, coupled with egalitarian rural development, seems of questionable applicability, because of the absence of cheap, disciplined, skilled and semi-skilled labor in most of Africa, special regional factors in the Northeast Asian political economy, and what seem to be inherent limits on the number of countries able to pursue such a path at one time, even in the absence of rising Northern protectionism.²⁵ Sri Lanka in the sixties provides another model, based on the intensive delivery of social services aimed at the immediate satisfaction of basic needs. But while dramatic, and probably replicable, medium run gains were achieved, it also seems clear that such progress cannot be sustained without growth, which does seem to have been sacrificed to the immediate delivery of social services.²⁶ And while China was once thought to provide a harsh yet attractive model, recent revelations of major failures, more recent moves towards greater private initiative, and the obviously special situation of China, all suggest the severe limits of such a strategy.

In other words, the task, in very broad terms, is clear. The proper means, however, remain obscure: the problem seems as complex as it is compelling. Therefore, one cannot be very optimistic. But what does seem clear is that political choices must be made. If that is true, then the future of basic

25. See Jack Donnelly, "Human Rights and Development: Complementary or Competing Concerns?" *World Politics* 36 (January 1984), 255-283; Richard A. Higgott, "Africa, the New International Division of Labor, and the Corporate State," Paper presented at the 24th Annual Convention of the International Studies Association, April 1983; William R. Cline, "Can the East Asian Model of Development Be Generalized?" in Charles K. Wilber (ed.), *The Political Economy of Development and Underdevelopment* (Third Edition), New York: Random House, 1984; Bruce Cummings, "The Origins and Development of the Northeast Asian Political Economy," *International Organization* 38 (Winter 1984), 1-40.

26. See, for example, Paul Isenman, "Basic Needs: The Case of Sri Lanka," *World Development* 8 (March 1980), 237-258.

needs in Africa (and elsewhere, for that matter) rests largely on questions of power, both economic and political, which in turn are intimately tied to questions of human rights, both economic and social and civil and political.

Human Rights, Power and Basic Needs

So far, our discussion has been primarily economic, largely abstracted from no less relevant political factors such as the determinants of corruption (perhaps the most pervasive management problem in Africa), the prices paid by marketing boards, or access to land and social services. Such factors, however, are at least as important to the satisfaction of even basic economic needs as are narrowly economic matters. They are, however, concerned primarily with civil and political, not economic and social, human rights.

For example, rights to vote and to freedoms of speech, press and association can substantially reduce corruption or redirect public spending. Civil and political rights often have a major impact on the realization of economic and social rights, and thus are no less relevant to the actual satisfaction of basic needs than the rights to food or health care themselves. The satisfaction of basic needs, considered from a human rights perspective, is by no means just a matter of economic and social rights; we must also consider the relationship between basic needs, political power, and civil and political rights.

Africans, and others as well, frequently argue that economic and social rights deserve priority because they somehow address more important or more basic aspects of human life and dignity. Without entering into sociological or philosophical discussion of the determinants of human dignity,²⁷ it is clear that this "full belly thesis" is rejected by authoritative international standards, current international doctrine, and philosophical reflection, which all hold that all classes of human rights are interactive and interdependent.²⁸

One aspect of this interdependence is conceptual and can be summarized in a matched pair of one-sided ideological slogans: a well-fed slave is still a slave; a starving voter is still starving. Human beings are not entirely economic creatures; the denial of basic civil and political rights is an affront to human dignity, a denial of the basic humanity of the person — no

27. For one such effort, see Rhoda Howard and Jack Donnelly, "Human Rights, Human Dignity and Political Regimes: Liberal and Illiberal Societies and the Standard of Human Rights," paper presented at the 26th Annual Convention of the International Studies Association, Washington, D.C., March 1985.

28. Rhoda Howard, "The Full-Belly Thesis: Should Economic Rights Take Priority over Civil and Political Rights?" *Human Rights Quarterly* 5 (November 1983), 467-490; Donnelly, "Human Rights and Development," pp. 279-83; Donnelly, *Concept of Human Rights*, Chapter 6.

matter how well fed, clothed, housed and attended to he or she may be. Denial of food, shelter, health care, work and education, however, is no less a denial of basic human dignity. Alone each set of rights has considerable intrinsic value, but it is only together that they can realize the underlying moral vision of human possibilities that gives them life and meaning. While it is better to be fed or free than not, a truly human life requires the enjoyment of both civil and political and economic and social rights, which reinforce and profoundly enrich one another.

For our purposes here, however, the *practical* interdependence of human rights is of more immediate interest. Quite obviously, economic and social rights make civil and political rights more valuable; the standard example, no less true for being hackneyed, is the difficulty a starving man is likely to face in appreciating his right to vote. The dependence of economic and social rights on civil and political rights is somewhat less obvious, but no less real or important.

Consider just a few of the many positive linkages between civil and political rights and the effective implementation of rights to the satisfaction of basic needs. To the extent that poverty is caused by distributional inequities, civil and political rights may empower the poor to alter the distribution of goods and services. Civil and political rights may also actually increase the economic efficiency of state intervention by providing a source of first hand information to policy makers from those whose needs are affected. Political participation may be crucial to creating the discipline and willingness to sacrifice in the short run needed for rapid economic growth and development. Satisfaction of "needs" for power, efficacy and a sense of personal dignity also may be important to dedication in the pursuit of development goals.

Even more important than such particular direct links, though, is the general power civil and political rights provide to their holders. Economic and social rights in general, and rights to the satisfaction of basic needs in particular, are, as was stressed above, concerned with the distribution of basic goods and services. The way in which goods and services are distributed in a society, however, is largely a matter of power. And the distribution of power is in considerable measure a matter of the extent to which civil and political rights are implemented, respected and enforced. This is particularly true in the case of basic needs.

Those in the government have direct access to the instruments of state power. Those with private economic power have the resources to satisfy their needs directly, and are likely to have considerable political power as well. But those whose basic needs are not being satisfied, or who have their needs only precariously satisfied — that is the bulk of the population in Africa — lack such obvious and direct power. They need some sort of countervailing power to assure that state power, and private economic power as well, are used for their benefit. Without such power, the masses are likely to find

that their needs will be ignored, and rather than being the beneficiaries of public and private power, they will become its victims.

Where can such countervailing power come from? Organized force or violence is one possibility, but in Africa and elsewhere experience suggests that force alone is most likely to produce merely a change of personnel, not structural change in policy or behavior. Ideology may present at least a functional equivalent for such power — even absolute rulers may pursue the needs of the masses if inspired to do so by religion, morality or ideology — but much like revolutionary violence, ideology alone rarely produces lasting structural change, as the pervasive abuse of socialist rhetoric throughout Africa clearly indicates.

Civil and political rights would seem to be the one secure source of countervailing power for the masses. While economic and social rights provide only goods and services, civil and political rights provide *power*. Rights to vote, to freedoms of speech, press and assembly, to due process, equal protection and the presumption of innocence, and a host of other civil and political rights, if respected, are political power in the hand of their possessors.

We are all quite familiar with the potential for abuse of such rights — abuses to which tyrants all too quickly and gleefully point. We are also well aware that rights may atrophy, and even fail in particular instances. But these shortcomings should not obscure the central point: civil and political rights empower those whose needs are unmet or at risk; they empower the poor to seek a change in the distribution of societal resources. And the poor need power to realize even their economic and social rights in most circumstances; when the enjoyment of economic and social rights are denied, civil and political rights may provide the power to redress the situation. In fact, precisely when economic and social rights are being denied, civil and political rights may have their greatest practical significance.

This certainly has been the Western experience: civil and political rights have been used to achieve the legal recognition and implementation of economic and social rights. In contrast, countries that have granted their citizens only economic and social rights have, at least thus far, failed to make the transition to civil and political rights, largely, it would seem, because economic and social rights do not provide the same political power that civil and political rights do.

We must be careful, however, to avoid a one-sided overemphasis on such rights. Civil rights are rights held principally against the state, providing protection primarily against state violations of the person. Therefore, they are of limited direct value in the struggle for the satisfaction of basic needs, although they may be useful in rallying political support (through the right

to freedom of speech, for example), and they do substantially reduce the personal risks of political action. Political rights are of somewhat more direct value, since they provide positive access to state power and resources. But even political rights allow only an indirect attack on poverty and deprivation; they permit the poor and their allies to try to redirect public policy, but there is no clear or automatic connection between the exercise of political rights and the enjoyment of economic and social rights to the satisfaction of basic needs.

What is really required is *economic empowerment* similar to the political empowerment provided by civil and political rights. Just as civil and political rights provide their possessors with protection against the state and resources to pursue political objectives, the poor need basic economic protections and resources. At the risk of gross oversimplification, let me suggest that land, jobs and education are the essential elements of economic empowerment in Africa.

Land is essential to the autonomous satisfaction of basic needs in rural Africa. Access to adequate land assures at least survival. If each small landholder has the option to produce both for family consumption and for the market, the potential exists as well to satisfy a broad range of needs simply from working the land. And if the land retains at least such minimum economic attractions, there may even be a chance of reducing the numbers of the most vulnerable migrants to the city, thereby removing a serious drain on urban social services.

Notice, though, that not just any sort of rural development policy will meet this need. What is required is rural development directly aimed at securing the position of small landholders, through such devices as limiting the free market in small landholdings, providing agricultural extension services and low cost fertilizer, supporting rural cooperatives or other nonexploitive marketing schemes, protecting rural terms of trade, and assuring adequate transportation to and from the market. Other agricultural development policies may also be required, such as plantation cropping for exports, but these should be clearly distinguished from needs-based rural development, which must focus on the needs of the small landholder and try to assure the landless adequate access to land.

Jobs are the urban counterpart to land. A secure, decent job — honest and remunerative, if hard, labor — will assure at least subsistence to a worker and his or her family, and is likely to provide a foundation as well for hope for further economic progress, if not necessarily for oneself, then for one's children. Education, the third central element for long run self-sufficient needs satisfaction, is a particularly valuable and varied resource, which, beyond its intrinsic value, opens up a new world of information (and thus often services) and provides access to new advances and the most dynamic sectors of the economy.

This is not to deny the importance of rights to food, medical care, sanitation, social insurance and the like. Such rights are of obvious value; they provide nothing less than the material for satisfying basic needs. But they provide *only* the material for the immediate satisfaction of needs, and thus are essentially static. They satisfy current needs, but they do not provide the resources or power for further progress; they prevent current damage, but do little to foster future growth. Furthermore, they do not instill a sense of worth or efficacy; even the most miserable job or plot of land, if it feeds the worker and his or her family, reaffirms personal worth as an active, productive, responsible being. Even in the realm of social and economic rights, man does not live by bread alone; one needs, in addition, power and a sense of worth, achievement and dignity.

Since we are talking about power, we should not underestimate the difficulty of providing land and, jobs and education, as well as goods and services, to satisfy the immediate needs of the deprived. While most of Africa does not face the land shortage that plagues Asia, assuring access to land for all rural dwellers is a monumental political task, and one that is likely to be opposed by a variety of powerful rural and urban interests. Providing secure decent jobs is beyond the capacities of all African economies — and most Western economies for that matter. And even basic literacy, let alone genuinely empowering education, is a long way off in much of the continent. Nonetheless, land, jobs and education provide relatively clear and concrete, fairly precise, and relatively easily measured policy goals that we can at least hope to make slow but substantial progress towards.

Yet we must not overlook still another planning dilemma. Food, sanitation, and other social services ministering to current needs are urgently demanded, but draw resources away not simply from general economic growth and development, but also from empowering investments aimed at increasing the production and security of small farmers, providing decent employment to urban workers, and educating a new generation. Again we are faced with the problem of weighing immediate consumption against investment for the future, even when we talk directly about targeted, need-oriented policies.

We must also note that in some countries, for example those of the Sahel-Sudan region, current deprivation is so extreme that there is not much choice but to emphasize current consumption, whatever the long term costs. But this must be recognized as a stopgap strategy only. Furthermore, we must recognize that some of the more prosperous African states are ready to begin to move beyond the focus on simply alleviating suffering to economic empowerment of the masses.

But this is likely to occur only in conjunction with the political empowerment of civil and political rights. And it is only in the interaction and mutual reinforcement of political and economic empowerment that the true objectives of human rights, development and the satisfaction of basic needs can be fully achieved.

How likely is such a social and political transformation? I can see little or no reason for optimism. What is required is nothing short of a fundamental change in the nature of most African states, from authoritarian instruments of elite and personal privilege and accumulation,²⁹ to democratic institutions actively fostering equitable economic and human development. Neither the economic nor political climate seems especially conducive to such change.

Once more, then, the goal is clear, as are the means, in very general, abstract terms. The practical path, however, remains a rough one, and one which must be discovered and forged by political action and struggle. Human rights are both an end and a means in this struggle, but we cannot underestimate the political obstacles that will be raised by those who hold political and economic power and use the state, not to pursue social purposes and human rights, but to protect or acquire personal, group and class interests and privileges. In the short and medium run, these obstacles, and the forces behind them, seem likely to predominate. We cannot, however, forget the ideal of human rights, or the importance of political action to realize this ideal.

29. This is not the place for a discussion of the nature of African states, but for three recent accounts along these lines, dealing with three different countries, see Price, *op. cit.*, pp. 180-190; Sayre P. Schatz, "Pirate Capitalism and the Inert Economy of Nigeria," *Journal of Modern African Studies* 22 (March 1984): 45-48; M. Catharine Newbury, "Dead and Buried or Just Underground? The Privatization of the State in Zaïre," *Canadian Journal of African Studies* 18 (1984): 112-114. For a similar assessment, with special reference to land and rural resources, see Sara S. Berry, "The Food Crisis and Agrarian Change in Modern Africa: A Review Essay," *African Studies Review* 27 (June 1984): 59-112, pp. 90-97.

Socialist States and Human Rights

Measurement in Africa

James R. Scarritt

Does the presence of socialist states in Africa require the use of separate criteria for the measurement of human rights protection and enhancement in those states or in the whole continent? This article discusses this question by examining the issues involved in the debate between universalist and relativist conceptions of human rights. But this general question also presupposes answers to several others. Which African states are in fact socialist? Are separate criteria thought to be required for the measurement of human rights in these states because they are socialist, because they are African, or for both of these reasons? What are the appropriate criteria for the measurement of human rights protection and enhancement anywhere, completely apart from the special criteria which may be appropriate for their measurement in African or socialist states? Is it feasible to collect the data necessary to operationalize, even in a rough way, the concepts involved in whatever criteria are deemed appropriate?

Although these questions are closely interconnected as components of my overall topic, providing even brief and partially satisfactory answers to all of them will require the exploration of several extremely diverse intellectual paths. An attempt will be made to present and justify the connections between these paths clearly. The approach will be empirical, but one which recognizes that the choice and definition of concepts affect the operationalization of these concepts and the collection, sorting, and combination of relevant data in crucial ways.¹ The "best" definitions of human rights and related concepts are sought in terms of their fruitfulness in examining empirical relationships, and especially in addressing specific questions relationships. For the latter reason, that literature is the source of the definitions employed. Human rights phenomena are defined in such a way that changes in them along various dimensions can be specified and measured.

Defining and Prioritizing Human Rights

The concept of human rights will be more useful in addressing questions raised in the literature on human rights and on Africa if it is defined,

1. These are listed as steps in the measurement process in John F. McCamant, "Social Science and Human Rights," *International Organization* 35 (Summer 1981): 545.

James R. Scarritt is Professor of Political Science at the University of Colorado at Boulder.

following the conventions of the former literature, in a way which distinguishes it from related concepts such as human dignity. Accordingly human rights are defined as the rights one possesses by virtue of being human; they are by definition universal.² Cultural relativists, in assuming otherwise, are denying the long accepted uniqueness of the concept.³ Although the human rights concept originated in Western culture, and during a specific period in the development of that culture, and thus was initially justified in terms of the dominant norms of that culture at that time, these facts do not undermine the universal applicability of the concept in the contemporary world. Both the specification of and the justification for universal human rights have changed substantially in recent years in response to various aspects of social, cultural, economic, and political change in various parts of the world, and this process of change in the conception of universal human rights is certain to continue into the foreseeable future. With regard to the specification of rights, the trend has been overwhelmingly toward increasing the scope of rights to take into account new ideas about what is entailed in being human. No rights have been eliminated in this process, and rights have been restricted only when they were seen to interfere with other rights.

If the nature of the human rights approach is as I have defined it, relativist scholars and activists would argue that African and socialist states should reject it as empirically irrelevant and normatively biased because they have established priorities such as rapid development and international economic equality which are different from and frequently in conflict with some of the human rights included in the universal package, in the evolution of which they have participated only recently. It is argued here, to the contrary, that universal human rights provide an excellent ideal standard against which all states can be compared. While there are tradeoffs between the maximum protection or enhancement of some human rights and the attainment of other

goals — including the maximum protection or enhancement of other human rights — both the number and extent of such tradeoffs are far smaller than many analysts and rulers of states allege them to be. Utilization of the universal human rights standard for all states calls attention to the potential strategies which exist for minimizing these tradeoffs. The state is more fragile in Africa than in most other areas of the world, and thus the tradeoff between political participation rights and rapid economic development is probably greatest on that continent. Yet the evidence that such a tradeoff exists in African countries is scanty, and is substantially less convincing than evidence for the contrary thesis that enhancement of participation rights is necessary for economic development, especially equitarian development.⁴ Participation facilitates development both directly and through its positive effects on political stability. If tradeoffs can be minimized, Jack Donnelly is correct in stating that for the realization of "... most of the goals of the developing countries, as defined by these countries themselves, human rights are as effective or more effective than either traditional approaches or modern non-human rights strategies."⁵

All humans are fully entitled to their human rights, but the actual protection and enhancement of human rights are variables, and the degree to which they are present in different situations needs to be measured; the conflation of the existence of rights with their degree of protection and/or enhancement frequently serves as a basis for the justification of relativism.⁶ A number of rights are usually viewed as rights to only minimum levels of a certain value; one may acquire more of this value, but does not have a right to do so. It is physically impossible for any African state to fully protect or enhance all human rights at this time, or even to approximate this high standard. Socialist and capitalist states can be expected to have different ideas about which rights should be given top priority, and thus about which specific necessary tradeoffs among rights are acceptable. They can also be expected to utilize different techniques — emphasizing either collectivist or individualist methods — for implementing their human rights priorities. Although rights can always be reduced to entitlements of individuals, many, including those emphasized by socialists, are usually exercised in the context of membership in one or more groups. These differences

2. The analysis presented in the next few paragraphs relies heavily on the work of Jack Donnelly and Rhoda Howard. See Donnelly, "Human Rights as Natural Rights," *Human Rights Quarterly* 4 (Summer 1982): 391-405; Donnelly, "Human Rights and Human Dignity: An Analytic Critique of Non-western Conceptions of Human Rights," *American Political Science Review* 76 (June 1982): 303-16; Donnelly, "Human Rights and Development: Complementary or Competing Concerns?" *World Politics* 36 (January 1984): 255-83; Donnelly, "The 'Right to Development': How Not to Link Human Rights and Development," in Claude E. Welch Jr. and Ronald I. Meltzer, eds., *The Dilemma of Human Rights in Sub-Saharan Africa* (Albany: State University of New York Press, 1984), pp. 261-83; Howard, "Human Rights and Development in Africa (Albany: International Journal 35 (Autumn 1983): 724-47; Howard, "The Full-Belly Thesis: Should Economic Rights Take Priority Over Civil and Political Rights? Evidence from Sub-Saharan Africa," *Human Rights Quarterly* 5 (November 1983): 467-90; Howard, "Evaluating Human Rights in Africa: Some Problems of Implicit Comparisons," *Human Rights Quarterly* 6 (May 1984): 160-179; and Howard, "Human Rights and Elite Rule in Commonwealth Africa" (mimeo, 1984, forthcoming as *Human Rights and Class Rule in Commonwealth Africa*, published by Rowman and Allenhead).

3. The relativist position on human rights is forcefully articulated in Adamantia Pollis, "Liberal, Socialist, and Third World Perspectives of Human Rights," in Peter Schwab and Adamantia Pollis, eds., *Toward a Human Rights Framework* (New York: Praeger, 1982), p. 126; Adamantia Pollis and Peter Schwab, "Human Rights: a Western Construct with Limited Applicability," in Pollis and Schwab, eds., *Human Rights: Cultural and Ideological Perspectives* (New York: Praeger, 1979), pp. 1-18; and Nicholas P. Pollis, "Conformity, Compliance, and Human Rights," *Human Rights Quarterly* 3 (February 1981): 93-105.

4. Howard, "The Full-Belly Thesis," pp. 470-82, suggests that participation supports development directly and through the intervening variable of preservation of social order. See also Conway W. Henderson, "Underdevelopment and Political Rights: a Revisionist Challenge," *Government and Opposition* 12 (Summer 1977): 276-92; and Fouad Ajami, "Human Rights and World Order Politics," in Richard Falk, Samual S. Kim, and Saul H. Mendlovitz, eds., *Toward a Just World Order* (Boulder, CO: Westview Press, 1982), pp. 374, 392-94.

5. Donnelly, "Human Rights and Human Dignity," p. 314.

6. Donnelly, "Human Rights as Natural Rights," p. 393.

in priorities, techniques, and loci should be accepted as legitimate. They do not require the employment of different criteria for the measurement of human rights protection and enhancement, however, although they will result in some countries rating more highly on some criteria and other countries rating more highly on other criteria.

One aspect of priorities among rights, however, is primarily empirical. Henry Shue points out that certain rights are basic in the sense that the "... enjoyment of them is essential to the enjoyment of all other rights." They are, in other words, aspects of all other rights. It is thus self-defeating to sacrifice the protection and enhancement of these rights in an attempt to secure other rights, and basic rights must receive temporal priority. Only in this instrumental (or even tautological) sense, however, do basic rights have priority. Shue argues persuasively that security, subsistence, participation, and physical movement are basic rights.⁷ Since these basic rights include both economic and political rights, acceptance of Shue's argument greatly strengthens the case that these two types of rights are mutually reinforcing. Basic rights will be given special priority in the framework for measuring human rights protection and enhancement that is described below.

Socialism and Human Rights

Socialism in Africa should be distinguished from precolonial communitarian traditions. The latter unquestionably continue to exert an influence on the lives of most Africans, and especially on the interpersonal relationships of those living in rural areas, and they are intermixed with socialism in the ideologies and some of the policies of many African states. Nevertheless, the circumstances to which these traditions apply are rapidly disappearing.⁸ Socialism — like human rights protection and enhancement — is a variable which is present in different degrees in various African states. There is a socialist impulse in a number of countries, but it is always counteracted by a number of other forces, both internal and external. This impulse is probably strongest in Ethiopia, Angola, and Mozambique, but is present in varying degrees in approximately twenty other sub-Saharan states including Benin, Burkina Faso, Congo, Ghana, Guinea, Guinea-Bissau, Madagascar, Senegal, Somalia, Tanzania, Uganda, Zambia, Zimbabwe and a number of smaller countries and borderline cases. There has been considerable debate about the degree to which the policies and procedures of

these states, in contrast to their formally articulated ideologies, are actually socialist. It has been suggested that even those African states in which the socialist impulse is strongest are populist rather than scientific socialist in practice, but it has also been suggested that some African states are clearly in transition to socialism while others which have adopted the socialist label are clearly not making this transition.⁹ As Claude Ake and others have pointed out, socialist ideologies are often used to cover up policies designed to promote class formation and the interests of the emerging dominant class in African societies; Laurie Wiseberg has explicitly noted that human rights tradeoffs demanded to facilitate the implementation of socialism may in fact serve the former ends instead.¹⁰ Yet the existence of such ideologies is also one valid indicator of at least a weak socialist impulse. Human rights relativists do not adequately address this mixture of socialist and anti-socialist elements which is present in so many African states. If rights were different in different cultures or social systems, their content could be expected to vary with the strength of the socialist impulse. The adoption of a universalist definition in this article makes it possible to measure human rights in all socialist states in Africa by a common standard.

In discussing the applicability of universal human rights to African states in which some degree of socialist impulse is present, it is relevant to introduce the fact that changes are occurring within Marxist socialist thinking which make it easier and more logical to incorporate universal human rights into this intellectual tradition. These changes are found in the writings of both sympathetic scholars on the nature of human rights in the Soviet Union and Western and Third World Marxists and neo-Marxists on the relationship among class, the state, development, and human rights. There has been much written about Marx's own position on human rights, and there is considerable disagreement on this question. Some commentators indicate that he was a strong believer in civil and political liberties, insisting only that they

7. Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (Princeton: Princeton University Press, 1980), pp. 18-34, 65-67. The quotation is from p. 19. Similar ideas are expressed in Ajami, "Human Rights and World Order Politics," pp. 392-95.

8. See Donnelly, "Human Rights and Human Dignity," pp. 307-8; Howard, "Evaluating Human Rights in Africa," pp. 173-77; and the sources which they cite and criticize. One source to the contrary which is too recent for them to cite is Lakshman Marasinghe, "Traditional Conceptions of Human Rights in Africa," in Welch and Meltzer, *Human Rights and Development in Africa*, pp. 32-45.

9. For the former position see Kenneth Jowitt, "Scientific Socialist Regimes in Africa: Political Differentiation, Avoidance, and Unawareness," in Carl G. Rosberg and Thomas M. Callaghy, eds., *Socialism in Sub-Saharan Africa: A New Assessment* (Berkeley: Institute of International Studies, University of California, 1979), pp. 133-73; for the latter position see James H. Mittelman, *Underdevelopment and the Transition to Socialism: Mozambique and Tanzania* (New York: Academic Press, 1981). Degrees and types of socialist impulse in Africa are also discussed in David and Marina Ottaway, *Afrocommunism* (New York: Africana Publishing Company, 1981); and Crawford Young, *Ideology and Development in Africa* (New Haven: Yale University Press, 1982). I hope to develop a valid and reliable scale of change toward socialism in the near future, using the methods described below. In the meantime, I can only indicate that the impulse is weaker in both African Socialist regimes and Marxist-Leninist regimes created by mere military proclamation than it is in the three regimes mentioned in this text as having the strongest impulse.

10. Claude Ake, "The Congruence of Political Economies and Ideologies in Africa," in Peter W. Gokhale and Immanuel Wallerstein, eds., *The Political Economy of Contemporary Africa* (Beverly Hills: Sage Publications, 1976), pp. 198-211; Laurie S. Wiseberg, "Human Rights in Africa: Toward the Definition of a Double Standard," *Issue 6* (Winter 1976): 8.

were of limited value in capitalist society.¹¹ This is certainly the position taken by supportive commentators on current Soviet human rights ideology and law, who refer approvingly to individuals as the holders of civil and political as well as economic and social rights, but indicate that these individual right holders "... can be correctly understood only on the basis of analysis of the totality of ... relationships within which they live and function."¹² The fact that Soviet practice often does not protect or enhance civil and political rights detracts from the significance given to these rights in law and ideology, but does not eliminate this significance.

Western and Third World Marxists and neo-Marxists have recently become much more interested in the state as an agent which is "relatively autonomous" from economic relations and can either inhibit or promote change. Martin Carnoy, who has written an excellent analysis of this trend, states:

... politics in recent Marxist thought has itself taken on a primacy that it did not have in the past. ... This increasing primacy of politics produces a second theme: Marxist theorizing on the state has moved increasingly toward the position that the political struggle for the transition to socialism must be essentially democratic, in the sense of combining an expansion of parliamentary and electoral struggles with social movements, worker control, and other forms of direct democracy.¹³

A number of writers who have contributed to this theme, such as Antonio Gramsci, Bob Jessop, Ralph Miliband, Nicos Poulantzas, Adam Przeworski, and Erik Olin Wright have focused on Western advanced capitalist societies, but others such as David Becker, Guillermo O'Donnell, and Ian Roxborough have focused on Latin America.¹⁴ Among Africanists, Richard

Sklar asserts that "... class relations, at bottom, are determined by relations of power, not production," and he places substantial emphasis on democracy.¹⁵ This widespread emphasis on political democracy clearly implies a commitment to universal civil and political rights.

Other Western and Third World Marxist and neo-Marxist writers have gone beyond this implicit acceptance of civil and political rights, and have explicitly incorporated the concept of universal human rights into socialist or Marxist thought. Tom Campbell finds this concept compatible with and even crucial for what he calls reformist socialism. He supports the point made earlier in this paper that socialist rights and liberal rights involve different measurement criteria.¹⁶ Shingo Shibata finds many similarities between the American Declaration of Independence, based on classical human rights doctrine, and a Marxist conception of rights.¹⁷

At the same time, non-Marxist conceptions of human rights are changing in response to the spread of socialist, and especially Marxist, ideas. The most significant of these changes is the redefinition and restriction of property rights to take into account the Marxist claim that the private ownership of productive property excludes others from access to the necessary means of effectuating other rights.¹⁸ When the changes in both schools of thought are added up, it becomes clear that a wide variety of universal human rights are gaining more universal support.

A Relationist Study Critiqued

Now that the questions posed at the beginning of this paper about concept selection and definition in the measurement of human rights protection and enhancement in Africa have all been answered at least briefly, it will be useful to examine a study which is based on a relativist rather than a universalist position, and to compare the utility of its conceptualization to that advocated here. I must admit that I have already rejected the normative stance of this study in print,¹⁹ but I will try to confine myself to its

11. See, for example, Edward S. Greenberg, "In Order to Save It, We Had to Destroy It: Reflections on the United States and International Human Rights," in Fred E. Baumann, ed., *Human Rights and American Foreign Policy* (Kenyon College: Public Affairs Conference Center Symposium Series, 1982), pp. 41-45; and Hal Draper, *Karl Marx's Theory of Revolution, Book I: State and Bureaucracy* (New York: Monthly Review Press, 1977).

12. A.G. Egorov, "Socialism and the Individual - Rights and Freedoms," *Soviet Studies in Philosophy* 18 (Fall 1979): 5. See also David Lane, "Human Rights and State Socialism," *Political Studies* 32 (September 1984): 349-68; and Franciszek Przetacznik, "The Socialist Concept of Protection of Human Rights," *Social Research* 38, 2 (1971): 357-61. Leszek Kolakowski, a highly critical commentator, dismisses the fact that "some of the phraseology of human rights" has been "assimilated into [Soviet] jargon" as "only a symptom of their ideological disarray," in "Marxism and Human Rights," *Daedalus* 112 (Fall 1983): 90. Albert Szymanski, *Human Rights in the Soviet Union* (London: Zed Books, 1984), a highly favorable evaluation, discusses political repression and tolerance extensively.

13. Martin Carnoy, *The State and Political Theory* (Princeton: Princeton University Press, 1984), p. 9.

14. Antonio Gramsci, *Selections from Prison Notebooks* (New York: International Publishers, 1971); Bob Jessop, *The Capitalist State: Marxist Theories and Methods* (New York: New York University Press, 1982); Ralph Miliband, *Marxism and Politics* (Oxford: Oxford University Press, 1977); Nicos Poulantzas, *State, Power, Socialism* (London: New Left Books, 1980); Poulantzas, *Classes in Contemporary Capitalism* (London: New Left Books, 1975); Adam Przeworski, "Proletariat into a Class: The Process of Class Formation from Karl Kautsky's The Class Struggle to Recent Controversies," *Politics and Society* 7, 4 (1977): 343-401; Erik Olin Wright, *Class, Crisis and the State* (London: Verso Editions, 1978); David G. Becker, *The New Bourgeoisie and the Limits of Dependency: Mining, Class, and Power in "Revolutionary" Peru* (Princeton: Princeton University Press, 1982); Guillermo O'Donnell, "Tensions in the Bureaucratic-Authoritarian State and the Question of Democracy," in David Collier, ed., *The New Authoritarianism in Latin America* (Princeton: Princeton University Press, 1979), pp. 285-318; and Ian Roxborough, *Theories of Underdevelopment* (Atlantic Highlands, NJ: Humanities Press, 1979). Other relevant literature is cited in Manojivwe Hamalunga, "The Political Economy of Human Rights: A Bibliographic Guide," *Journal of African Marxists* 7 (March 1985): 102-12.

15. Richard L. Sklar, "The Nature of Class Domination in Africa," *Journal of Modern African Studies* 17 (December 1979): 537; Sklar, "Democracy in Africa," *African Studies Review* 26 (September/December 1983): 11-24.

16. Tom Campbell, *The Left and Rights* (London: Routledge and Kegan Paul, 1983), esp. pp. 103-22. See also Colin Sumner, "Law and Civil Rights in Marxist Theory," *Kapitalistate* 9 (1981): 63-91.

17. Shingo Shibata, "Fundamental Human Rights and Problems of Freedom: Marxism and the Contemporary Significance of the U.S. Declaration of Independence," *Social Praxis* 3, 3-4 (1975): 157-85.

18. This point is discussed extensively in C.B. Macpherson, *Democratic Theory: Essays in Retrieval* (Oxford: Clarendon Press, 1973), pp. 120-40. Donnelly, "Human Rights as Natural Rights," p. 399, suggests that the right to work can be conceived as a natural right if one adopts an appropriate conception of human nature.

19. James R. Scarritt, "review of Schwab and Pollis, *Toward a Human Rights Framework*," *American Political Science Review* 78 (September 1984): 840-41.

conceptual utility here. Peter Schwab states that extensive regime violence in Ethiopia after the revolution was not a serious violation of human rights because it was carried out in defense of a genuine revolution which will eventually greatly enhance the human rights of the vast majority of Ethiopians.²⁰ He acknowledges that much of this violence was carried out against opponents of the regime who claimed to be even more revolutionary than it was, but he dismisses Eritrean and Somali leftists as counterrevolutionary by virtue of being ethnic secessionists, and the Ethiopian People's Revolutionary Party as a party composed of "foreign educated Leftists of the middle class" which "misjudged the moment, and in its own peculiar way placed itself in a counterrevolutionary role." He takes at face value the military regime's claims that it alone articulates the interests of oppressed peasants and seeks to "develop social democracy throughout Ethiopia."

For Schwab, these events should be assessed in terms of special human rights criteria applicable only to African or Third World revolutionary states, and not in terms of any supposed universal human rights. He is saying that there was an inevitable tradeoff of the rights of future Ethiopians. But he offers little evidence that the tradeoff was inevitable, or that it will have the expected payoffs. Instead, he writes of "Ethiopia's tendency to emphasize its economic and social context . . ."²¹ He has fallen into the trap of defending regime power in the name of defending socialism, a trap which he could have avoided by adopting the position of recent Marxist thinking on the role of the state, and attempting to weigh human rights costs against real human rights gains using a set of universally applicable criteria. It is one thing to say that revolutions have inevitable short-run costs in terms of human rights, but quite another to say that all such costs in a given revolution were inevitable and thus not really human rights violations.

Universal Human Rights Measurement Criteria

The various points made above lead to the conclusion that the appropriate criteria to be used for the measurement of human rights protection and enhancement in all states are the broad list of all the economic, social, cultural, civil, and political rights which have been proposed and advocated with sufficient vigor to gain international recognition by inclusion in any international declaration, charter, convention, or covenant, with the provision that highly similar or substantially overlapping rights will be combined in order to minimize duplication. This list of rights would include both

20. Peter Schwab, "The Responses of the Left to Violence and Human Rights 'Abuses' in the Ethiopian Revolution," in Schwab and Polla, *Toward a Human Rights Framework*, pp. 189-201. See also Schwab, "Human Rights in Ethiopia," *Journal of Modern African Studies* 14 (March 1976): 155-60, and Schwab, *Ethiopia: Politics, Economics, and Society* (Boulder, CO: Lynne Rienner Publishers, 1985), pp. 38-44, 94-95.

21. *Ibid.*, p. 94.

"negative" rights which require protection against the state and other organizations and "positive" rights which require enhancement by the state or other organizations (hence the conjoining of protection and enhancement into a dual human rights variable in this article), although this alleged dichotomy is really a continuum. The list would, to use Rhoda Howard's term, incorporate everyone's ideals,²² including those of popular groups outside governments, without assigning relative weights to them. Since all international human rights documents are based on political ideologies and have been drawn up through negotiations among states or popular movements, it is certainly possible that there are human rights which appear in none of them. The wide variety of ideologies and negotiating units involved in drawing up these documents, however, means that, taken together, they are acceptably comprehensive and the best available source of criteria.

The work of drawing up such a list would not have to start from scratch. A number of lists, not all of them claiming to be comprehensive, have been drawn up for various purposes by authors such as Richard Claude, Jorge Dominguez, Richard Falk, Stephen Marks, John McCamant, Shingo Shibata, and Robert Wigton.²³ Some of these authors aggregate large numbers of rights into a small number of theoretically determined categories, but this should be avoided in drawing up a list which will provide criteria for comparative measurement. Combining rights which are taught to be highly similar or substantially overlapping will probably be a difficult but manageable task. It will involve determining whether "third generation" human rights can be reduced to combinations of "first and second generation" rights or whether they represent new wholes which are greater than the sums of such parts. This, in turn, involves the question of whether peoples' rights can be reduced to the rights of the individuals of whom these peoples are comprised.²⁴ There is reason to believe that these questions can be answered in the affirmative, and thus that essential aspects of "third generation" rights can be measured at the same level of analysis as other rights. Given the need to maximize inclusiveness in the proposed list of rights, uncertain decisions about New York

22. Howard, "Evaluating Human Rights in Africa," p. 165. Richard Falk, *Human Rights and State Sovereignty* (New York: Holmes and Meier, 1981), pp. 138-39, discusses the ways in which this is not true if one uses only United Nations-approved documents as the basis of a list of rights.

23. Richard P. Claude, "Comparative Rights Research: Some Intersections Between Law and the Social Sciences," in Claude, ed., *Comparative Human Rights* (Baltimore: Johns Hopkins University Press, 1976), pp. 392-93; Jorge I. Dominguez et al., *Enhancing Global Human Rights* (New York: McGraw-Hill, 1979), pp. 25-45; Falk, *Human Rights and State Sovereignty*, pp. 146-52; Stephen Marks, "Development and Human Rights," *Bulletin of Peace Proposals* 8, 3 (1977): 242; John F. McCamant, "A Critique of Present Measures of 'Human Rights Development' and an Alternative," in Ved P. Nanda, James R. Scarritt, and George W. Shepherd, Jr., eds., *Global Human Rights: Public Policies, Comparative Measures, and NGO Strategies* (Boulder, CO: Westview Press, 1981), pp. 124-25; Shibata, "Fundamental Human Rights and Problems of Freedom," p. 178; Robert C. Wigton, "Concordance of Basic Human Rights Guaranteed in the Burger Charter and Other Major Human Rights Treaties," in Welch and Meltzer, *Human Rights and Development in Africa*, pp. 332-37.

24. These issues are discussed in Donnelly, "The Right to Development," and numerous other sources cited therein.

should be resolved in favor of keeping rights separate. Basic rights, as specified by Shue, and all of their major specific components will definitely be measured separately from other rights.

In making the case for the use of universal criteria for the measurement of human rights protection and enhancement, I have relegated differences over issues such as the levels of various values which constitute rights, priorities among rights other than the temporal and logical priority of basic rights, techniques for implementing rights, the loci in which various rights are most effectively enjoyed, and the degree to which specific rights are either positive or negative to the category of problems in operationalizing these criteria. Analysts' preferences with regard to these issues are likely to have a substantial effect on the way in which they measure rights. Previous studies which have failed to obtain valid and reliable operationalizations of human rights variables illustrate the magnitude of this problem. It has been particularly severe in attempts to measure a broad spectrum of rights such as the U.S. State Department's **Country Reports of Human Rights Practices** and the publications of Freedom House.²⁵ Relativism in the definition of rights does not solve this problem, but rather compounds it by introducing yet another type of value preference.

Proposed Techniques for Measurement

Additional problems in operationalizing rights are caused by the well known difficulties in collecting data on human rights violations, if not on human rights guarantees. When states are not proud of their records, they make information more difficult to obtain. Given all of these problems, it will be wise to initiate measurement in a small number of similar states with which the analyst is sufficiently familiar to be aware of contextual complexities, and to employ a multimethod approach combining aggregate and events data with the use of expert judges to validate these data and scale the degrees of human rights protection and enhancement involved in them. Different methods will capture somewhat different aspects of human rights protection and enhancement, but will also provide a degree of validation for one another.²⁶ A wide variety of relevant aggregate data are available, and an events data set can be created through the coding of multiple sources, including international human rights periodicals, regional news summaries, government documents, academic monographs, and, if journalistic traditions and censorship regulations are similar in the states under investigation, local newspapers. But these data are certain to be incomplete, at least somewhat

unreliable, and imperfectly matched with the variables that are being measured. Furthermore, as McCamant points out, counting events does not make much sense unless they are made comparable and scaled in relation to specific variables such as human rights protection and enhancement.²⁷ Thus it will be necessary to rely heavily on expert judges.

The use of expert judges in political science research has been criticized on several grounds, including the inadequacy of procedures for selecting judges, their possible lack of expertise, their unarticulated biases, their differing conceptions of the tasks they are asked to perform, their unwillingness to make the required judgments, and the low response rate achieved in some studies based on expert judgments. McCamant's criticisms are representative:

This survey-of-experts methods passes the problem of establishing criteria for measurement to the experts, but it is never clear on what bases the experts are answering. Are they really looking at only the defined phenomena? Do they all have the same notion of which human rights violations are high and thus receive a four and which are low and thus receive a one? Undoubtedly what is high or low depends on the reference: each expert is using, and since experts tend to be more knowledgeable of one geographic area or another, comparisons between areas, which would be evaluated by different experts, would be particularly subject to error. It is also unclear what information the experts have on which to base their assessments. Do they all have all the available information laid out in front of them, or are they swayed by recently read news accounts? Passing the buck to the expert resolves none of the methodological problems and creates new ones. Violation of human rights is not a matter of opinion; measurement should be based on criteria and evidence.²⁸

These problems can be minimized if considerable effort is devoted to designating a population of experts and drawing a sample from that population utilizing procedures which are designed to minimize lack of expertise and unwillingness to make the required judgments, and to maximize the response rates. Modified Delphi procedures can be used to minimize biases and increase agreement among judges.²⁹ Finally, validating other types of data and scaling the amount of change in human rights protection and enhancement involved in them, which judges are asked to do in the proposed research design, are much more specific tasks than scaling societies or polities on some attribute, which judges have been asked to do in most research designs. Judges should be given specific instructions for each of

27. McCamant, "A Critique of Present Measures of Human Rights Development and an Alternative," pp. 133-34.

28. Ibid., p. 129. See also Ted Gurr, *Polimetrics: An Introduction to Quantitative Macropolitics* (Englewood Cliffs, NJ: Prentice Hall, 1972), pp. 83-84; Gerald W. Hoppie and James A. Kuhlman, eds., *Expert-Generated Data: Applications in International Affairs* (Boulder, CO: Westview Press, 1981), pp. 19-27, 39-43; and Fred R. von der Mehden and Kim Qualle Hill, "Area Experts' Images of African Nations," *Comparative Political Studies* 12 (January 1980): 508.

29. See Norman C. Dalkey, *The Delphi Method: An Experimental Study of Group Opinion* (Santa Monica, CA: The Rand Corporation, RM-5888, 1969); Dalkey, with others, *Studies in the Quality of Life: Delphi and Decision-Making* (Lexington, MA: Lexington Books, D.C. Heath, 1972); Harold A. Linstone, ed., special issue on the Delphi method, *Technological Forecasting and Social Change* 7, 2 (1975): 111-222; and Linstone and Murray Turoff, eds., *The Delphi Method: Techniques and Applications* Reading, MA: Addison-Wesley, 1975).

25. Critical reviews of such studies are presented in McCamant, "A Critique of Present Measures of Human Rights Development and an Alternative," pp. 126-32, and in Harry M. Scoble and Laurie S. Wiseberg, "Problems of Comparative Research on Human Rights," in Nanda, Scarritt, and Shepherd, *Global Human Rights*, pp. 147-71. See also the contribution of James H. Mittelman in this issue of *Africa Today*. Mittelman relies on a relativist position to a greater extent than I believe is necessary.

26. Kim Qualle Hill, "Measurement Problems in Cross-National Analysis," *Quality and Quantity* 14 (May 1980): 403.

their tasks in order to further reduce problems of differing conceptions of the judgmental task.

Designating the population of expert judges for the proposed research design would involve the identification of authors of books and journal articles on the countries under investigation published in Africa, Europe, and North America; the use of lists of academic specialists and human rights activists prepared by professional organizations in these three areas; and the identification of journalists from these areas with three or more years experience reporting on the countries under investigation. Potential judges would be asked to identify their position on an ideological scale and to verify their expertise on specific countries.

A random sample of judges would be drawn, stratified in terms of countries of expertise, ideological orientation, country of origin and occupation. It would be a large sample to assure that sufficient members were included in each stratum. Judges would first be asked to assess the validity of the aggregate and events data, and data not reaching a predetermined level of validity would be eliminated from further use. Judges would then be asked to indicate their positions on priorities among rights and the other issues mentioned above on which there are disagreements among human rights analysts. Finally, they would be asked to scale the degree of protection and/or enhancement given to each right on the list, each category of rights, and overall human rights in each of the states on which they are experts. Ordinal scales would be used because they are the most exact level of measurement which judges can reasonably be expected to perform.³⁰ These results would be submitted to the entire panel once or twice, using Delphi techniques, to see whether consensus among judges could be increased. Judges' scales could then be analyzed to discover the relationship between their personal characteristics, their positions on priorities among rights and other issues, and their ranking of states.

Since the major function of expert judges in the proposed project would be to add contextual knowledge to the information contained in incomplete and partially unreliable aggregate and events data, differences among judges would be of as much interest as their average aggregate judgments, and difference in their judgments regarding specific rights and categories of rights would be as interesting as differences in their rankings of states on overall rights protection/enhancement. Differences in assessment of the validity of specific pieces of aggregate and events data and categories of such data (such as political, economic, social, and cultural) would also be of interest. All of these differences would reflect aspects of the contextual knowledge possessed by various judges. They would add to the complexity, but also to the realism, of the measurement process.

30. Hopple and Kuhlman, *Expert-Generated Data*, p. 46.

The Tributary State

and "Peoples' Rights" in Africa:

The Banjul Charter and Self-Reliance

George W. Shepherd, Jr.

Africa has emerged from the domination of the West to make significant contributions to the struggle for human freedom. Among these is the development of the concept of "peoples' rights," an historically evolved form of what is known in international law as group rights. It is the purpose of this article to explore the context out of which the need for emphasis on peoples' rights has emerged, the concrete formulation of these rights in the Banjul Charter and some of the ways Africans may seek to implement them.

Human rights are not static, carved in tablets of stone, revealed to one group of people or defined by them at some high point in their history. They arise in historical progression from the felt and expressed needs of humanity. While there is a central core of primary needs these find new formulations as groups, classes and people find ways of recognizing and laying claim to them. Therefore, human rights are comprised of the basic claims that individuals and groups have on the state and the world system for the protection and fulfillment of historically derived and socially defined primary needs.

There are different ways of defining human rights, as this issue demonstrates. The Western European tradition has primarily emphasized concepts of civil and political liberties. These have been enshrined and codified in constitutions, legal systems and covenants from the Magna Carta to the Universal Declaration of Human Rights of the United Nations. They are often referred to as first generation rights. Second generation rights are social and economic in character and received recognition in the right to employment and social security rights of the industrial revolution. They have become an important emphasis of socialist states. The Economic, Social and Cultural Rights Covenant of the United Nations is one of the more universally accepted formulations of these rights.

George W. Shepherd, Jr. is Professor of International Relations at the Graduate School of International Studies, University of Denver, and an editor of *Africa Today*.

The discovery of African and other Third World peoples' unfavorable position within the world system is the basis for the growing awareness of a third generation of rights. These people have taken their place in a world dominated by the rivalry of the two superpowers, and have felt the need to formulate specific statements of the rights threatened by this situation. These collective rights of the poor and the oppressed, whose entire existence is threatened by the power system, and who have been historically the victims of some of the most flagrant forms of injustice, have been termed "peoples' rights."

The "peoples" who are the focus of these rights are often transnational groups who are poor, deprived, endangered and repressed with a claim on the secure and the prosperous in the rest of the world system. Often their own governments refuse to recognize their claims or are incapable of enforcing these rights within the framework of the existing power structures. These groups of people can be seen to suffer under one or more types of injustice related to their identity as a group: poverty, racism, famine, war, repression, genocide. Individual rights are not important, but are effectively denied to all members of a group suffering under one of these forms of repression resulting from global inequality.

Thus the claim to recognition of the rights of the impoverished and segregated blacks in South Africa is not simply a claim against apartheid, as imposed by the government of South Africa, but also against the world political and economic system that supports such injustice. All racially oppressed people share this peoples' right against discrimination. The world order that could rectify such grievances obviously exists only partially at best. But even the recognition of these rights by the oppressed themselves is a major step toward universal justice.

Africans out of their experience with colonialism, continuing dependence and racial injustice have made this claim to peoples' rights. This is not only the growth of a political class consciousness but the emergence of a global solidarity of the oppressed, who have come to realize the need for collective transnational action. They lay claim to the common heritage of humankind, in the seas and space, to peace in the midst of superpower arms races and nuclear threats, and to racial justice under common human standards of international law.

Since the state is the primary means by which all rights are implemented today, the recognition of these peoples' rights by state and international covenants is the important next step. And, as many third world representatives have argued, a worldwide strategy has now to be devised, both regionally and globally, to rectify the growing violations.

It may be, as critics of peoples' rights have pointed out, that implementation of human rights is possible only under state law and therefore, only individual rights or traditional group rights will be recognized. There is no

world court that will accept these claims, but there are other ways in which their legitimacy can become accepted. Initially these peoples' rights will be recognized as legitimate by existing states and in international negotiations and agreements. As long as they are not accepted, revolutionary movements, historically an important crucible for human rights advance, will be the primary force for their introduction into the world system.

The Deterioration of Human Rights in Africa

Citizens of African nations expected their living standards to rise once the burden of colonialism was lifted, but instead most of the continent's peoples have experienced a decline in real income in the years since independence. The deterioration of human rights in relation to the right to a decent standard of living is described in a broad way by the 1984 report of the World Bank which points out that African per capita income in 1983 was 11% below that of 1980 and, in addition, the African continent now has 23 of the poorest countries in the world.¹ This decline has been going on for 20 years. Furthermore, the rise of the national debt of many African countries and the fall in their ability to repay (i.e., increasingly unfavorable terms of trade) are further alarming indicators.² Increases in social services, such as medical facilities and education do not offset this picture of decline for the majority. Even within the more successful economies, the internal gap between the poor and the privileged has grown in favor of the rich. Thus the underdevelopment pattern has become virtually total in Africa. As described recently by Rene Dumont:

As Africans aren't able to pay for their increasing purchase of cereals, they're forced into even greater dependence and reduced to begging. The megalomania of new elites is a contributing factor here; but so, too, indeed even more so, our development model.³

Dumont recognized the illness of African economies and warned about disaster to come which struck with the famine of 1984/85. Food shortages in many African economies have resulted from several causes, including drought. But the most critical is a policy failure of African governments caught in the network of an international marketing system that favored non-food production in order to build foreign currency reserves for durable goods and military weapons. As a result, food production has declined sharply, while population rose at the highest rate (3%) in the world.

1. Africa News reports on the World Bank 1984 study, *Towards Sustained Development in Sub-Saharan Africa - A Joint Program of Action*, October 8, 1984, Vol. XXIII, Nos. 13-14, p. 1.

2. The major African debtor nations are Algeria, Cameroon, Ivory Coast, Nigeria and Sudan, in terms of debt service ratios. See "The Big Third World Debtors," *South*, August 1984, No. 46, p. 19.

3. Rene Dumont and Marie-France Mottin, *Stranglehold on Africa*, (London: Andre Deutsch, 1983), p. 22. These authors provide a comprehensive overview of this growing gap.

Thus, underdevelopment policies at home and abroad led to a decline in food production, until recently aggravated by a severe cyclical drought. Environmental damage has reduced further Africa's food production capacity. Therefore, millions in 9 African countries (out of 12 world-wide) were listed by the Food and Agricultural Organization (FAO) as suffering life threatening conditions. The African countries on the list were Mali, Mozambique, Guinea, Ethiopia, Chad, Uganda, Tanzania, Togo and Angola.⁴

In this period other threats to human rights have arisen. Many governments have resorted to more repression in order to remain in power. Others have been overthrown by military factions inherently distrustful of democratic institutions, who in turn were faced with the same insoluble problems and consequent popular unrest as their predecessors. The sense of insecurity has been played upon by international arms merchants, often seeking advantageous alliances for one of the superpowers, resulting in disproportionate diversion of expenditure toward unproductive security systems and away from development.⁵ The result has been an increasing number of privileged military regimes, a sharp rise in the number of political killings and imprisonments in many nations.⁶

The most direct result of famine and conflict are the refugees from these conditions who have fled across the borders by the millions to escape the consequences of failed economic systems and repressive militarization. The mass exodus of these populations is noted in the rising amounts expended by UNHCR since 1975 to a level of between 4-5 million official UNHCR refugees in 1984.⁷

Roots of the Problem

There are many explanations of this weakness of the African state and its failure to provide improved human rights for its citizens but the one used here is a view of power relations as dominance and dependence in a bi-polar world system. African states are caught in the rivalry between two hegemonic tributary systems. The tributary status is derived as much from security and military interests of the superpowers as from the inequalities of the international capitalist system.⁸ Any significant prospect for human rights develop-

ment stems from the restructuring of African states toward self-reliance and new forms of interdependence that may come as a result of regionalism and new centers of power.

African states, in their new status of independence, have only nominal control over the major forces that shape their economies and determine their security. This does not mean they are without authority and that elites and ruling classes do not have power. They have enormous power over the lives of their own citizens in an increasingly military and repressive way; but their capacity to restructure their economies and to provide for their own security is dependent upon the centers of world power.

These centers of global power, organized by the U.S. and the Soviet Union, are not comparable but they have had one major characteristic in common since the end of the Second World War, the increasing militarization of their own societies and the use of that power to expand their systems in rivalry in the Third World.⁹ This has become both an arms race and an economic system competition in which the political fortunes of the rulers of these centers of power are closely related to their allies and tributary states. The question of whether this is primarily an economic rivalry or an arms race depends upon the circumstance. The reality is that in general it is both. The new states are caught in the vortex of increasingly centralized power that has as its major purpose the advancement of the interests of those who control it. And where the interests or the human rights of those in declining states are contrary to this military-economic complex of power, they are sacrificed to it. Maret Thee makes an important distinction between the militarism of the dominant great powers and the Third World:

Though the visibility of militaristic postures sometimes seems higher in the military regimes in the Third World, the real driving forces of contemporary militarism — the armaments plants and caterers, and the guardians of the global 'law and order' — are to be found in the apex of the world pyramid of power: the great powers, particularly the two super powers.¹⁰

The impact of this bi-polar world system on the conditions of life in weak states is the deterioration of their economies and the increased militarization of their political systems as a means of retaining them within the system of national security rivalry.¹¹ The economic decline is a result of the extraction in trade of raw materials in an unequal exchange well described by Samir Amin and René Dumont in which the peasants produce crops for export and luxury goods for the ruling tributary class are imported. New

4. "The Hungriest Twelve," *South*, December 1984, No. 50, p. 54. (ibid.)

5. Algeria, Libya, Zaire, Angola, Kenya, Somalia, Sudan, and Ethiopia are the principal recipients. See Joseph P. Smaldone, "Foreign Arms and African Armies," *ASA Annual Meeting*, mimeo 1983, Washington, D.C., U.S. Department of State, 1983.

6. *Country Reports on Human Rights Practices for 1984*, State Department, Feb. 1985. This publication has a category for political killing which includes "politically motivated killings committed or instigated by them," p. 2.

7. ICARA I gave the figure 5 million. The Deputy High Commissioner, W.R. Smyser said, in late 1983, that 3 million were being assisted. *Refugee Magazine*, UNHCR, Dec. 1983, p. 12.

8. See George W. Shepherd, Jr., "The Power System and Human Rights Development" in George W. Shepherd, Jr., Ved Narula, eds., *Human Rights and Third World Development* (Westport, CT & London: The Greenwood Press, 1985). This thesis will be more fully developed in George W. Shepherd, Jr., *Superpowers and Peace: The Trampled Grass from Afghanistan to Namibia*, forthcoming, 1986.

9. Fred Halliday, *The Making of the Second Cold War*, (Washington, D.C.: Institute of Policy Studies, 1983) uses this militarization of the Third World as a central theme. See pp. 1-10.

10. Maret Thee, "Militarism and Human Rights: Their Relationship," *Militarism and Human Rights*, Reports and Papers of a workshop, Glion, Switzerland, 10-14 Nov., 1981. Commission of the Churches on International Affairs. World Council of Churches, Geneva, 1982, p. 11.

11. *Ibid.*, p. 13.

Western technology is often counter-productive, resulting in high prices and lost markets. Heavy taxes on export commodities and the foreign exchange earned are used for the purchase of sophisticated military equipment. Public displays of military power have taken precedence over reducing the adverse balance of trade. A temporary respite is gained by new loans to cover the trade deficit and the public debt. The rise in the debts of African states is in direct proportion to their decline in the terms of trade. Western banking creditors then demand budgetary austerity and devaluation. The cost of this is passed on through devaluation of currency to the peasants and growing urban populations in the price of food and necessities. When people protest by rioting the heavily-armed and well-trained forces are called in to maintain order. As this cycle continues, the repression grows. The military and external creditors combine forces to assure that order is maintained and the hegemonic sphere of national interest is not threatened. Those who resist are imprisoned, tortured, forced into exile or armed struggle campaigns. And mass political killings have resulted.¹² The superpowers do not directly use force to occupy and restore order; but back either the government or some rival faction or even a sub-imperial surrogate to intervene.

The deterioration of the human rights condition of most African states is therefore directly derived from this world system in which the Third World is structured. There is some room for maneuver by their leadership; but the responsibility for change remains an international one, much as it was under colonialism. The tendency to blame the failures on the Third World or other rivals is strong in the First World and similarly the temptation to attribute all of their ills to the dominant powers is strong in Africa. The primary failure on all sides is the inability to explain this condition, and to support the growth of a new world system.

Peoples' Rights

This declining condition of human rights has led to a conscious response in terms of ideas and movements within the international system and in the African states themselves for a renewal of the freedom struggle. The anti-colonial struggle began with ideas very similar to the French and American independence revolutions. It turned into an attack on racial discrimination and economic exploitation and now has become a movement of *fraternité* among the Third World poverty-stricken states who are the victims of the world system.

Claude Welch, Jr. noted this sequence in the evolution of rights which led to the concept of "Third Generation" rights:

12. George W. Shepherd, Jr., "Demilitarization Proposals for the Indian Ocean," in Larry Bowman and Ian Clark, eds., *The Indian Ocean in Global Politics*, (Boulder: Westview, 1980), p. 232.

George W. Shepherd, Jr.

The first generation stressed civil and political rights, notably *liberty* against government intrusions on individuals. The second generation emphasized economic, social and cultural rights, by which *equality* rather than *liberty* was the watchword, and for which governments were to pursue collective achievement of betterment. Third generation rights by contrast involve *solidarity*, both among developing states as a group, and among all states in general. The right to development, along with rights to peace, to a healthy environment, and to sharing a common heritage, form part of this third generation of rights.¹³

Peoples' rights are a third generation, not in the sense that they have been recently discovered, as group rights have been a part of human rights law from the start. For example in the first generation of civil liberties, the right of majority rule has been basic. The majority rules as a group, while the minority opposes and the constitution protects this relationship. In practice the so-called majority is often a minority which controls the political process. Nevertheless, both the majority and the minority are groups with rights to rule and oppose. The self-determination revolution of the Third World has brought the rights of specially deprived groups of people, who live under rapidly deteriorating conditions to the forefront of world concern. Refugees, starving millions, and people threatened by genocide all have a group right to live and to achieve certain basic standards of existence. While each individual has rights, those are achieved only within the recognition in the world community of the group's right to existence. In this sense, these are peoples' basic rights, and have an undeniable claim, as Shue has suggested.¹⁴ These peoples' rights are not in conflict with individual political rights as individual freedom of speech and assembly is needed in the determination and advocacy of the strategy for the group to survive. Mass political killings are a denial of the right to speak and oppose a certain political trend or authoritarian movement. Thus peoples' rights arise from the necessity and historical progression toward democracy and social justice. A minority or a people as a whole within the global system who suffer inequality, poverty and discrimination originate the claim.

Only within a new historical conception of Man can rectification be achieved. This means, as Marx pointed out, we move beyond individual man to "species man" within the evolution of social man in history.¹⁵ And according to the Canadian philosopher Christian Bay, the individual then ends alienation by progress in history toward "The full blossoming of human *solidarity and brotherhood*."¹⁶

13. Claude E. Welch, Jr. and Robert I. Meltzer, eds., *Human Rights and Development in Africa* (Albany: SUNY Press, 1984), p. 26.

14. "Basic Rights are then everyone's minimal reasonable demands upon the rest of humanity." Henry Shue, *Basic Rights: Subsistence, Affluence and U.S. Foreign Policy*, (Princeton: Princeton University Press, 1980), p. 19.

15. Karl Marx, "On the Jewish Question," in Robert Tucker, *Marx-Engels Reader* (New York: Norton, 1972), p. 43.

16. Christian Bay, *Strategies of Political Emancipation*, (Notre Dame: University of Notre Dame Press, Loyola Lecture Series, 1981) p. 139.

Certain theories of the state have given rise to a special set of priorities. The liberal state of the 18th and 19th centuries, based on ideas of limited constitutional power, viewed rights as inherent in the individual and these were primarily the civil and political rights, the freedoms from state power, of the American constitutional Bill of Rights, including the right of property. The economic depressions and rise of working class demands stressed the role of the state as provider of collective rights of welfare and employment. This affected all industrial states and was especially emphasized in the Russian Revolution and its various successors.

These different liberal and socialist state views of rights are not mutually exclusive, yet they have often been the center of ideological conflicts of the Cold War between the two centers of power in the world system. Attempts to bridge these differences have been made in Covenants of the United Nations and through international law. However, despite some overlapping agreement, there are major differences which cannot be simply wished away. In the course of time, as these centers of power and dominance are fragmented and challenged by new power centers in the world, these views may find a broader consensus.

It is in this same sense of historical growth and evolution of "species man" that the claims of the third generation of peoples' rights of developing states should be seen. They began as a brotherhood of what Fanon called "The Wretched of the Earth" and have emerged as a coalition of the claims of the underclass in the world system who face increasing absolute poverty. The poor are the prime victims of the arms race and the tributary regimes it has created. This bond of brotherhood is the way to the future through solidarity in the struggle for liberation.

The Banjul Charter and Self-Reliance

African states have produced several responses to this condition of underdevelopment and repression. One of the most important of these is the OAU "African Charter of Peoples' and Human Rights," adopted by The Organization of African Unity at Nairobi in 1981 and drafted at Banjul. A simple majority under the agreement is required for ratification of what is frequently termed The Banjul Charter. Once approved, a Human Rights Commission is to be instituted to review petitions and violations.¹⁷ The uniqueness of this Charter is that it provides for the first time in a regional charter a mixture of all three generations of rights — liberty, equality, and fraternity. And, most importantly, there are explicit articles stating several third generation rights.

17. Richard Girelman, "The African Charter of Human and Peoples' Rights," *Virginia Journal of International Law*, Vol. 22, No. 4, Summer 1982, pp. 667-714.

The inter-relatedness of the generations is mentioned in the preamble: "It is henceforth essential to pay particular attention to the right to development and that civil and political rights cannot be dissociated from economic, cultural, and social rights in their conception as well as universality, and that the satisfaction of economic, social, and cultural rights is a guarantee for the enjoyment of civil and political rights."

A listing of rights does not resolve the conflicts between them or clearly establish priorities. Yet, what is significant here in the history of the evolving African conception of the state is that a clear set of peoples' rights are specified and that they address directly the issues regarding the basic needs of African states for the completion of their self-determination revolution within the world system. In answer to those who, both within Africa and without, have seen the failure of the constitutional legacy of colonialism and the repression of civil and political rights, as the major problem, the Banjul Charter has presented the argument that development and peace are integral to the realization of political freedom. Similarly, the founders of this Charter have maintained that political freedoms are essential to the achievement of peoples' rights.

Self-Reliance and the Implementation of Peoples' Rights

The achievement of peoples' rights among poor and vulnerable states will remain unattainable without a major strategy for their implementation. This has emerged as collective self-reliance perhaps best defined by President Nyerere, who speaks of the need to reject Western consumption standards and the financial and military institutions of control. "I believe the Third World must realize that these institutions, originally meant as institutions of cooperation among the developed countries, are now being used as instruments of control over the developing countries. . . we must maximize the degree of self-reliance and cooperation among us."¹⁸

This self-reliance strategy has been adopted by a number of African international conferences and understandings. Among the most notable are the Southern Africa Development Cooperation Council (SADCC) and The Lagos Plan of Action for Development, 1980. In the defense area, Tanzania, Mauritius, and the Seychelles have mutual security accords and several African states have diversified their sources of arms.

These are all tentative beginnings; but the application of self-reliance to the implementation of several articles of the OAU Banjul Charter demonstrates the prospects and the problems of these "peoples' human

18. Alif Gauhar's interview with Julius Nyerere: "Throwing off the Silken Chains," in *South*, August 1984, no. 46, p. 36.

rights" as developed by the African states.

The right to self-determination is clearly stated under Article 20 of the Human and Peoples' Rights Charter.¹⁹ However, independence for South African and Namibian majorities cannot be achieved without major attention to the economic dependence of their economic systems and their strategic penetration by the super powers and their surrogates.

Racial discrimination and cultural inequalities (Articles 2 and 19)²⁰ accompany this denial of self-determination. Western countries and especially the United States, give lip service to the idea of non-discrimination; but they indirectly support them through such policies as "Constructive Engagement" with the government of South Africa. Racial discrimination is not today so much a product of prejudice as it is the result of international interests in maintaining systems of exploitation or national security.

The main economic rights of peoples indicated in the Banjul Charter are the right to the control of resources (Article 21), and a right to economic, cultural, and social development (Article 22), and the right to a generally satisfactory environment (Article 24).²¹

The implications of this claim for the control of the wealth of a continent whose major role in the international economy has been the supply of resources to the world market are considerable. A self-reliance policy means that the control over the means of exploiting these resources must come primarily under African para-statal and producers' marketing cooperatives.²² A policy of Africanization such as that pursued under several African countries, e.g., Zaire and Kenya, is not control, since the major decisions remain in the hands of foreign-based corporations and banks.²³ Nor has public ownership proven to be the panacea its proponents anticipated. Various forms of mixed private and public control will need to be used and compared for results.²⁴ One of the new frontiers of resource control is found in the offshore seabed, under the Law of the Sea.²⁵ Implementation of the international regime of Article 11 of the Treaty of the Law of the Sea is one of the new ways in which control can be shared either regionally or internationally. The dilemma is to combine foreign capital and technical skill

19 "African Charter on Human and Peoples' Rights" in Karl Vasek, ed., *The International Dimensions of Human Rights*, (Westport, CT: Greenwood Press, 1982), p. 620.

20 *Ibid.*, pp. 617, 620.

21 *Ibid.*, p. 621.

22 Thomas Bierstaker, "Self Reliance in Theory and Practice in Tanzanian Trade Relations," *International Organization*, Vol. 34, No. 2, Spring 1980, pp. 229-265.

23 Ahmed Mohiddin, *African Socialism in Two Countries*, (Totowa, N.J.: Barnes and Noble Books, 1981), p. 33, and Stephen Langdon, *Multi-national Corporations in the Political Economy of Kenya*, (New York: St. Martin's Press, 1981), pp. 41-43.

24 Sach Ergas, "Why did the Ujamaa Policy Fail?" *Journal of Modern African Studies*, Vol. 18, No. 3, 1980, pp. 387-411.

25 Elisabeth Mann Borgese, "Law of the Sea: The Next Phase," *Third World Quarterly*, Vol. 4, No. 4, October 1982, pp. 698-718.

with the supply of African resources in a way that is both productive and responsible to African interests. It is not easily resolved; but numerous formulae have been suggested. Their results need to be examined from this self-reliance perspective, as Dr. Rweyemamu and his colleagues had begun to do.²⁶

Control over their own environment to minimize the adverse consequences of industrialization, is a self-reliant freedom of development (Article 24). The destruction of the environment by such methods as clear-cutting of tropical forests, or the unsafe mining of uranium deposits are indications of the damage that has been widespread.²⁷ Dumont reports widespread adverse effects to agricultural land through chemical fertilizers that have replaced organic processes. While some controls exist, the tributary elites whose position depends upon sharing in quick profits have not used government for restraints that protect health or future resources.²⁸

The right to development (Article 22) is meaningless unless it is keyed to a strategy of self-reliance which disengages; but is not autarchy. The attempt to achieve dependent development through intensifying export productions has, as advocated by the World Bank (Berg Plan) and now increasingly by U.S. AID policy, produced very little development, even for the better-off African economies such as the Ivory Coast and Kenya.²⁹ In the main, this policy has been one of the primary reasons for the serious decline in standards already noted. A self-reliant policy, as proposed by the Lagos Plan of Action (LPA), formulated in 1980 with virtually unanimous agreement among 50 states, emphasized redistribution as well as production for use and consumption at home, especially in agriculture.³⁰ The African economies need to disengage from their present unequal linkage in the world market and relink on more equitable grounds. Most will find selling processed goods and refined oil is to their advantage. Moreover, the LPA proposes redistribution in order to meet Basic Human Needs (BHN) as a first self-reliance priority. BHN provides a sound basis for assessing progress in many African societies, as detailed by Donnolly in this issue and has gained wide acceptance among African states and even in some World Bank and AID circles. BHN reflects various economic rights such as the right to adequate shelter, health, and work. They are a minimum floor for human decency. As specific minimums, they are very useful in assessing progress in development.

26 I.F. Rweyemamu, ed., *Industrialization and Income Distribution in Africa*, (Dakar: CODESTRIA, 1980).

27 Dumont and Mottin, *op. cit.*, pp. 20-21. Deforestation, Dumont argues, contributes to drought.

28 Lester R. Brown, "A False Sense of Security," *State of the World 1985* (World Watch Institute, 1985), p. 20.

29 Robert Browne and Robert Cumming, *The Lagos Plan of Action vs. The Berg Plan*, (Washington, D.C.: Howard University Press, 1983).

30 Organization of African Unity, *The Lagos Plan of Action for Development*, (Addis Ababa: OAU, 1980).

especially in African states, where nearly one-half of the countries have populations who fall below the UN absolute poverty line.

The self-reliance strategy calls for renewed attempts to integrate African economies through regional schemes such as preferential trading zones, tariff-free areas, joint financing of the African Development Bank, and the utilization of non-African aid. Robert Browne indicates that American economic assistance would be more equitable and successful if it built more fully on these principles of the Lagos Plan of Action.³¹

Not all proposals of the New International Economic Order are related to self-reliant development. But many of them, such as a projected world stabilization fund, for export crop prices and marketing of minerals reflect the underlying claim for greater equity by elimination of adverse terms of trade.

Human rights are universal and require the recognition of the powerful, as well as the disadvantaged and obviously there is little indication that these rights and complementary duties are about to be implemented by the centers of power. But as these centers fragment and new alliances of world power emerge, the collective rights of African states will find greater bargaining power.

The rights of refugees is another important aspect of building a floor of human decency under large groups of people affected by the deterioration of standards. The guarantee of protection against the threat to life of conflict and war (Article 12) reflects the growing recognition of this problem in Africa through attempts to establish peoples' rights for individuals and groups to seek asylum abroad.³² Moreover, it protects whole groups against the mass expulsion from countries where they have sought asylum which is simply prohibited, and establishes the commitment of African states to "non-refoulement."³³ African states have worked closely with the UNHCR and other international agencies for the protection and support of refugees. Since the sanctuary states bear the major burden of cost and disruption, this problem has become much greater than they can manage alone and if non-expulsion of large groups of people is to work, there will need to be much greater regional and international support as argued by Ved Nanda in this issue. International aid is not rejected under self-reliance strategies; but it is dissociated from super power politics and demands, so far as possible, and directed toward the protection of the rights of the victims of

31. Robert Browne, "Africa's Economic Future: Development or Disintegration?" *World Policy Journal*, Vol. 1, No. 4, Summer 1984, pp. 793-813.

32. K. Vasek, ed., op. cit., "The African Charter," p. 619.

33. The principle of non-refoulement was adopted by the Arusha Conference of 1979, under the UN and OAU auspices. Ved Nanda, "World Refugee Assistance: The Role of International Law and Institutions," *Hofstra Law Review*, Vol. 9 No. 2, Winter 1981. He stated: "A significant protection afforded under these instruments is that a refugee shall not be expelled or returned in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality or membership of a particular social group or political opinion." (p. 455). This is known as the principle of "non-refoulement." Only if that person is a danger to the community can an exception be made.

George W. Shepherd, Jr.

conflict. The African and international community has increasingly recognized their obligation to refugees, especially since the end of World War II. Thus African self-reliance has begun to find a point of international interdependence on a well-established peoples' right, through the provision of permanent protection of large groups against expulsion as well as the extension of individual political asylum.

The right to peace and security has been established under Article 23.³⁴ As "a peoples' right" peace has been advocated in a variety of forms, from Kwame Nkrumah's proposals for an All African Political Union to President Nyerere's repeated calls for an end to the super-power arms race and their intervention in African politics and security. Numerous non-alignment conferences and the resolutions of the OAU on such international conflicts as the Congo in 1964 and Angola in 1975 asserting the rights of African states to deal with their own problems are background events to this formulation of peace as a human and peoples' right.

In this era of nuclear war, the non-nuclear people of Africa have a special right not to be forced into paying the price of war between nuclear powers. They also have a right to establish Nuclear Free Zones and not to be threatened by nuclear powers in their own region, such as South Africa. However, the world arms race has intruded deeply into African states and is escalating rapidly.³⁵ It has taken the form of bases for super powers harboring nuclear weapons as well as enormous arms transfers of dangerous new weapons. The effect upon regional conflicts, as in the Horn of Africa and Southern Africa, has been to widen conflict and protract its deleterious effect on the economies and peoples of Africa.

Collective self-reliance is again the strategy that several of the African states have sought. This means delinkage from arms policies of the super powers and discontinuing the provision of bases and facilities. Delinkage in security matters has proven to be extremely difficult because of the increased effects of the dominant powers' arms race and security competition, primarily through the militarization of society and sub-imperial bases. Nevertheless, self-reliance programs, such as the mutual defense agreements between Tanzania and the Seychelles, Mauritius, Mozambique and Zimbabwe, have been established. African states have been major instigators of the Indian Ocean Zone of Peace discussions and have supported initial attempts by super powers to reach arms limitation agreements in the arms race in the Indian Ocean. They have advocated the withdrawal of bases from African territory, especially on the Horn of Eastern Africa and sought the

34. K. Vasek, ed., op. cit., p. 621.

35. George W. Shepherd, Jr., "Arms Limitations in the Indian Ocean," paper for Carnegie Endowment on International Peace, Washington, D.C., October 1984.

creation of Nuclear Weapons Free Zones. None of these has succeeded because of the increased hostility and intrusion of the super powers and the ambitions of militarized tributaries. Nevertheless, the people of Africa continue to hope that a new era of international arms control will be reached and that "the peoples right" to peace and security of African states will be able to proceed within a new atmosphere. Their continued pursuit of these goals within the UN and other international forums reflects this claim. The historical success of self-determination and the solidarity in the struggle for self-reliance is the new basis for the peoples right to peace and makes this goal more than a simple hope.

An investigation of the actual policies and effects of these self-reliant strategies, obviously needs much careful research and interpretation. This has begun among scholars concerned with human rights in African studies. There is, as yet, little interest in Western political circles. But, as human rights violations continue to grow in Africa, the self-reliance alternative for peoples rights becomes a more conscious strategy for liberation. New power centers will emerge to challenge the super powers, from China to India and a liberated South Africa. The claim to peoples' rights is not to be postponed for the future but as Gandhi said about peace, it is not something we attain after we find the way, "it is the way." The promise of human rights in history is being realized in the struggle of the poor and the emergence of a new solidarity consciousness. In this way, new structures for a new world community and order are being created.

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Value Assumptions and

Human Rights Assessment

James H. Mittelman

What are the yardsticks for assessing a changing human rights performance, both achievements and failures, in states aiming at a social transformation? A number of governmental and non-governmental reports are the occasion for, not the subject of, this essay. The purpose of this article is to identify a widely used set of values employed in human rights assessment. I will then note the limitations of this method of evaluation and suggest another point of departure for examining human rights performance.

Value Assumptions of the U.S. Department of State

In a 1983 survey, *Country Reports on Human Rights Practices*, the United States Department of State expounds its standards and value assumptions.¹ Central to this framework for assessing human rights practices are the values inscribed in "Dictatorship and Double Standards," Jeane Kirkpatrick's well known article, which brought her to the attention of Ronald Reagan. In a biting critique of the foreign policy of the Carter administration, she posited "that traditional authoritarian governments are less repressive than revolutionary autocracies, and that they are more susceptible of liberalization, and that they are more compatible with U.S. interests."² Admittedly, "a truly bestial ruler" may seize power in either kind of autocracy, but neither traditional nor revolutionary autocracies regularly produce such "moral monsters" as Idi Amin and Joseph Stalin. Nonetheless, "systemic differences" between the two types of autocracy determine the extent to which

1. *Country Reports on Human Rights Practices*, Report to the Committee on Foreign Affairs, U.S. House of Representatives, and the Committee on Foreign Relations, U.S. Senate, Washington, D.C., 1984.

2. Jeane Kirkpatrick, "Dictatorships and Double Standards" *Commentary*, Vol. 65, No. 5 (November 1979): p. 44.

James H. Mittelman is the Dean of the Graduate School of International Studies at the University of Denver, Denver, Colorado. He writes "Some passages are drawn from my *Underdevelopment and the Transition to Socialism: Mozambique and Tanzania* (New York: Academic Press, 1981) and Lee Kokorinos and James H. Mittelman, "Reagan and the Pax Africana," in Morris Morley, ed., *Crisis and Confrontation on a World Scale: The Reagan Administration's Foreign Policy* (forthcoming 1986).

they are repressive. "Generally speaking, traditional autocrats tolerate social inequalities, brutality, and poverty while revolutionary autocracies create them."³

Similarly, Reagan's State Department postulates that "while non-communist dictatorships are capable, to varying degrees, of evolving into democracies, communist dictatorships are singularly resistant to democratization."⁴ The premise behind the thesis is forthrightly stated: "Because communist and non-communist dictatorships differ so radically in their potentialities for the future, it follows that preventing communist dictatorships from establishing themselves ought to be an especially high priority of any realistic and serious human rights policy."⁵

The introduction to the State Department report ventilates these values and suggests the following criteria for evaluating human rights practices. First is the freedom from governmental violations of the integrity of the person. The second category is the right to enjoy civil and political liberties. Third, political rights are defined as the right of citizens to change their government. Finally, there is discussion of general economic and social conditions in a given country.

The application of these assumptions in Evaluation

This method of human rights assessment is deployed in the State Department's 1983 report on Mozambique. The report is by no means an unmitigatedly critical account. A nuanced document worthy of serious attention, it may serve as a specimen of the moral and intellectual fiber of the Reagan administration. The State Department's main findings are summarized in the remainder of this section.

Mozambique, a centralized single party state that professes a Marxist-Leninist ideology, restricts political participation: the electorate votes for or against candidates whom the party has agreed may run for the national assembly. Controlled by a "small cadre of senior officials," the Mozambique Liberation Front (FRELIMO) dominates all political activity in the country. In this top-down system, structures of mass involvement allow the citizenry only to endorse government policies.

The integrity of the individual, while guaranteed in the constitution, is often not honored in practice. Acknowledging adverse conditions in Mozambique — insurgent attacks spearheaded by the Mozambique National Resistance (MNR) and allegedly supported by South Africa, pervasive poverty, protracted drought — plus government economic policies that have

3. *Ibid.*

4. U.S. Department of State, op. cit. p. 10.

5. *Ibid.*

"hindered the country's development," the report spotlights both sides of the balance sheet. On the one hand, there are no indications of government-sponsored disappearances. And individuals who fled the country at the time of independence have been invited to return and have not been subject to harassment or retribution. On the other hand, FRELIMO has enacted measures to control the population. These include public whippings and the death penalty invoked by military tribunals or meted out at public trials. Although the media promote the government's general orientation, reporting on abuses within the system or no mistakes in the implementation of government policies is tolerated.

Mozambique has contributed importantly to the welfare of refugees, most of whom have sought to escape persecution in South Africa, Latin America and Malawi. The government has made advances in health care and education. Despite the Marxist regime's differences with the Catholic Church, FRELIMO has loosened control of organized religion. FRELIMO permits individuals to operate small businesses, but property ownership is restricted.

Public floggings, particularly for black marketeering, are sanctioned by law. In rural areas, people are said to have been coerced to return to communal villages. When imprisoned, they must cope with "inadequate" conditions. The government has established "reeducation centers" where political prisoners and other "anti-social elements" are interned, often for indeterminate periods. There have been reports of cruel treatment by guards at some centers.

The Limitations of These Assumptions

Whereas my rendition of the State Department's account is schematic, but it reveals a recurring problem in the assessment of human rights practices: the lack of a proper appreciation of history. Without a grasp of history, one cannot understand the dynamics of Mozambican society. It is important to recall that Mozambique was ruled not by a liberal colonial power but by the longest lived fascist regime on record. The elections held since independence have in fact marked the first time when all adult Mozambicans, save those who had served the colonial state, were entitled to vote for candidates for political office. In gauging the results of these elections, it is worth remembering that the United States took 13 years before giving its citizens an opportunity to go to the polls. Although conditions in that era differed from those today, our modern system offers Americans little freedom of choice. Hence the widespread cynicism concerning the meaningfulness of an electoral process where the options are narrowly defined, expressed in

low voter turnout.⁶ Electoral politics in the United States thus demonstrate the limitations of formal measures of political participation, and call into question the validity of ranking voting as a primary expression of human rights.

A more telling measure of the involvement of the general citizenry in running the affairs of state is the social composition of major government agencies. Tabulations on the 1977 elections in Mozambique show that at the district level 20 percent of the deputies elected were workers and 40 percent peasants; at the Popular Assembly, the country's national parliament, 32 percent of those elected were workers and 29 percent peasants.⁷ An indicator of political participation and changing social relations, too, is the representation of women in Mozambique's legislative bodies. Proportionally there are more women in Mozambique's Popular Assembly than in the U.S. House of Representatives. Of the 219 deputies in the assembly, 28 are women. Their presence is more pronounced in the local and district assemblies, where 28 percent and 24 percent, respectively, are women.⁸

In light of our own history, Americans should also understand the practical reasons why governments restrain political liberties during war time. Like the U.S. government, FRELIMO has responded in no uncertain terms to acts of treason; it has imposed the death penalty on Mozambiques who supply information to the MNR and thus cause their fellow citizens to be killed. Washington decries such "repressive measures" even though they are a response to conditions that result in untold human misery and that threaten the survival of the state. Washington also maintains that FRELIMO punishes alleged offenders without providing due process. But what is due process in a country that, as the State Department recognizes, is attempting to supplant its heritage of an inquisitorial, rather than an adversary, system of law? Following 500 years of Portuguese colonialism, what should be expected in the first decade of independence in a war-torn, impoverished country that does not seek to mimic the American concept of justice?

Underpinning the *Country Reports on Human Rights Practices* is a pragmatic answer to this question: Whatever the historical legacy and how ever burdensome the external political and economic pressures, a country should observe a set of general principles of human rights. Never mind that the standards are derived from the American experience. Even in underdeveloped countries jarred by overriding problems such as drought and mass starvation, the State Department assigns priority not to basic economic

needs but to the domain of purely political rights. Hence detention without proper legal safeguards, as in Mozambique's reeducation centers, is seen as a flagrant violation of human rights. According to the State Department, the length of time one must spend in these camps is unspecified and the administrative system for releasing those who have completed the reeducation process if faulty. Conditions are described as grim, but, admittedly, peasant life in Mozambique is spartan, and facilities in the centers are no worse than in rural areas generally.

FRELIMO's case is that the colonial power was not blacklisted for violations of human rights; meanwhile, the liberation movement led the campaign to get the main human right — independence — as well as major advances toward enabling the mass of Mozambicans to attain the (human) rights to health care and education. After the ravages of colonialism, FRELIMO contends, it is no wonder that Mozambique's urban centers — like Saigon (today Ho Chi Minh City) — were replete with prostitutes, drug addicts, and smugglers. Since the days of Portuguese rule, the government has in fact closed prisons, not opened them, according to FRELIMO.

The crux of the matter is that Mozambique's reeducation centers must be considered within the national political economy as well as in relation to universal standards of human rights. Quite clearly, American standards are not an historical alternative for Mozambique. In the evaluation of human rights performance, a balance must be struck between historical specificity (a position quite different from cultural relativism) and the laws of motion which drive the world political economy.

One sensible criterion is the situation that obtained before independence and the direction in which Mozambique is headed. That Mozambicans readily dissent and are encouraged to voice criticism in the single party, but not in public, is certainly a step forward from what they knew under colonialism.

Interwoven with a changing historical trajectory are the dynamics of social structure. Insofar as the State Department's account extends beyond interpersonal relations, it reverts to a limited and static notion of structure. It takes structure to mean formal authority, chiefly in the interactions between the state and the individual. Too, it views structure as the rights of capital — the report notes that FRELIMO has limited "the right to own property." But property ownership is not generally seen as a human right, especially in a socialist society.⁹ The State Department's view springing as it does from timeless abstract norms, blurs vistas of other kinds of structure. We have already touched on changing relations between the sexes.

6. In the 1984 presidential election, the U.S. recorded the absolute lowest rate of voter participation in the world, at 52.4 percent of those eligible. Botswana, traditionally last place in voter turnout, surpassed the U.S. in 1984, with a respectable 76 percent. "U.S. Voter Turnout: Now World's Worst," *New York Times*, December 1, 1984.

7. "Assembleia Popular," *Tempo* (Maputo), No. 378 (January 1, 1978), pp. 53-54.

8. Allen and Barbara Isaacman, "A Rare Glimpse of How Mozambique Governs Itself," *Christian Science Monitor*, December 27, 1979.

9. Although Article 17 of the 1948 Universal Declaration of Human Rights (to which Mozambique is a signatory) states that "Everyone has the right to own property alone as well as in association with others," subsequent human rights covenants exclude property ownership. It would be difficult to sustain the argument that under international law, the ownership of property is a human right.

Women's rights, an area where Mozambique has made some notable gains, are totally ignored in the State Department's investigation.¹⁰

Similarly, the State Department gives scant attention to other levels of social structure. Leaving class aside, one might expect the State Department to devote more than four sentences to race and ethnicity in a 10-page report. The State Department candidly says that "tribalism" is not a source of political conflict in Mozambique and that the number of prominent positions held by Indians and white Mozambicans is much larger than their proportionate representation in the general population. There follows an ahistorical explanation and a non sequitur: "this appears to be a reflection of the greater educational opportunities available to those groups prior to independence rather than to discrimination against black Mozambicans."¹¹

Although schooling is a factor, the leadership pattern and political education in Mozambique are more compelling explanations. At FRELIMO's Second Congress in 1968, considerable ferment developed among the leaders, partly related to the activities of a moderate nationalist faction that backed the conflicting tugs of ethnic loyalties and that stirred the rage of racial animosity unleashed by the Portuguese and white settler communities. The other position to emerge at the congress, championed by radical socialists, called for a social transformation, the basis for which would be overturning capitalist relations of production — an enemy of a different order from a racial hierarchy.

Following the death by assassination of FRELIMO's first president, Eduardo Mondlane, in 1969, the "Samora Group" of socialists won out. Relying heavily on mass political education, Mozambique's leaders have emphasized that liberation, above all, requires a genuine social restructuring rather than a transfer of political power from one racial group to another or to a narrow segment of society. No one who has lived in Mozambique denies that FRELIMO's campaign against tribal ideology and racism has met with considerable success.¹² So, if one grants that history is a guide to the current reality, then it is difficult to fathom the State Department's inference

10. See Stephanie Urdang, "The Last Transition? Women and Development in Mozambique," *Review of African Political Economy*, Nos. 27/28 (1983), pp. 8-32.

11. U.S. Department of State, *op. cit.* p. 256.

12. For instance, as expressed by Michael Kaufman, "Mozambique is Viewed as Africa's Best Hope for the Flowering of Socialism's 'New Man,'" *New York Times*, November 14, 1977. "Certainly the cohesion witnessed during a two-week visit to Mozambique was remarkable in terms of black Africa. Although most of the Portuguese have left, the degree to which whites, blacks, and Asians live together was striking.

"In much of Africa whites and blacks often use the same restaurants but they do not always share the same tables. Here they do. Throughout the continent the sight of black nannies holding white infants is common, but only here has this reporter seen white women holding the black children of their friends."

See also "Frelimo Struggles against the Odds," *Rand Daily Mail* (Johannesburg), July 18, 1983. "The apparent absence of tribal division is remarkable in a country of ten different tribes who speak 18 different languages and dialects. The absence of racial hostility after the strains of war provides testimony unusual in Africa to President Machel and to Frelimo's ideals. The vehement anti-racism and best-person approach leads to a cabinet of nine blacks, eight whites, two Asians and two coloureds."

James H. Mittelman

that blacks would discriminate against fellow blacks on the basis of race in an independent black country. The purport of that argument is not clear, nor can I seize the meaning from the context of the passage.

Repression and Social Transformation

For reasons fundamentally different from those suggested by the State Department, a social transformation is punctuated by a structural propensity to repress. To put it differently, in the drive for state power, radical movements typically claim to respect human rights, but once in office they seem to leave behind their democratic persuasion. Does political power thus coarsen the feelings of revolutionaries, or are they essentially hypocritical, as sometimes charged? This question can be answered only by identifying the profound causes for the abridgement of human rights in societies aiming at a social transformation.

Social forces rooted without and within indulge in pressure, sponsorship of opposition movements, military raids, capital flight and other economic actions. (The varied histories of the Soviet Union, China, Vietnam, Cuba, Chile, and Angola all illustrate this.) When these structural conditions are induced into a national economy set against the very market principles upon which it is based, a new regime faces a cruel dilemma, namely to choose between a capitalist restoration and a crescendo of authoritarianism. Both options invite repression. Those who hold the reins of political power regard the fortifying the state as the lesser evil since the survival of the new order takes precedence over other ends. They implicitly reason that certain rights are soft or hollow rights if unaccompanied by others. When hard choices are made, often in the most trying circumstances, the difficulty is that what is done in the name of socialism may become pervasive. There remains the trying question, how to disembowel the repressive apparatus so that democratic rights are ensured in the throes of a social transformation?

Tensions in Human Rights Evaluation

The aim of a national liberation struggle is to transform existing social relations and to safeguard the collective rights of a people. By contrast, most states seek to guarantee existing social relations and to protect the rights of some citizens to private property, status, and power. The report scrutinized in this essay epitomizes the value assumptions characteristic of the latter type of human rights policy. An inspection of these values and practices indicates that the State Department's method of identifying benchmarks

for assessing human rights performance is fundamentally biased. Indeed, one might question the very utility of adopting standardized measures for judging human rights performance.

For one thing, both the conservatives in Washington and many liberal observers propound the integrity of the individual, but, as Christian Bay argues, "they [liberal writers] are not good at multiplying." He adds: "I believe most of them would be bewildered at the suggestion that ten thousand human lives, too, ought to be protected with as much vigor as one human life."¹³ Thus successive Democratic and Republican administrations have opposed expanded definitions of human rights, concepts that extend beyond political rights, to include basic needs (requirements for survival), on the ground that such matters concern collectivities, not individuals, and impinge on the internal affairs of states. Policy makers in Washington perform believe that if apartheid is construed as an act of systemic racism against a people, it must *not* be condemned as a violation of human rights.

Closely related is the issue of selectivity of human rights standards. Former Ambassador Kirkpatrick, for example, refused to receive the relatives of the four American missionaries slain in El Salvador in 1980, but agreed to rendezvous with South African Generals at the U.S. Mission because of her personal policy of "being open to people and being willing to listen to almost any point of view."¹⁴ Subsequently, in a human rights debate at the UN in 1983, she objected to resolutions adopted by the General Assembly accusing El Salvador, Chile, and Guatemala of human rights abuses. Cudgeling her critics, the U.S. chief delegate asked why these countries were singled out when other countries in the region — she referred to Cuba — have worse human rights records. "Chile is a focus of attention in this body," she intoned, "not because of human rights concerns but — let us be clear — because it is a political target."¹⁵ The difficulty with this argument is that it is both reductionist and instrumental. That is, the assessment of human rights practices by the U.S. government — and by some other human rights organizations as well¹⁶ — is derivative; the findings are preordained, for the conclusions are built into the premises.

The intellectual and political exercise of forging measuring rods for gauging human rights performance reflects the positivist claim that thought is external to action. It skips over historical specificity by fusing diverse phenomena into simple categories — of which Jeane Kirkpatrick, the architect of Ronald Reagan's human rights policy, recognizes a total of two in the Third World. Embroidering on her earlier system of classification, Mrs. Kirkpatrick divides Latin American governments into authoritarian (rightist and friendly to the U.S.) and totalitarian (leftist and unfriendly) regimes. Further, she charges that basing U.S. policies on "ideology," as in the Carter years, threatens our vital interests and invites Cuban victories.¹⁷

Conclusion

Instead of adopting an inventory of human rights criteria, we ought to focus on the explanatory factors behind a changing human rights performance. An alternative to listing human rights priorities — a highly subjective and value-laden exercise — is to determine the primary causes that account for symptomatic abuses. The task is to develop a framework interconnecting the elements that explain the extent of democracy and repression under concrete conditions. Among these elements are differing historical trajectories, the dynamics of social structure, the efficacy of national efforts to meet economic needs, and the dilemmas vexing political leadership — not least those emanating from the world system. These are the critical issues that warrant thoroughgoing investigation and debate in an assessment of the political economy of human rights.

17. "U.S. Security and Latin America," *Commentary*, Vol. 71, No. 1 (January 1981), pp. 29-40, and contribution to a symposium on "Human Rights and American Foreign Policy," *idem*, Vol. 72, No. 5 (November 1981), pp. 42-45. Cf. a stinging critique by Alan Wolfe, "Jeane's Designs," *The Nation*, Vol. 232, No. 5 (February 7, 1981), pp. 133-34.

13. Christian Bay, "Toward a Postliberal World Order of Human Rights" (revised version of a paper presented to the World Congress of Philosophy, Montreal, August 21-27, 1983), p. 7. See also Richard Falk, "Comparative Protection of Human Rights in Capitalist and Socialist Third World Countries," *Universal Human Rights*, Vol. 1, No. 2 (April-June 1979), pp. 3-29.

14. "Throwing Mud on the Dead," *Washington Star*, April 7, 1981.

15. "U.N. Accuses 3 Latin Nations on Rights," *New York Times*, December 10, 1983.

16. In Freedom House's comparative survey of independent nations, countries are ranked by political rights and civil liberties. Its "map of freedom" also incorporates a measure juxtaposing the infant mortality rate to the per capita gross national product as well as advances or declines in freedom. On the list of "partly free" countries are Argentina, Chile, El Salvador, Paraguay, Philippines, and South Africa (I). By contrast the "not free" countries include Cuba, Mozambique, and Tanzania. See Raymond D. Gastil (ed.), *Freedom in the World: Political Rights and Civil Liberties 1983-1984* (Westport, Conn.: Greenwood Press, 1984).

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The African Refugee Dilemma: A Challenge for International Law and Policy

Ved P. Nanda

The refugee phenomenon in Africa is not novel; but what is different from the past is the changed nature as well as scope of the refugee problem. The number of refugees in Africa has dramatically increased since 1970. Many receiving countries, however, have suffered economic decline in the recent past. Consequently, they perceive the presence of refugees to be unduly burdensome and also as a cause of political and economic instability in the region. After identifying the nature and magnitude of the problem in the next section, this article provides a brief review of the pertinent legal framework presently available to assist in the management and resolution of the problem. The protection issues are highlighted. The final section offers an appraisal and a set of recommendations.

The Problem

The scale and intensity of the refugee problem in Africa can be appreciated only in the broader context of the economic hardships many receiving countries are already facing. Some of them are among the poorest in the world. The recent drought in Africa has further compounded the plight of many countries already suffering from severe economic setbacks, especially in their agricultural sector. To add to their misery, a mounting foreign debt crisis has forced governments to deny to their people "the most basic public services as their governments devote dwindling export earnings, their main source of income, to economic and political survival."¹ An observer has signaled a grim warning: "Without a solution to the debt crisis, the African nations can neither gain the agricultural self-sufficiency that is needed immediately, nor dream of an economic takeoff even beyond the year 2000."²

1. Henry Jackson, "The African Crisis: Drought and Debt," *Foreign Affairs*, Vol. 63 (Summer 1985), p. 1081.

2. *Ibid.*

Ved P. Nanda is Professor of Law and Director, International Legal Studies Program, University of Denver College of Law. For an earlier work of the author, see Ved Nanda, "World Refugee Assistance: The Role of International Law and Institutions," *Hofstra Law Review*, Vol. 9 (1981), pp. 449-74.

The presence of refugees and returnees further exacerbates the economic problems of many African countries. As of 1984 the number of African refugees is estimated at 2.6 million.³ However, significant variance exists among sources in numbers reported resulting in unreliability of refugee statistics. To illustrate, according to one study, in late 1983, "the total number of officially recognized refugees and other politically displaced persons ranged between five and six million,"⁴ while the numbers reported in 1980 were just over four million.⁵ Similarly, statistics on refugees in Somalia varied in two reports, 700,000 in one and 1,540,000 in the other, while numbers for Burundi were reported at 50,000 in 1979, 234,000 in 1980, and 57,000 in 1984.⁶ In any event, the number has significantly increased since 1970 when a million refugees were reported to be in Africa.⁷

A special dimension of refugee statistics in Africa is that many displaced persons do not satisfy the technical requirements of the legal definition of a "refugee" as recognized by the United Nations High Commissioner for Refugees (UNHCR). Also, in some instances, receiving countries do not accord asylum seekers who cross their borders the status of refugees. For example, people fleeing Equatorial Guinea who were relocated in Cameroon without being recognized as refugees. Although these migrants had political reasons for leaving Equatorial Guinea and would have satisfied the recognized criteria for a refugee, political considerations caused Cameroon not to recognize them as refugees.

Traditionally, many African countries receiving refugees have been generous in offering their assistance and support. Their attitude toward refugees is also appropriately reflected by African leaders at the meetings of the Organization of African Unity (OAU). To illustrate, following the 1979 Arusha Conference on the Situation of Refugees in Africa, the OAU Council of Ministers met and a summit conference took place of Heads of State and Government, both of which considered the issue of refugees. In his report on these meetings, the United Nations High Commissioner for Refugees (UNHCR) observed: "[T]he African leaders strongly demonstrated that they appreciate the gravity of the problem and their responsibility to do all in their power to assist refugees. The peoples of the continent are

offering their support, generously and with understanding."⁸ Earlier, at the Arusha meeting, President Nyerere of Tanzania remarked: "All refugees are individuals with a right to life in Africa. . . . I do not believe that dealing with the problem of 3.5 million people, and giving them a chance to rebuild their dignity and their lives, is an impossible task for 46 nations and their 350 million inhabitants."⁹ More recently, however, some of these countries are showing heavy strains.

The sheer magnitude of the problem is overwhelming. The adverse impact on some affected countries has become especially severe because of several factors: (1) the economic plight of these countries; (2) the continuing influx of refugees, caused by unstable economic and political conditions in parts of Africa, and (3) the nature of the refugee problem which in many instances is seen not as a temporary phenomenon, but a long-lasting challenge, which requires durable solutions and long-term assistance from the receiving countries.

In a recent study on voluntary repatriation programs for African refugees,¹⁰ published by the British Refugee Council, the author, Jeff Crisp, criticized the repatriation of Ethiopian refugees from Djibouti and Ugandan refugees from Southern Sudan and Zaire. The study concludes that in Africa a "more restrictive mood holds sway" on the refugee issue. Consequently, refugees are under increasing pressure.

The study finds that:

In East Africa, refugees have been 'swapped' between the governments of Tanzania and Kenya. Ugandan refugees in Kenya have been abducted, apparently with the concurrence of local security services, and in Tanzania, the government is currently attempting to secure the removal of many Rwandan refugees from the Kagera area, victims of an earlier expulsions exercise implemented by Uganda.¹¹

In criticizing the repatriation programs from Djibouti, Sudan and Zaire, the study notes:

Host countries are no longer able to tolerate the indefinite presence of large refugee populations. Countries of origin would like the refugees to return, as it confers legitimacy on their government and provides a basis on which to appeal for additional economic aid. The donor countries are keen to promote the return and long-term commitment to refugee assistance are keen to promote the return and reintegration of refugees in their country of origin.¹²

3. U.S. Committee for Refugees, *1984 World Refugee Survey* (1984), p. 39.

4. John Rogge, *Too Many Too Long: Sudan's Twenty-year Refugee Dilemma* (Totowa, New Jersey: Rowman & Allanheld, 1985), p. 2. Gaim Kibreab reports in *African Refugees* (Trenton, New Jersey: Africa World Press, 1985), p. 5, that "of the world's ten million refugees about 50 percent are in Africa."

5. See U.S. Committee for Refugees, *1980 World Refugee Survey* (1980), p. 33.

6. Reported in Gaim Kibreab, *op. cit.*, p. 10. For the Burundi figures for 1984, see *1984 World Refugee Survey*, *op. cit.* On refugee statistics in Africa, see generally Shelby Pittsman, "A Comparative Survey of Two Decades of International Assistance to Refugees in Africa," *Africa Today*, Vol. 31, No. 1 (1984), pp. 29-30.

7. S. Aga Khan, "The One Million Refugees in Africa," *Migration News* Vol. 4 (1971), pp. 3-12. See also Jake C. Miller, "The Homeless of Africa," *Africa Today*, Vol. 29, No. 2 (1982), p. 5.

8. See Addendum to the Report of the United Nations High Commissioner for Refugees, 34 UN. GAOR, Supp. No. 12 A, at 37, UN. Doc. A/34/12A/Add. 1 (1980).

9. *Ibid.*

10. For a brief report, see *Human Rights Internet Reporter*, Vol. 10, Nos. 3 & 4 (Jan. April 1985), pp. 339-40.

11. *Ibid.*, p. 339.

12. *Ibid.*

Among the more publicized expulsions of aliens, the dramatic expulsions from Nigeria in 1983 were followed by yet another mass expulsion of aliens from Nigeria in April-May 1985,¹³ although Nigeria has justified its actions on the ground that those expelled were illegal immigrants and not those with valid entry and residence permits. And Nigeria is not alone in expelling aliens; instances of such expulsion have taken place in Burundi, Cameroon, the Congo Republic, Ghana, Ivory Coast, Rwanda, Uganda and Zaire.¹⁴ And, as Gaim Kibreab has forcefully argued, traditional tribal hospitality no longer holds true in the 20th century Africa, for in his words, "hospitality in a state of poverty is inconceivable."¹⁵

Thus, it is appropriate to ask whether the existing principles, policies and mechanisms ensure adequate protection of the refugees. This inquiry should lead next to a study of the changes, if necessary, in the existing principles, policies and machinery, to meet the present needs of refugees, and further to explore alternatives if needed. A useful starting point is the appraisal of the existing legal framework.

The Existing Legal Framework

The applicable legal instruments include the 1951 Statute of the Office of United Nations High Commissioner for Refugees (UNHCR Statute),¹⁶ the 1951 Convention Relating to the Status of Refugees (the 1951 Convention),¹⁷ the 1967 Protocol Relating to the Status of Refugees (the 1967 Protocol),¹⁸ the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa,¹⁹ and the 1981 African Charter on Human and Peoples' Rights.²⁰

The definition of a refugee under the 1951 Convention and the UNHCR Statute is that of a person who:

[a]s a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the

protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.²¹

The 1967 Protocol expanded the definition of refugee by eliminating the geographic and temporal limitations of the 1951 Convention's definition, extending it to include all refugees on the basis of equality.²² The 1969 African Refugee Convention further extended the definition of "refugee" to include:

every person who owing to external aggression [sic] occupation, foreign domination, or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.²³

The Convention especially states that granting asylum "shall not be regarded as an unfriendly act."²⁴ It contains detailed provisions regarding asylum²⁵ and voluntary repatriation of refugees.²⁶ Of special note is the Convention provision that "no person shall be subjected by a Member State to measure such as rejection of at the frontier. . . which would compel him to return or remain in a territory where his life, physical integrity or liberty would be threatened."²⁷

Similarly, the African Charter protects the individual's right to freedom of movement and residence within the borders of a member state.²⁸ It provides that an individual has the right to leave any country, including one's own and to return to it.²⁹ There is, however, a caveat, that the individual must be lawfully within the state's borders before being protected: "A non-national legally admitted in a territory of a State Party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law."³⁰ Also, the right of the individual to seek and obtain asylum

21. Art. I(A)(2). The UNHCR Statute omits the phrase "membership of the particular social group" from its list of persecuted people.

22. Art. I (2.3) of the Protocol.

23. Art. I (2) of the Convention.

24. Art. II (2) of the Convention.

25. See Art. II of the Convention.

26. Art. V of the Convention.

27. Art. II (3) of the Convention.

28. Art. XII (1) of the Charter.

29. See Art XII of the Charter.

30. Art XII (4) of the Charter.

13. See *Christian Science Monitor*, April 30, 1985, p. 8.

14. See Oshiro Okawa, "The Protection of Human Rights in Africa and the African Charter on Human and Peoples Rights: A Comparative Analysis with the European and American Systems," *Human Rights Quarterly*, Vol. 6 (1984), p. 147.

15. Gaim Kibreab, *op. cit.*, p. 69. See generally *ibid.*, Ch. 4, pp. 67-83, "African Traditional Hospitality, Myth or Reality?"

16. UNHCR Statute was established under Res. 428, 5 U.N. GAOR, Supp. 20, p. 46, U.N. Doc. A/1775 (1980).

17. See 19 U.S.T. 6260, T.I.A.S. No. 6577.

18. See 19 U.S.T. 6223, T.I.A.S. No. 6577.

19. OAU Doc. CM/267/Rev. 1, reprinted in *International Legal Materials*, Vol. 8 (1969), pp. 1288-98.

20. Adopted June 27, 1981, OAU Doc. CADLEG/67/3/Rev. 5 (1981), reprinted in *International Legal Materials*, Vol. 21 (1982), p. 58.

when persecuted is protected.³¹ It may be noted that the only comparable international instrument providing for the right of asylum is the American Convention on Human Rights.³²

Several other international legal instruments apply to refugees which may be noted. These include Protocol I to the 1949 Geneva Convention of August 12, 1949,³³ which contains provisions on the status of refugees in armed conflict and to family reunification.³⁴ Also applicable, although not particularly effective, are the 1954 Convention Relating to the Status of Stateless Persons³⁵ and the 1961 Convention on the Reduction of Statelessness,³⁶ which provide protection to stateless persons, many of whom are also refugees; the 1957 Hague Agreement Relating to Refugee Seamen³⁷ and the 1973 Protocol Relating to Refugee Seamen;³⁸ the International Covenant on Economic, Social and Cultural Rights³⁹ and the International Covenant on Civil and Political Rights;⁴⁰ and the 1956 Convention on the Recovery Abroad of Maintenance,⁴¹ pertinent to the situation of split refugee families.

To recapitulate some of the special features contained in the African instruments — the 1969 Convention and the 1981 African Charter — as they apply to the protection of African refugees, they are: (1) expansion of the definition of a refugee by the 1969 African Convention, (2) inclusion of the right of asylum in the 1981 African Charter, and (3) prohibition against

mass expulsion in the 1981 African Charter.

These African instruments complement the 1951 Convention, the 1967 Protocol and the UNHCR statute which establish international standards for the treatment of refugees. Certainly the most significant contribution toward protection of refugees is provided under these instruments by the inclusion of the principle of *non-refoulement*. The principle mandates that a refugee shall not be expelled or returned "in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."⁴² Further, a refugee is not to be expelled to countries of persecution.⁴³ The only exception to the non-refoulement principle is that there are "reasonable grounds" for regarding a refugee as a danger to the security of the country of asylum, or if the refugee, "having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country."⁴⁴

The protections granted under these instruments could be lost if: those individuals deemed refugees voluntarily reavail themselves of the protection of their country of nationality;⁴⁵ having lost their nationality they voluntarily reacquire it;⁴⁶ having acquired a new nationality, they enjoy the protection of the country of that nationality;⁴⁷ they voluntarily reestablished themselves in the country that they left or outside of which they remained owing to fear of persecution,⁴⁸ or they are able to return to their country of nationality or former habitual residence because circumstances have changed.⁴⁹

Under these instruments the refugees are guaranteed minimum standards of treatment enjoyed by aliens generally in the country of asylum.⁵⁰ They have rights to property,⁵¹ freedom of association,⁵² gainful

42. See art. 33 (1) of the 1951 Convention, *op. cit.* (fn. 17)

43. *Ibid.*, art. 32.

44. *Ibid.*, art. 33 (2)

45. *Ibid.*, art. 1 (C) (1)

46. *Ibid.*, art. 1(C)(2).

47. *Ibid.*, art. 1(C)(3).

48. *Ibid.*, art. 1(C)(4).

49. *Ibid.*, art. 1(C)(5)(6).

50. *Ibid.*, arts. 13, 18-19, 21, 22(2), 26, and 29(2).

51. *Ibid.*, arts. 13-14.

52. *Ibid.*, art. 15.

31. Art. XII (3) of the Charter provides: "Every individual shall have the right, when persecuted to seek and obtain asylum in other countries in accordance with the laws of those countries and international conventions."

32. See O.A.S.T.S. No. 36, p. 1, O.A.S. doc. OEA/Ser. L.V/II.23 doc. 21, art. 22 (7), reprinted in *International Legal Materials*, Vol. 9 (1970), p. 99.

33. The text of the Protocol is reprinted in *Official Documents, American Journal of International Law*, Vol. 72 (1978), p. 457.

34. See arts. 73-74, 85 (2) of Protocol I.

35. Adopted Sept. 28, 1954, 360 U.N.T.S. 117 (entered into force on June 6, 1960).

36. Aug. 30, 1951, U.N. Doc. A/CONF. 9/15 (1961) (entered into force on Dec. 13, 1975).

37. Nov. 23, 1957, 506 U.N.T.S. 125 (entered into force on Dec. 27, 1961). This instrument is designed to enable refugee seamen without a country of permanent residence to take up residence in the contracting state that has issued them a travel document.

38. The 1973 Protocol extended the scope of the Hague agreement to seamen who became refugees as a result of events occurring after 1951. See Report of the United Nations High Commissioner for Refugees, 32 U.N. GAOR, Supp. (No. 12), p. 7, U.N. Doc. A/32/12 (1977).

39. Adopted Dec. 16, 1966, G.A. Res. 2200A, 21 U.N. GAOR, Supp. (No. 16), p. 49, U.N. Doc. A/6316 (1966) (entered into force on Jan. 3, 1976).

40. Adopted Dec. 16, 1966, G.A. Res. 2200A, 21 U.N. GAOR, Supp. (No. 16), p. 52, U.N. Doc. A/6316 (1966) (entered into force on March 23, 1976).

41. Signed June 20, 1956, at New York, 268 U.N.T.S. 3.

employment,⁵³ welfare,⁵⁴ freedom of movement,⁵⁵ and administrative assistance.⁵⁷ States are not to impose penalties on refugees illegally entering their territory, provided the refugees present themselves without delay to the authorities and show good cause for their illegal entry or presence.⁵⁸ No restrictions are to apply to such refugees' movements "other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country."⁵⁹ A reasonable period is to be allowed for admission, and all the necessary facilities are to be provided for obtaining such admission.⁶⁰ The 1951 Convention requires that the assimilation and naturalization of refugees be facilitated and expedited,⁶¹ and the U.N. High Commissioner for Refugees is obliged to ensure the protection of refugees through compliance with international arrangements on refugees.⁶²

The 1951 Convention and the statute of the Office of the UNHCR, adopted by the General Assembly a year earlier,⁶³ are complementary insofar as the Convention describes the various rights and obligations of refugees, while the statute defines the persons of concern to the High Commissioner and the action required by the Office of UNHCR to take on their behalf. Since both instruments define a refugee narrowly, the U.N. General Assembly has repeatedly called on the High Commissioner to lend his good offices to assist displaced persons, returnees, and other migrants who do not necessarily fall within the terms of this definition. Thus, in 1959, the United Nations recognized the rights of de facto refugees and adopted a resolution authorizing the UNHCR "to use his good offices on the transmission of contributions designed to provide assistance" to the refugees who do not come within the mandate of the Statute.⁶⁴ Under the "good offices"

53. *Ibid.*, arts. 17-19.

54. *Ibid.*, arts. 20-24.

55. *Ibid.*, art. 26.

56. *Ibid.*, art. 4.

57. *Ibid.*, art. 25.

58. *Ibid.*, art. 31 (1).

59. *Ibid.*, art. 31 (2).

60. *Ibid.*

61. *Ibid.*, art. 34.

62. *Ibid.*, art. 35.

63. The Statute was adopted on Dec. 14, 1950, by the General Assembly as the Annex to Resolution 428 (V).

64. General Assembly Resolution 1388, U.N. Doc./A/4287 (1959).

authority, the General Assembly has effectively extended the competence of the High Commissioner to provide protection and assistance to persons who have been forced to seek refuge outside their country of origin because of war or other political or social disturbances. It may be recalled that the 1969 OAU Convention on Refugees corresponds broadly to the wider definition of the term "refugee."

The UNHCR has the twin functions of providing international protection and material assistance to refugees. Reporting on the international protection function, the High Commissioner has recently acknowledged that this function

has become very difficult in certain areas. Problems in particular continue to arise with regard to the admission of refugees and to the standard of treatment accorded them. There has been a perceptible tendency on the part of States to view asylum and the refugee concept in a restrictive manner. To these trends must be added the practice of certain States to resort to measures of "deterrence" including the unjustified detention of refugees, sometimes under harsh conditions.⁶⁵

The High Commissioner further noted that there were discernible "xenophobic trends" in many countries. He identified a possible reason for a restrictive approach to asylum: the perception of the receiving states where entering persons have fled from an armed conflict or other political or social upheavals in their home country that these may be temporary instances. He also noted that "asylum-seekers have been caught up with transfrontier and transcontinental-flows of persons moving from less developed areas of the world in search of economic betterment."⁶⁶ Further, "[b]acklogs in asylum procedures . . . have adversely affected the image of the refugee by creating the impression that the refugee problem is an apparently endless and insurmountable one."⁶⁷ He called for "a comprehensive approach [which] should include efforts to obtain a better understanding of the root causes, to improve existing mechanisms for providing assistance, and to pay closer attention to finding lasting solutions to refugee situations, having particular regard to that of voluntary repatriation."⁶⁸

The High Commissioner's report identified the following areas which the High Commissioner's Office perceived as causing problems in protection — asylum, non-refoulement, physical safety of refugees and asylum-seekers, detention of refugees and asylum-seekers. The report concluded that "efforts must be made by all concerned, including UNHCR, to promote a

65. U.N. Doc. A/C.9/643, 9 Aug. 1984, p. 1.

66. *Ibid.*, p. 2.

67. *Ibid.*

68. *Ibid.*

favorable climate of public opinion which is a vital precondition for positive action in the field of international protection."⁶⁹

UNHCR material assistance may consist of immediate relief assistance which it provides on an emergency basis at the invitation of a concerned country in cooperation with voluntary or governmental agencies that offer relief to the refugees in that country. However, its major concern is to find durable solutions, whether relating to voluntary repatriation, local settlement, or resettlement in third countries. Its help includes counseling, education, resettlement, and treatment and rehabilitation of the handicapped. Its work also includes cooperative effort with several U.N. agencies and humanitarian assistance programs for refugees that do not fall technically within the UNHCR mandate. Its funds are provided on a voluntary basis annually by UN members, intergovernmental organizations, intergovernmental agencies, and nongovernmental organizations.

The UNHCR projects are budgeted under the headings of general programs and special programs. The non-operational nature of its work requires that UNHCR rely on voluntary agencies and governments for the emergency care and maintenance of refugees. However, because of the voluntary nature of UNHCR financing, effective planning is almost impossible and the Office of the High Commissioner is hampered in effectively performing its coordinating role.

Appraisal and Recommendations

The restricted definition of a refugee which appears in the UNHCR statute, the 1951 Convention, and the 1967 Protocol does not cause a major problem for African refugees, primarily because of the pertinent provisions contained in the 1969 African Refugee Convention and the 1981 African Charter. Thus, whether the African refugee is a returnee, a migrant, a humanitarian case, or an asylum-seeker,⁷⁰ UNHCR assistance is likely to be accorded. But, even in the African context, questions of adequate protection do arise. Also, the question of material assistance by the international community remains a serious problem.

During the past few years, international community has recognized the need to examine the refugee problem in general and not merely in terms of focusing on the ameliorative aspects of the problem, i.e., by providing emergency relief and humanitarian assistance. A brief review of the recent initiatives at the United Nations is pertinent. These initiatives are designed to proceed beyond the traditional approach of reacting after the event. This

69. *Ibid.*, p. 11.

70. For these categories, used recently in an article, see W.R. Smyser, "Refugees: A Never Ending Story," *Foreign Affairs*, Vol. 64, No. 1 (Fall 1985), p. 154.

review will be followed by a few observations on the protection and assistance aspects of the refugee problem in the African context.

Recent Initiatives on the Refugee Problem in General

Since 1980 the U.N. Commission on Human Rights and the U.N. General Assembly have been engaged in discussions focused on identifying the causes of mass flows and devising preventive measures in an attempt to cope with them. Based upon the Special Rapporteur's study on Human Rights and Mass Exoduses in December 1981,⁷¹ the U.N. General Assembly at its 37th and 38th sessions adopted resolutions on the subject. Salutory efforts are underway to find durable, constructive, comprehensive and innovative solutions, both short and long term, to the refugee problem. These include a recent draft declaration of principles of international law on mass expulsion.

The Special Rapporteur's Study identified among the complex and multi-causes of mass exoduses certain "push" factors including ideological and cultural conflict, development problems in developing countries, economic disparities, and natural disasters, while "pull" factors include assistance and aid by the international community to refugees, the attraction of the standard of living in the industrialized countries and expectations of humane treatment of asylum-seekers there.

The Study made several specific recommendations. It urged an updating of refugee, nationality and labor laws as well as a reappraisal of the prevalent asylum practices in the context of the promotion of a New International Humanitarian Order. It called upon the international community to provide effective development assistance, to standardize the international aid criteria, to coordinate humanitarian and development assistance measures, and to better integrate multilateral and bilateral aid. In focusing upon voluntary repatriation as an important solution to the refugee problem, the Study called for effective coordination between countries of origin and countries of asylum.

The Study further proposed that a monitoring and assessing mechanism, an early warning system be introduced based on impartial information gathering and data collection concerning mass exodus situations. It also suggested that improved methods to determine the number of affected people be used, that a trigger mechanism be introduced to generate immediate and timely responses to crises, and that a corps of "humanitarian observers" be established. The study also proposed that the U.N. Secretary

71. U.N. Doc. E/CN.4/1503 (1981).

General appoint a special representative for humanitarian questions.

In response, a number of states and various U.N. agencies commended the Study for its innovative suggestions and for recommendations toward the adoption of measures aimed at providing an integrated and planned approach to the problems generated by a massive humanitarian emergency. But for the caution expressed by some that the implementation of specific measures should not lead to duplication of efforts and the further proliferation of institutions to handle similar subject matter, the consensus was that a desirable first step had been taken in the Study. The response by the Secretary-General of the United Nations to the Special Rapporteur reflected a wide agreement when he said, "I find the conceptual approach which you have taken is excellent, and welcome the imaginative proposals which you have advanced."⁷²

To appreciate the Study's recommendation on the need for a fresh consideration of asylum practices, it is necessary to recall that the recent reports of the United Nations High Commissioner for Refugees have all drawn attention to the abuse of the right of asylum, and the erosion of the principle of the law of asylum. In his most recent statement at a meeting of the Executive Committee of the High Commissioner's Program, the High Commissioner said:

Perhaps my greatest concern, one I have referred to on several recent occasions, has been the manifest erosion in many parts of the world of the fundamental concept of asylum, coupled with a tendency to "look the other way" when we talk of durable solutions. Are we suffering "compassion fatigue"? Have the number, magnitude and duration of major refugee situations in the world led to a disaffection, perhaps even a certain cynicism, in the international community which has for so long staunchly upheld the humanitarian principles of protection and assistance which are the foundations of our common endeavor? I sincerely hope not.

The Executive Committee has before it a note on international protection... which points to disturbing trends which, I am convinced, we all must deplore. For example, we live in an age when asylum-seekers are no longer only border crossers, but arrive by sea and by air in increasingly large numbers in countries far away from their homelands, in Europe, in North America and elsewhere. Their very presence and the problems resulting from the dimensions of this new phenomenon are exploited by xenophobic tendencies in public opinion. I well understand the dilemma facing many host countries, but I fear that these difficulties might tempt some Governments to consider adopting restrictive practices and deterrent measures which in my view should never be resorted to in dealing with refugees. I can propose no easy solution to this growing problem of intercontinental jet-age asylum-seekers and "refugees in orbit."⁷³

The erosion of the institution of asylum has continued to be a grave problem. It is essential that countries which have not yet responded to the

72. U.N. Doc. E/CN.4/1983/33, Annex II, at 1 (1983).

73. 39 U.N. GAOR Supp. No. 12 A, U.N. Doc. A/39/12/Add. 1, at 54-55 (1984).

international refugee instruments become parties to these instruments. However, it is even more important that there be a halt to the ever-increasing violations of the physical safety of refugees and asylum-seekers. Reports of widespread refoulement and denial of asylum are a cause of serious concern. No effective means exist to ensure international protection of refugees. The High Commissioner's efforts toward enhancing general awareness on the issue by holding seminars is desirable. However, it is only through sustained efforts on the part of UNHCR, coupled with international cooperation, that refugees can be assured of non-refoulement and international protection.

Australia's recent initiative on temporary refuge offers a useful starting point in undertaking a fresh consideration of asylum. Also, the recent proposals for a New International Humanitarian Order stem from the need for a progressive development of humanitarian law in the broadest sense. It is hoped that they can be formulated with precision to provide a basis for redefining existing legal standards regarding asylum and refugees.

In 1981, the U.N. General Assembly established a group of governmental experts on international cooperation to avert new flows of refugees.⁷⁴ The recommendations in the Special Rapporteur's Study offer the group of experts useful information and analysis for their consideration. Finally, a code of conduct with an international monitoring scheme seems a useful next step in our efforts toward preventing mass exoduses.

Protection of the African Refugee

It is essential that the asylum, voluntary repatriation, and mass expulsion issues be examined carefully. The continued efforts of the OAU have been exemplary. However, it seems imperative that adequate safeguards be provided to ensure the safety of refugees.⁷⁵ It is also essential that voluntary repatriations are indeed "voluntary." This would require that in addition to the convening of the tripartite commission (as was done in Djibouti with the UNHCR and the two governments concerned to discuss the details of a voluntary repatriation program), independent voluntary organizations and freely chosen refugee representatives be involved in the process.⁷⁶ Also, such programs should be undertaken only after the reports of independent fact-finding missions to the country of origin are made public. Such missions should be comprised of independent voluntary organizations and freely chosen representatives of refugees.

74. Pursuant to U.N. General Assembly's resolution 36/148 of Dec. 16, 1981.

75. See, for example, a report in *Refugees*, No. 18 (June 1985), p. 7, that there were again armed raids on Chadran refugees settled near the Central African Republic border with Chad.

The International community has generously provided for African refugees through pledges to the UNHCR and especially through the efforts of the 1981 and the 1984 International Conferences on Assistance to Refugees in Africa (ICARA I AND II). It is appropriate that the theme of ICARA II was "time for solutions." By linking refugee assistance to developmental aid in the affected countries, especially in the Horn of Africa, Sudan, and several countries in Central and East Africa, U.N. experts reviewed several developmental projects submitted by 14 affected countries to ICARA II. The object was to provide assistance toward a strengthening of the economic and social infrastructures in these countries so as to provide a cushioning of the serious impact created by the refugees and returnees. Reporting on the achievements of ICARA II, the High Commissioner called the conference "one of the most encouraging events of the past year."⁷⁷ He added:

The Conference was motivated, among other things, by a need to adjust to new realities in the refugee situation in the developing world. Governments were asked to endorse a new strategy linking aid to refugees with development aid, to strengthen national infrastructures and also to promote or consolidate the durable solutions achieved through the UNHCR programmes. The response of the Conference to those goals was overwhelmingly positive. What we need to see now is the translation of the principles agreed upon into action.⁷⁸

It is encouraging that the World Bank is now actively associating itself with the development efforts undertaken by UNDP and other intergovernmental and nongovernmental organizations.⁷⁹

In the recent past, several recommendations to provide durable solutions to the refugee problem in Africa have been offered by astute observers, such as T.F. Betts,⁸⁰ Shelly Pitterman,⁸¹ and Gaim Kibreab.⁸² The importance of development objectives is recognized in the recent efforts, and emphasis is on integrated zonal development. John Rogge has recently highlighted the importance of considering seriously the needs of the urban

refugee as well.⁸³ Special assistance programs for refugees from South Africa and Namibia need to be continued.⁸⁴

A plea for further funds to assist the refugees in general and those in Africa in particular has recently been made in the August 1985 issue of the UNHCR publication *Refugees*. The editorial states: "In 1985, UNHCR requires some US\$ 500 million to meet the needs both of regular refugee programmes throughout the world, and of the critical emergency programmes in Africa. UNHCR's programmes are not luxurious — if the necessary funds are not found, refugees will suffer."⁸⁵

The editorial anticipates a shortfall of \$50 million. The creation of a special UNHCR fund for durable solution alone will not suffice. A proposal that grants and loans from international financial institutions to developing asylum states be considered as part of the development programs of those states needs to be implemented expeditiously.⁸⁶

In conclusion, it seems imperative that concerted efforts by international agencies, voluntary organizations and individual countries continue on a regular basis to alleviate the refugees' plight in Africa and to offer them the needed protection. We have no choice because the refugees' dilemma is all humanity's dilemma.

83. See John R. Rogge, *op. cit.* (fn. 5)

84. See, for example, Gail Gerhart, "Educational Assistance to Refugees from South Africa and Namibia," *Refugee Issues*, Vol. 1, No. 1 (July 1984).

85. "UNHCR: the need for further funds," *Refugees*, August 1985, p. 5.

86. For the proposal, see Congressional Research Service, Senate Comm. on the Judiciary, 96th Cong., 1st Sess., *World Refugee Crisis: The International Community's Response* (Comm. Print 1979), p. xi.

76. See British Refugee Council report, *op. cit.*, p. 340.

77. See U.N. Doc. A/39/12/Add. 1 (Nov. 5, 1984), p. 55.

78. *Ibid.*

79. See, for example, World Bank, *Toward Sustained Development in Sub-Saharan Africa: A Joint Program of Action* (Washington, D.C., 1984).

80. See T.F. Betts, "Evolution and Promotion of the Integrated Rural Development Approach to Refugee Policy in Africa," *Africa Today*, Vol. 31, No. 1 (1984), p. 7.

81. See Shelly Pitterman, *op. cit.* (fn. 6.)

82. See Gaim Kibreab, *op. cit.* (fn. 5)



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Nuclear Weapons Free Zones and Disarmament

Baffour Agyeman-Duah

The right to peace and security is perhaps the most fundamental right of all nations. It is implicit, if not explicit, in nearly all declarations, conventions, treaties and laws governing the conduct of relations between nations. In the pre-nuclear age the pursuit of national and international security could be effected through "balance of power" and alliance systems. War could be fought, often with disastrous consequences, but civilization could be regenerated.

The emergence of nuclear weapons in contemporary international relations has changed the content, strategy and possible consequences of war, and has brought into sharp focus the most challenging security issue ever to face mankind. The only atomic weapons thus far used in warfare, two bombs dropped on Hiroshima and Nagasaki in 1945, killed an estimated 200 to 300,000 people, and the radiation effects continue to debilitate hundreds of Japanese to this day.

In 1945 there were nine atomic bombs. Today, in the United States and the Soviet Union alone, there are over 46,000 nuclear weapons in strategic, intermediate and tactical inventories.¹ The destructive power of a single warhead on a MIRVed missile is more than a hundred times that of the bombs dropped in 1945. Nevertheless, the two superpowers continue to build up their nuclear arsenals and seek ingenious ways to conduct a fightable and winnable nuclear war!

It is generally assumed that war between the superpowers cannot be easily limited to conventional warfare. Moreover, most conventional weapons have been nuclearized in recent years. The effects of superpower war cannot be limited to their territories. The Caldicott-Sagan theory of "nuclear winter" recently strengthened by a Pentagon-funded study by the National Academy of Sciences makes credible the notion that a nuclear war between the powers would victimize innocent bystanders.²

1. Ruth L. Svard, *World Military and Social Expenditures 1983*, (Washington, D.C.: World Priorities, 1984) p. 15.

2. The theory posits that if nuclear war did not directly kill everyone its aftereffects would. It is based on the possibility that contaminants from the explosion would block out the sun. The National Academy of Sciences study was chaired by George Carrier of Harvard Univ. For details see: "The Effects on the Atmosphere of a Major Nuclear Exchange," Washington, D.C. National Academy Press, 1984.

Baffour Agyeman-Duah is Assistant Professor of The Division of Social Sciences at Bennett College, Greensboro, North Carolina.

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Furthermore, the strategy of these powers to "incorporate" strategic points around the world for bases and command and control centers, to litter the depths of the oceans with their nuclear submarines, and now to move their weapons to the heavens — the so-called "Star Wars" or "Strategic Defense Initiative" concept of the US — has expanded their battlefield to every conceivable reach of man. In so doing, they have stripped nations of their ability to protect their peoples and their right to exist without fear, intimidation, or threat.

The danger of nuclear weapons becomes more acute when proliferation assumes a horizontal trend and leads to the creation of regional nuclear powers. The general instability affecting most regions of the world makes nuclear weapons in such areas a greater potential for pre-emptive conventional wars that could easily trigger nuclear exchange or pre-empt firststrike. The management and control of nuclear weapons in nations whose technological capacities are suspect can also create serious risks and dangers. Furthermore, regional nuclear conflicts could easily trigger Big Power intervention, particularly in strategic regions. As Leonard Spector has stated in regard to the Middle East in his recently released study, a handful of nuclear weapons could destroy any country in the region, kill hundreds of thousands of people, and if used against Gulf oil fields, undermine the economies of the West.³ A nuclear war in a strategic region like the Middle East, therefore, cannot be free from superpower intervention and its associated dangers. Another danger in horizontal proliferation is that new nuclear nations put themselves at a greater risk by becoming potential targets for the nuclear superpowers, who may have to take account of every conceivable source of nuclear threat in their contingency plans.

These compelling security risks require urgent and effective measures to stop the spread and possible use of nuclear weapons. One such measure, we will argue, is the adoption of the "nuclear weapons free zones" (NWFZ) concept by regions free of the weapons. When fleshed out into concrete form, NWFZ can arrest the spread of nuclear weapons as an important first step toward the control and eventual elimination of the weapons. We also consider that new collective security systems are called for in the nuclear age. It is in these directions that we consider NWFZ arguments as important first steps toward effective control of nuclear proliferation and dynamic regional security arrangements. Nothing can be more important for securing the right of nations to peace and security in the nuclear age than for nations to create systems that insulate them against the possibility of nuclear threats and warfare.

Our objective in this paper is therefore to explore the NWFZ concept

and suggest ways for achieving it in various regions of the world. Our exploration will proceed in three parts. First, we shall define and examine the concept. Second, we shall study NWFZ within the context of specified regions. The focus will be on regions that have achieved or have greater prospects for achieving the NWFZ and where it is actively pursued. Finally, obstacles hindering progress toward NWFZ as well as prospects will be addressed.

Nuclear Weapons Free Zone (NWFZ)

The basic aim of NWFZ is to limit the spread of nuclear weapons by preventing their introduction into areas as yet free from them. It ensures that where necessary, nuclear developments in a non-nuclear weapons state (NNWS) be devoted only for peaceful purposes. This aim should be sought through regional initiative. While this aim reinforces the basic provisions of the Non-Proliferation Treaty (NPT), there are some differences between these two peace-seeking measures. The NWFZ and NPT have a common objective of seeking international security through the prevention of the spread of nuclear weapons. The difference between the two, however, lies in their approach to the objective. The NPT seeks the objective, first, by requiring nuclear Powers "not to transfer" nuclear weapons or its technology and devices and not to assist in any way the development of such weapons by the NNWS. Secondly, it requires the NNWS not to receive or manufacture nuclear weapons or devices. The NWFZ, on the other hand, seeks a regional collective initiative towards the objective. It requires NNWSs of specific geographic regions to come together to renounce the introduction, development, deployment, or use of nuclear devices in their region. The NWFZ ensures that designated zones are free from Big Power hegemonic rivalries and foreign military presence in all its forms. It also stands in opposition to armed occupation of any territory in the zone by outside powers, and direct or indirect intervention and the threat of force. Finally, NWFZ demands the respect of nuclear-weapon states (NWS) for NNWS and calls on the NWS to undertake not to use or threaten to use nuclear weapons against them. Therein lies the utility of NWFZ as an effective regional security system in the nuclear age.

The NWFZ has come to be recognized as the most practical means to halt the horizontal proliferation of nuclear weapons. It has been considered in numerous disarmament negotiations at the United Nations and other international forums. During the past two decades, several proposals for NWFZ have surfaced with regard to areas like Central Europe, the Balkans, the

3. Leonard Spector, *Nuclear Proliferation Today*, (Washington, D.C.: The Carnegie Endowment for International Peace, 1984).

Nordic countries, Asia and the Pacific, South Pacific, the Middle East, Africa and Latin America. From a realistic point of view, areas that are already fully and effectively integrated into US and Soviet security strategies may be the most difficult in which to form an NWFZ. Hence, prospects for the European theatre — East, West and Central — may be ruled out for immediate consideration. We shall therefore concern ourselves with the regions of Latin America, the Pacific Ocean, South Asia, the Middle East, the Indian Ocean and Africa.

It is perhaps important to note that for some practical purposes, the Antarctic Treaty, signed in 1959 and entered into force in 1961, represents the first successful attempt at a NWFZ. It specifically bans "any nuclear explosions" and prohibits the use of Antarctica for "any measure of a military nature" except for "scientific research or for any other peaceful purposes" (Articles I and IV). However, the treaty was achieved on the initiative of external powers to diffuse a potentially dangerous confrontation between several states claiming sovereignty over the Antarctica.⁴ In this sense the treaty lacks a basic requirement for a NWFZ: that it should be internally generated or initiated. Other treaties like the Outer Space Treaty and the Seabed Arms Control Treaty fall into the same category and may not therefore serve as useful models for NNWSs desirous of achieving a NWFZ. The Latin American Nuclear Free Zone Treaty (LANFZ) consequently stands out so far as the only successfully concluded NWFZ agreement.

NWFZ in Specific Regions of the World

The Latin American Nuclear Free Zone (LANFZ)

The LANFZ treaty prohibits nuclear weapons in Latin America. It was signed in Mexico City on February 14, 1967, and entered into force on April 22, 1968. Desiring to contribute towards ending the nuclear arms race and towards a peaceful world, and convinced that nuclear weapons constitute "an attack on the integrity of the human species and ultimately may even render the whole earth uninhabitable," the Latin leaders agreed on two basic obligations, as spelled out in Article I of the Treaty:

1. The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:

(a) The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and

(b) The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly by the Parties themselves, by anyone on their behalf or in any other way.

2. The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon.

Other salient provisions of the Treaty concern verification and a machinery to ensure compliance. Treaty signees undertook to arrange with the International Atomic Energy Agency (IAEA) for application of its safeguards to their peaceful nuclear activities. They also agreed to establish an organization — the Agency for the Prohibition of Nuclear Weapons in Latin America — vested with powers to perform "special inspections" to ensure compliance with treaty provisions.

That the LANFZ has come to stay has been demonstrated in the fact that since its inception nuclear weapons have not become an issue in the region. The Cuban Missile Crisis of 1962 that, in part, accelerated the Latin countries' move to establish the LANFZ⁵ has not repeated itself in any form even though Cuba has refused to sign the Treaty. With initial reservations and ensuring that the establishment of the LANFZ would not disturb American security arrangements, President Nixon formally proclaimed the ratification of "Additional Protocol II" to the Treaty in June 1971. In addition, countries like the Soviet Union, Britain, China and France have all ratified the Treaty. The only deviant in the Latin American case is Argentina, which has not ratified the Treaty and, according to Spector's study, has become a nuclear-capable State aiming to produce by next year enough enriched uranium for six weapons annually.

The Pacific Ocean Nuclear Free Zone (PONFZ)

Efforts to make the Pacific Ocean a NWFZ have been more coordinated and consolidated since the early 1970s, and has led to the formation of the "Nuclear Free and Independent Pacific" (NFIP) movement. As the name implies, the NFIP movement links its anti-nuclear objectives with self-protection or protectorate. A basic principle of NFIP therefore calls for "the withdrawal of all remaining colonial powers from the region and for a Pacific-wide nuclear-free zone." Over the past decade four international conferences involving countries from the Pacific have been convened toward the NFIP idea: in Fiji (1975); Micronesia (1978); Hawaii (1980); and Vanuatu (1983).

4. In the 1950s seven nations: Argentina, Australia, Chile, France, New Zealand, Norway and Britain, claimed sovereignty over areas of Antarctica on the basis of discovery, exploration or geographic proximity. See: Arms Control and Disarmament Agency, *Arms Control and Disarmament Agreement: Texts and Histories of Negotiations, 1982 Edition*. (Washington, D.C.: ACDA), pp. 19-21.

5. Before the Cuban Missile Crisis the Brazilian Representative at the UN had suggested making Latin America a nuclear-free zone.

A declaration from the Vanuatu Conference of July 1983 is particularly illuminating:

We strongly condemn the deployment of nuclear weapons systems into the Pacific. . . . We support the efforts of the Kwajalein landowners of the Marshall Islands. . . . We support the indigenous peoples of Canada in their opposition to the testing of the Cruise Missile on their alienated lands. We not only fear the potential hazards of such weapons systems and the potential for nuclear attack, we also oppose the displacement of Pacific peoples for the establishment of such systems.⁶

While the efforts of NFIP toward a PONFZ have been consistent and have gathered strength over the years, they nevertheless face very formidable obstacles. The Pacific region has been a preserve for US military and colonial power for nearly a century. US military installations stretch from Hawaii to Japan and from the Aleutians to Australia. According to the American Defense Department, over a quarter of a million US military personnel are stationed in the Pacific.⁷ Crowning US strategic interests in the region is its use of the Ocean's islands, particularly the Marshall Islands and Kwajalein, for the testing of its nuclear developments, from ICBMs to the MX. Hence, a successful PONFZ will seriously undermine existing American security arrangements in the region. Its opposition to the NFIP movement is therefore formidable, and the government has stated on occasion that it would accept a NWFZ in the region provided it does not violate American security.

It becomes imperative for the region to disengage itself from American security tentacles before a successful PONFZ can be achieved. One way toward that disengagement is the intensification of the struggle for sovereign identity. The power of sovereignty permits a nation to demand and determine its own destiny. That is why it makes a lot of sense for the NFIP to link nuclear freedom in the Pacific with the independence of the territories.

Political leaders of the region should also be more forceful in presenting their case before international forums to mobilize world opinion against continuing American occupation. While the elimination of US control may not necessarily lead to the immediate creation of PONFZ, it will surely provide the region with the freedom of action needed to accelerate the process toward PONFZ.

South Asia Nuclear Free Zone

Proposals for South Asia Nuclear Free Zone (SANFZ) attracted world attention in the 1970s when resolutions to that effect were passed at the

6 *News: Peace and Independence Pacific Conference, 1983, REPORT*, Port Vila, Vanuatu, July 10-20, 1983.

7 US Department of Defense, *Department of Defense Annual Report Fiscal Year 1981*, p. 20.

United Nations. The last resolution, passed in December 1979, reaffirmed, in principle, the SANFZ concept and urged the states of the region "to continue to make all possible efforts to establish" a SANFZ and, "in the meantime, refrain from any action contrary to this objective."⁸

From their pronouncements at the UN and elsewhere, all states of South Asia, including the dominant two, India and Pakistan, have indicated their interest in SANFZ. For instance, introducing a draft resolution at the UN in November 1979, Pakistan "reaffirmed the belief that the creation of a nuclear weapon-free zone was at present the most feasible way of preventing the proliferation of nuclear weapons."⁹ Even though India voted against the resolution and showed restrained enthusiasm, it acknowledged the efficacy of SANFZ for regional peace and security and, indeed, would like to see SANFZ embracing the whole of Asia and the Pacific. Certainly, India is concerned about China, a credible member of the nuclear club, on its northern border. India considers South Asia as a subregion and an integral part of the region of Asia and the Pacific and cannot therefore exclude China. Furthermore, India's approach to SANFZ is one that will bar the presence of foreign military bases because they complicate the "security environment of the region."¹⁰

The divergent approaches to SANFZ by India and Pakistan may have a lot to do with their traditional antagonism and the fact that both are nuclear-capable states. In May 1974 India successfully exploded a "peaceful" nuclear device, and according to the 1984 study by Spector referred to earlier, it has expanded its capacity for producing weapons-usable plutonium. The same study classifies Pakistan also as being at the nuclear doorstep. It has overcome its last technical obstacle (the uranium-enrichment process) and has reportedly prepared an underground test site in the Chagai Hills. Considering the enmity and mistrust between these two States (they have gone to war twice within recent times!), it will be quite a problem getting them to agree on the modalities of a SANFZ. The key to a successful SANFZ therefore lies in the hands of India and Pakistan.

Their common recognition that SANFZ offers the most potent means to ensure regional peace and security, however, can serve as a basis for sustainable negotiations. Clearly, SANFZ is in the self-interest of the two states. Their arrival at the nuclear threshold makes it more important and urgent for them to strike a common ground to put a cap on a potential escalation

8 United Nations, *General Assembly, Resolution 34/78 of December 11, 1979*.

9 United Nations, *The United Nations Disarmament Yearbook*, (New York: United Nations, 1980), p. 181.

10 *Ibid.*, p. 182.

before they get locked into the vicious cycle of action-reaction competition for parity, if not superiority.

In spite of their emerging nuclear prowess, India and Pakistan are poor countries with enormous socio-economic problems. To begin to suck their fragile economies into an expensive enterprise like nuclear armaments is to fatally undercut their future wellbeing. It is therefore suggested that their present holdout to SANFZ is temporary and has been for scoring political points. The other regional states should therefore undertake more effective and sustained efforts to bring India and Pakistan together in the process toward SANFZ. Such efforts are bound to bear fruit.

Middle East Nuclear Free Zone

The fear of Israel becoming a nuclear-capable state has been the main motivating force for Middle East states to call for a Middle East Nuclear Free Zone (MENFZ). But in 1984, according to the Spector study, Israel secretly developed nuclear bombs and warheads for surface-to-surface missiles, but shields their existence as weapons of last resort, to be used only to uphold the state's existence. Will the MENFZ concept therefore be stillborn?

When MENFZ came up at the UN, Israel supported it on condition that it go through "a formal, contractual and multilateral convention freely negotiated among all the States of the region."¹¹ Furthermore, Israel would like to see MENFZ established "on the basis of voluntary and mutual agreement and the reciprocal commitment of all States concerned."¹² These conditions can not be said to constitute a threat to a successful MENFZ; in fact, they are within the spirit of the NWFZ concept, and would even ensure a more effective arrangement.

There is certain danger in Israel's development of nuclear arms. It creates a serious threat to the security of the States in the region and is most likely to stimulate a regional arms race, particularly in view of the long-standing Arab-Israel hostility. Iraq's efforts for nuclear development and Libya's fantasy for developing its own may represent the broader Arab concern about Israel's nuclear capability. Even though earlier Iraq's attempt to develop the Osirak reactor was smashed by the Israeli air raid of 1981, and further attempts to rebuild have been stymied by stiff French inspection terms, it is clear that Iraq will not abort its ambition.

The security of the Middle East from a possible nuclear catastrophe lies in the establishment of MENFZ. It will curtail the spread of the weapon and control the Israeli development by subjecting it to international inspec-

11 *Ibid.*, p. 179

12 *Ibid.*

tion and perhaps a regional control. The inherent dangers in a nuclear-infested and highly unstable Middle East call for urgent measures to bring all the states together for a MENFZ to forestall a potential holocaust.

The Indian Ocean as a NWFZ

The idea of making the Indian Ocean and its littoral states a NWFZ has flourished over the past decade and has led to a UN Declaration of the Ocean as a "Zone of Peace."¹³ Originated by Sri Lanka and initially designed to abolish naval forces of both world powers and littoral states, the Indian Ocean Zone of Peace (IOZP) is presently targeted against the superpowers and their nuclear forces. In its present form, the IOZP is designed to isolate the area from any East-West confrontation and enhance prospects for peace in the region. The basic assumption of the proponents of the IOZP is that the removal of superpower bases and naval forces from the region will make the area a "zone of peace." As George Shepherd has observed, the IOZP has its "origins in the fear of the consequences of a clash between the rival superpowers and even more directly, the use of force or the threat of superior force within the conflicts of regional states."¹⁴

Much in contrast to the efforts and success of the Latin countries, the attempts to formalize the IOZP into a NWFZ have encountered obstacles, both from within the region and from without.

Regional Obstacles

A major regional obstacle is that the major actors in the IOZ, India, Pakistan and South Africa are all at the threshold of becoming nuclear-capable states and each seems to have the ambition to become a dominant regional power. Furthermore, India and Pakistan have deep-seated mutual suspicions as a result of traditional animosities that have led them into war on two occasions in recent memory. Consequently, even though they proclaim their support for the IOZP, they are unable to accept a common ground for an Indian Ocean Nuclear Free Zone (IONFZ). South Africa has shown no interest in the IOZP efforts as it continues to refine its nuclear developments. Perhaps, because of its "pariah" status in the world, South Africa has taken the liberty to ignore calls to halt its nuclear development. Obviously, any meaningful IOZP regime must have the support and active cooperation of these three apparent nuclear-capable states.

13. United Nations Document A/8492, October 1, 1971.

14. George Shepherd, "Arms Limitation in the Indian Ocean: Retrospect and Prospects on NALT and the Zone of Peace," a paper presented at the International Studies Association/Western Region meeting, Denver, Colorado, October 25-27, 1984.

The main external obstacle to the IOZP process comes from the demise of superpower detente that has led to heightened strategic rivalries. The American hostage problem in Iran in 1979, to be followed almost instantaneously by the Soviet invasion of Afghanistan, dealt a mortal blow to US-USSR negotiations for a Naval Arms Limitation Treaty (NALT) talks on the IOZ. In the atmosphere of heightened American perception of threat against its interests in the Middle East, the US instituted the Rapid Deployment Force (RDF). As part of the RDF strategy, the US acquired naval and port facilities in Kenya and Somalia and doubled its efforts to expand its military base on the island of Diego Garcia. The Soviet Union, on its part, has gained access to naval facilities in Ethiopia and has expanded its submarine fleet in the IOZ.

These superpower policies in the Ocean have put them at odds with the IOZP initiative. Any chance for the resumption of the NALT talks seems to have petered out since the Reagan Administration has shown a greater interest in military expansion and consolidation to American strategic networks than in talks to limit or control nuclear weapons. The cessation of the superpower arms race and interventions in the region become a critical requirement for progress toward the IOZP initiative.

Africa as a Nuclear Weapons Free Zone

African states' awareness of the threat of nuclear weapons to their peace and security was made evident in their opposition to Charles DeGaulle's effort to use the Sahara as the testing ground for French nuclear devices during the late 1950s and early 1960s. It was recognized that not only the tests, but the presence of atomic/nuclear weapons constituted grave danger for the continent's security. A call to proclaim Africa "a nuclear free zone" was subsequently made at the United Nations.

This early recognition and initiative, however, were diffused when the African states successfully mobilized international public opinion against the French to cease their tests. The NFZ idea became moribund in African diplomacy until the early 1970s when the East African states joined with other Indian Ocean littoral states for the IOZP movement.

The most decisive attempt to denuclearize and make Africa a NWFZ was to come in 1979 when reports surfaced that South Africa had in all likelihood exploded a nuclear device.¹⁵ While South Africa denied these reports and no conclusive evidence could be marshalled against it, the American testimony at the UN clearly corroborated the reports:

The only indication it has to date that a nuclear explosion may have occurred in that region was a signal from a United States satellite at 0052 hours GMT on 22 September 1979. The United States has not been able to obtain any corroborating evidence that a nuclear explosion actually took place.¹⁶

Led by Nigeria, the African states succeeded in getting the UN General Assembly to pass a draft resolution "that the Nuclear Programme of the racist regime constituted a very grave danger to international peace and security particularly in respect to Africa; call upon all States to halt collaboration with South Africa in the nuclear field; and request the Security Council to institute effective enforcement action."¹⁷

The reinvigorated interest of African States in "human and peoples rights" has brought into focus, once again, the African concern for "national and international peace and security." Indeed, the OAU's Banjul Charter of 1981 recognizes this as a right of all peoples. While the Charter does not directly deal with the threat of nuclear weapons, it clearly situates the basic human rights of African peoples within the wider context of international peace and security. The potential therefore exists for the Charter to serve as a springboard toward a NWFZ initiative.

In the African region, South African non-cooperative behavior presents the major obstacle to a successful NWFZ. It is the only regional nuclear-capable state. Its domestic politics puts it at odds with other African states and most of the world in general. The recalcitrance of South Africa in the face of immense international opposition to apartheid has reinforced its threat perception and has led it into militarization and now into nuclearization. In all likelihood, the nuclearization program of South Africa is an attempt to clothe apartheid in a nuclear garb with the false hope of ensuring its permanency.

As in the case of the Pacific Ocean region where NWFZ efforts have been linked to the 'decolonization' struggle, it is important for the African NWFZ initiative to link itself with the anti-apartheid movement. Apartheid and the South African nuclear program should be deemed the two sides of the same coin and their repugnance be pursued on a parallel basis.

Obstacles and Prospects

From our discussions, it becomes evident that numerous obstacles confront any NWFZ initiative in respect of the regions we have treated. But

16. *The United Nations Disarmament Yearbook*, op. cit., p. 175. According to Leonard Spector's study, South Africa has the technology and enough material for 15 to 25 Hiroshima-size bombs and that some US analysts believe that the September 1979 "flash" was a joint South African-Israeli nuclear test.

17. *Ibid.* pp. 175-177. United Nations Resolution 34/76A, 11 December 1979, passed by 128 votes to none with 11 abstentions including Israel, UK, France, Canada, USA, and W. Germany.

15. See, for instance, *The New York Times*, October 26, 1979, p. 1.

the most salient obstacles that we clearly identify are: (1) the emergence of nuclear-capable states in these regions, (2) the presence of the superpowers and their interventionist policies to protect their interests, (3) intra-regional animosities and disagreements over approaches to NWFZ, and (4) the heightened superpower rivalries that have undercut their interests in supporting NWFZ movements.

These obstacles may not be present in all regional situations and one or two may be highly reflected in one situation more than the others. A particular regional environment may therefore determine the ordering of priorities when it comes to addressing these obstacles. For instance, in South Asia, it is clear that obstacles (1) and (3) become more important and deserve closer attention than the others, while in the Pacific Ocean obstacles (2) and (4) are of greater importance. The Indian Ocean region combines almost all four obstacles while the Middle East and Africa have to deal on a priority basis with obstacle (1).

In view of these problems, one may ask: Is there any prospect for successful NWFZ in these regions? We cannot answer this question with any certainty, and one cannot be optimistic about the future. However, some seeming possibilities provide a glimpse of hope. First of all, all the regional states, including the nuclear-capable (NCS) ones, have recognized the need for NWFZs. Such a recognition provides an important common ground for the states to come together to find compromises for agreement. Secondly, the problem of superpower presence and interests can be accommodated within a "second detente era" which may surely come. During the first "detente era," the US and Soviet Union were favorably disposed towards negotiating a NALT agreement in the Indian Ocean. We can therefore surmise that in an era of detente the regional states can successfully bring pressure to bear on the powers to open talks and support the NWFZ movement. Indeed, positive and warm US-Soviet relations will provide the key to superpower cooperative behavior which is a necessary condition for successful NWFZ initiatives.

Finally, there is potential for the resolution of most of the intra-regional problems that hamper the NWFZ process. In Africa, for example, the complicated security problems of southern Africa seem to be untangling as South Africa desperately seeks peace with dominance over its neighbors, particularly Mozambique, Angola, and Zambia. While the central problem of "apartheid" needs to be tackled for a more durable peace in the region, it is generally believed that peaceful interstate relations will go a long way to lessen the South African perception of threat and consequently make it more susceptible to the African NWFZ concept. Moreover, the inevitable social revolution in South Africa offers the hope that "apartheid" could soon be divorced

from its nuclearization program. Even though the Indo-Pakistani discord remains, there has been visible movement toward accord during the past few years. The presence of General Zia at the funeral of Indira Gandhi may indicate the desire for peaceful co-existence between India and Pakistan. In other regions like the Middle East, we can only hope that the recognition of the dangers of the presence of nuclear weapons would persuade the states to place the agenda for NWFZ over and above their traditional hostilities and petty squabbles.

One obstacle that must be overcome in the regional efforts for NWFZ is the elitist approach. With the exception of the Pacific Ocean region, all the others have limited their efforts to diplomatic lectures at international forums. The current "nuclear-freeze" movement in the US and Western Europe would seem to indicate that common people would have to be directly involved in the search for a nuclear-free world. Diplomats and bureaucrats have not proved very capable of resolving the nuclear crisis. The popularization of NWFZ process in the Pacific Ocean by NFIP therefore provides a useful tactical lesson for other regions to learn from. The "Pacific Network" has tried to mobilize, organize and coordinate grassroots action in the Pacific islands. Such mass approach to NWFZ has a greater potential for politicizing societies into positive actions. A duplication of the Pacific approach in other regions would facilitate an eventual international coordination and action towards NWFZ. Inter-regional efforts, in turn, will mitigate or eliminate secret nuclear collaboration between States of different regions, as South Africa and Israel are reported to be doing.

Our discussions demonstrate clearly that achievement of NWFZs cannot be divorced from certain internal and external forces. It is the recognition of these forces and the political will to deal with them that will pave the way for successful NWFZs. In the present nuclear climate, the more we delay the efforts toward NWFZ, the more dangerous our world becomes, and the less secure will be the human race. The fundamental right of the human race, the right to exist without fear or the threat of extinction, can be guaranteed in our nuclear age only if there is effective control and eventual elimination of nuclear weapons in the international system. And, we suggest that NWFZs represent important first steps toward the attainment of that goal.

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With this issue *Africa Today* introduces the premier of **Africa Rights Monitor**, a quarterly feature addressing the status of human rights in Africa. Many organizations are presently involved in cataloging and monitoring human rights abuses in Africa and beyond. **Africa Rights Monitor** does not wish to duplicate this work but rather to address it in terms of trends and policies. **Africa Rights Monitor** will deal with human rights in the broadest sense: civil and political rights; economic, social and cultural rights; and the emerging emphasis of peoples' rights. Therefore, the issues discussed will include not only political repression, but also food shortages, refugee situations, militarization and the arms race, problems of production and accumulation, and systemic economic issues such as the debt crisis and its ramifications. Each issue will also provide some bibliography selected for activists and scholars alike.

In line with the above parameters, the report which follows contains a section on repression in South Africa, a section addressing the issue of famine, and bibliographic references on recent Human Rights related events in South Africa.

As this is a new venture, we encourage readers to respond with suggestions, criticism, and submissions for future issues. We welcome materials which may be printed intact (with acknowledgement) as well as raw data which may be incorporated into future reports. We also invite exchange relations with journals on Africa, particularly those addressing similar concerns. We hope this effort may make a modest contribution to the amelioration of all forms of human rights abuse on the African continent whether their roots lie there or abroad.

South Africa: State of Unrest, State of Emergency

Throughout much of 1984 and all of 1985, South Africa has become increasingly ungovernable. As popular resistance to apartheid increased the government resorted to the imposition of a state of emergency in magisterial districts in most of the major urban areas. The state of emergency has been in effect for over four months as we go to press, yet the unrest continues. **Africa Rights Monitor** will attempt to provide an overview of the past two years — the better to grasp the dimensions of resistance and repression

Assisting the editors in the completion of this report were: Donald Will, Clorobong Chean, Zahra I. Elmi and Kwando Ofori Bekwe

In January, 1984, the United Democratic Front initiated a petition campaign to oppose the culmination of apartheid — the final dispossession and disenfranchisement of Africans — embodied in the new constitutional accords. Popular opposition to the constitution was so great that Africans were joined by Coloureds and Asians (who were promised separate legislative houses) in such large numbers that over eighty percent of the latter two peoples boycotted the elections held in August. The government opened the new puppet parliaments in September while simultaneously arresting numerous UDF leaders and organizers. Detentions under the Internal Security Act and other arrests continued into 1985 with many of those picked up being charged with a variety of crimes, including treason and collusion with the African National Congress. Demonstrations increased in number, police violence escalated, and even funerals were transformed into political rallies with the mourners subsequently attacked by police.

A sense of the continuing exercise of oppression through detention may be gleaned from the following figures reported in International Defence and Aid Fund Focus:

1984		Detentions 1984 (cont.)		1985	
Jan.	108 +	Jul.	21	Jan.	246
Feb.	24	Aug.	271 +	Feb.	99
Mar.	30	Sep.	52	Mar.	74
Apr.	26	Oct.	108	Apr.	21
May	44-56	Nov.	93	May	41
June	54 +	Dec.	31 +		
		Total	862-874 +	total (5 mos)	481

Despite the astounding numbers, several caveats must be made, rendering the above calculations definitively conservative. First, for the recent months the figures are obviously incomplete since not all detentions have yet been compiled. Second, and more important, figures from the Detainees Parents Support Committee greatly exceed the above and there is little reason to question their data. The DPSC reported 1,034 confirmed detentions between Jan. 1, 1984 and Nov. 14, 1984. This is several hundred more than the above figures. The Minister of Law and Order reported 434 detentions in South Africa (i.e., minus the "independent" homelands) between Jan. 1 and Nov. 15th. According to the IDAF at least 406 detentions occurred in the Transkei during this period while 107 are known to have occurred in the Ciskei. In addition there are at least another 34 unconfirmed detentions. Specific figures are unavailable for Venda and Bophutatswana. Third, recent releases by the DPSC are actually smaller than the government figures, lending credence to the likelihood that detentions in the rural areas (where the DPSC lacks a presence) have increased and are going unreported. Moreover, the DPSC indicates that of the new government admissions, some 50% of the names are unknown to them. The conclusion to be drawn is

that detentions are taking place *far in excess* of any of the reported figures or compilations.

In September 1985 Don Foster and Diane Sandler released a report prepared under the Institute of Criminology of the University of Capetown. Entitled "A Study of Detention and Torture in South Africa: Preliminary Report," it reports figures from the DPSC for 1984 recording that during that year 1,149 persons were detained under all security measures, including those of the homelands. Foster and Sandler report that as of August 1985, more than 2,400 persons had been detained under the emergency regulations (instituted July 20) as well as at least another 300 under permanent security statutes. They emphasize that South Africa detention without trial is specifically political in its nature and that it has provoked internal opposition to apartheid.

It is the bulk of this report, however, which is especially grim in its description of the aspect of the detention issue — the treatment of detainees in South Africa — which is otherwise unreported. The research has a wide scope and the detainees are the focus of the study. It follows by a wide margin that it includes a wide range of information through which the nature of the emergency regulations is often (with a variety of sleep with history Africa pu

It is worth noting that where detention is used to suppress political resistance, the government must resort to more or stringent bail conditions. In detention Dr. Allan Boesak amount to a virtue. Thence, *inter alia*, that he report daily to the police and that he relinquish his passport; that he not leave between 0600 and 06H00 without written permission; that he not provoke consumer boycotts, school or academic disinvestment; that he not conduct any interviews with the media.

Table 1: Incidence of Reported Physical Torture (in percentages)

Forms Of Torture (no. of individuals)	Male (144)	Female (31)	African (126)	Coloured (18)	Indian (18)	White (13)	Total (175)
No physical torture	17	19	7	50	17	69	17
Beatings	78	61	86	39	72	23	75
Forced standing	49	55	58	28	33	23	50
Maintain abnormal body position	35	26	38	22	33	8	34
Forced gym exercises	31	13	34	6	22	8	28
Bag over head	26	16	30	6	22		25
Electric shocks	27	13	32	6	6	8	25
Food Deprivation	22	19	24	11	22	8	21
Strangulation	20	7	23	6	11		18
Suspension	16		19				14
Cold Water	14	3	15	6	6		12
Water Deprivation	9	7	11		6		9
Applications of cigarettes, chemicals	9		10				7
Bright light	4	3	5		6		4
Excess cold	3		5			8	4
Excess heat	1	3	2				2
Walk bare-foot over glass, stones	1		1				1
Other torture	29	23	34	6	17	8	27

Source: Don Foster and Diane Sandler, "A Study of Detention and Torture in South Africa: Preliminary Report" (Capetown: Institute of Criminology at The University of Capetown, 1985).

Table 2: Respondents' Claims Regarding Psychological Forms of Torture (in percentages)

Psychological Forms of Torture (no. of individuals)	Male (144)	Female (31)	African (126)	Coloured (18)	Indian (18)	White (13)	Total (175)
False accusations	83	81	84	67	94	77	83
Solitary confinement	77	87	75	94	89	85	79
Verbal abuse	69	81	71	72	89	54	71
Threatened violence	63	71	63	67	83	46	64
Good/bad interrogators	57	58	56	50	67	62	57
Misleading information	53	42	48	44	72	62	51
Witness/knowledge of others' torture	49	29	56	17	28	8	45
Threats of execution to self or family	44	26	48	11	50	8	41
Offer of rewards	34	36	39	6	44	15	34
Forced to undress	31	10	30	11	22	23	27
Constant interrogation	22	29	21	22	50	15	23
Blindfolded	15	19	19	6	6	8	15
Sleep deprivation	15	19	14	17	17	23	15
Threat of prolonged detention	8	13	7	6	11	23	9
Knowledge of abuse to family and friends	6	7	5		11	15	6
Sham executions	4		3		6		3
Drug administration	1	10	2	6	6		3
Excrement abuse	2		2		6		2
Use of animals	1	3	2				2
Other forms of psychological torture	8	29	7	22	17	31	11

Source: Don Foster and Diane Sandler, "A Study of Detention and Torture in South Africa: Preliminary Report" (Capetown: Institute of Criminology at The University of Capetown, 1985).

not attend or address any meetings in excess of 10 persons other than *bona fide* church services; and that he not attend any funerals without police permission.

A lack of hard data makes the number of deaths in detention difficult to calculate. One fact, however, is for certain: the government claim that nobody died in detention during 1984 is patently false. The following were reported in IDAF Focus:

Deaths in detention

1984	1985
January.....1	February.....1 (shortly after release)
July.....2	March.....1
August.....1	May.....3
December.....1?	

The **Amnesty International Report 1985** notes once again that the number of executions in South Africa remains especially high. Amnesty cited the hangings in Pretoria Prison of 114 persons convicted of criminal offenses in addition to several other executions in the "homelands."

Police violence has continued to escalate. In July 1985, the government declared the state of emergency, claiming its purpose was to halt Black-against-Black violence. During October P.W. Botha, State President, announced that 761 persons had died in violence since mid-1984. The government maintains that one-third of this number were killed by other Blacks, i.e., killed as collaborators of one sort or another.

These assertions are challenged by recent figures released by the South African Institute of Race Relations. The SAIRR reports that during the same period at least 845 persons were killed in political unrest. Of this number 14 were Black policemen, 1 was a White soldier, several were Black city councillors. While several others have been killed as informers, it is most unlikely that the figure comes anywhere near the additional 250 needed to comprise one-third of the deaths.

As for the effectiveness of the state of emergency in quelling unrest, the SAIRR reports that during its first 100 days 334 persons were killed — a rate of 3.34 per day. During the preceding 323 days 509 persons had been killed — a rate of 1.54 per day. Thus, contrary to the regime's stated intentions, the state of emergency has seen a 100% escalation in deaths due to unrest — the bulk of them at the hands of the police.

Recent days have seen the deliberate extension of demonstrations and rioting into "White" areas. The conclusions to be drawn from all of these events are many. Among them we would suggest the following. First, the ANC has been successful in its initial appeal to make South Africa "ungovernable" and its subsequent call to extend the unrest to "White" neighborhoods.

Second, that the demands of the UDF and other organizers of these demonstrations enjoy broad popular support (among them the release of Nelson Mandela and other political prisoners, the unbanning of the ANC, the dismantling of apartheid, and perhaps most important, one-person-one-vote). Third, increased government repression has been unsuccessful and must cease. Fourth, international pressure for these ends ought to be increased. One could easily continue.

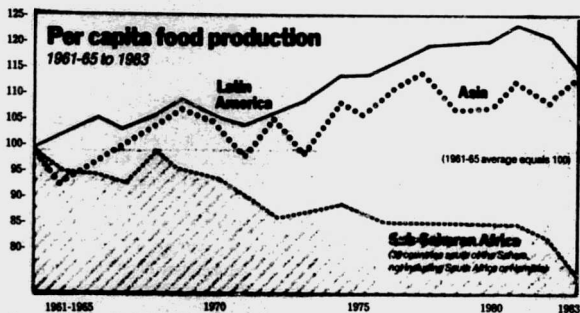
Africa Rights Monitor readily acknowledges the insufficiency of the data reported above. In the interest of disseminating more accurate information we invite correspondence from all sources having substantiable information and we will gladly compile it and keep our readers informed.

Famine and The Right to Food

The right to food is a clearly recognized human right as an integral part of the right to development which has been affirmed by the Human Rights Commission of the UN and stated specifically in the African Charter of Human and Peoples' Rights (Art. 22). Also the right to existence (Art. 20) is threatened by famine.

In 1984 the UN designated 12 countries as "the hungriest Twelve" using the indicators of population, calorie intake, life expectancy at birth and infant mortality. Mozambique, an African state, headed the list and another 8 African countries were included: Mali, Guinea, Ethiopia, Chad, Uganda, Tanzania, Togo and Angola, in that order. At the height of the drought and famine the UN Food and Agriculture Organization (FAO) estimated that 100-150 million people or one third to one half of the total population of Africa was seriously affected — facing severe food shortage. Today that situation has improved, with the return of the rains and the international relief effort. The UN Status Report on the Emergency Situation in Africa stated in August 1985 that 30 million people were still drastically affected.

The following chart indicated the trend in decline of agricultural production in sub-Saharan Africa which must be seen relative to an annual growth rate in population, according to the World Bank report of 1985.



Source: Christian Science Monitor (Sept. 10, 1985).

These were the Hungriest Twelve as of 1984:

THE HUNGRIEST TWELVE

Country	Population million mid-1982	Calorie intake % points below FAO min. requirement* 1981	Life expectancy at birth Years 1982	Infant mortality % of children dying before the age of one 1982
Mozambique	12.9	30	51	10.5
Afghanistan	16.8	28	36	20.5
Mali	7.1	28	45	13.2
Guinea	5.7	25	38	19.0
Yemen Arab Rep.	7.5	24	44	16.3
Ethiopia	32.9	24	47	12.2
Chad	4.6	24	44	16.1
Uganda	13.5	20	47	12.0
Tanzania	19.8	17	52	9.8
Togo	2.8	17	47	12.2
Angola	8.0	17	43	16.5
Bangladesh	92.9	16	48	13.3

*The FAO minimum requirement varies from country to country

Source: The World Development Report 1984

By mid 1985, with over 10 million affected, Sudan had replaced Ethiopia as the most dangerously affected country. In Ethiopia however, the threat to millions had been averted while hundreds of thousands still faced severe shortages particularly in the Northern regions affected by civil war. The Status Report in August 1985 contained the following summary of unmet needs in Africa. (see Table opposite page)

A SUMMARY PROFILE OF EMERGENCY UNMET NEEDS

(All figures in US \$ millions unless otherwise stated. Data as of 1 July 1985)

	POPULATION (in millions)		CEREAL NEEDS (in metric tons)		AGRICULTURAL INPUTS		HEALTH MEASURES		RELIEF SURVIVAL		WATER SANITATION		ADDITIONAL LOGISTICS		OTHER PLEDGES ¹	TOTAL NON- FOOD NEEDS	
	TOTAL	AFFECTED	PLEDGED/ DELIVERED	UNMET GAP	PLEDGED/ CONTRIBUTED	UNMET GAP	PLEDGED/ CONTRIBUTED	UNMET GAP	PLEDGED/ CONTRIBUTED	UNMET GAP	PLEDGED/ CONTRIBUTED	UNMET GAP	PLEDGED/ CONTRIBUTED	UNMET GAP	UNICEF	PLEDGED/ CONTRIBUTED ²	UNMET GAP
Angola	8.8	0.5	39,768	80,232	1.3	4.8	0.3	4.2	1.3	10.5	0.3	1.7	3.1	9.0	2.7	10.8	25.8
Botswana	1.1	0.8	24,680	5,233	0.0	6.0	0.0	2.0	0.0	6.4	1.3	2.6	0.0	1.1	0.02	3.7	15.7
Burkina Faso	6.9	1.0	140,647	44,353	1.7	0.8	0.0	3.8	0.0	2.5	1.3	3.6	0.6	1.6	2.1	11.3	4.6
Burundi	4.7	0	3,310	0	0.0	7.8	0.0	2.6	0.0	9.0	0.0	2.3	0.0	0.9	1.0	1.0	12.6
Cape Verde	0.3	N/A	50,368	9,632	0.0	4.4	1.0	0.2	0.0	0.0	0.1	1.7	0.0	3.9	0.4	2.2	9.1
Chad	5.0	1.5	194,278	85,722	2.3	1.9	6.1	1.8	0.4	0.0	1.9	0.1	5.7	3.6	5.5	22.2	1.6
Ethiopia*	43.6	7.9	1,070,448	429,552	3.4	92.2	6.4	15.3	0.9	5.8	7.7	26.5	52.7	65.3	19.3	147.0	129.2
Kenya	21.6	0.6	8,458	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.0	0.0
Lesotho	1.5	N/A	11,550	0	0.3	11.0	0.0	0.2	0.0	0.0	0.0	4.9	0.0	6.7	0.0	0.3	22.8
Mali	8.1	1.2	252,611	122,389	5.1	2.5	4.4	1.6	0.0	0.2	16.1	2.5	0.8	9.0	3.6	30.0	12.2
Mauritania	1.9	0.8	151,527	3,473	1.3	0.6	1.8	3.7	0.0	0.0	5.8	4.3	0.6	14.8	2.0	11.5	21.5
Mozambique	14.0	2.3	188,331	211,669	8.4	8.1	2.0	8.0	1.8	1.6	0.0	10.9	23.1	1.6	3.5	39.3	26.7
Niger	6.1	3.0	281,271	113,729	0.0	6.2	0.3	1.5	1.7	0.1	0.4	1.6	6.2	1.4	4.0	12.6	6.9
Rwanda	6.1	N/A	4,933	0	0.0	6.4	0.0	1.9	0.0	0.0	0.0	2.8	0.0	1.2	0.0	0.0	12.3
Senegal	6.4	N/A	116,458	48,542	2.1	10.2	0.3	4.7	0.0	0.0	0.0	6.0	0.0	0.0	1.3	3.7	19.6
Somalia*	4.7	1.5	212,793	37,207	5.4	0.3	0.7	9.1	0.0	9.3	0.0	8.3	3.0	5.4	0.1	9.2	32.3
Sudan*	21.6	8.4	1,326,200	73,800	10.3	51.8	14.4	8.3	9.2	2.0	11.0	0.5	23.2	12.2	2.5	72.2	70.7
Tanzania	22.5	N/A	45,724	0	0.0	21.5	0.0	5.5	0.0	0.0	0.0	0.7	4.0	1.0	0.1	4.1	28.1
Zambia	6.7	3.5	76,596	0	5.3	2.3	0.0	0.7	1.4	0.0	2.0	0.0	4.8	2.2	0.0	13.5	5.1
Zimbabwe	7.5	0	0	0	0.0	0.0	0.0	4.5	0.0	0.0	0.0	1.2	0.0	0.2	1.1	1.1	4.8
TOTAL					47.4	238.7	37.7	79.1	16.7	38.4	47.9	82.3	127.8	141.2	49.5	398.2 ³	459.0

The following summary of conditions in several African states indicated the trend: Zimbabwe is recovering in a remarkable fashion where, thanks to the abundant rainfall, it is in the process of exporting about 500,000 tons of maize. On the other end, Sudan's affected population of four millions is rapidly increasing to an astronomical number of ten millions in a mere three month period.

Drought is no longer a major problem for these countries because there has been adequate rainfall, even too much in some areas. The problem now, however lies with the transportation system. It is extremely difficult to distribute the badly needed foodstuffs to remote areas. Minor flooding impedes the landing of aircrafts at some key points. The lack of trucks is also contributing to this problem. In Sudan, for instance, there is an inadequate supply of fuel to accommodate the very small fleet of trucks and trains. As though this is not enough, Sudan is facing a high flow of refugees coming from both Chad and Ethiopia. Another problem can be attributed to the lack of health facilities where immediate attention is needed to combat the severely affected famine victims.

Nevertheless, with the exception of Angola and Mozambique, other severely affected African nations are realizing notable improvements. Angola and Mozambique are unfavorably affected by foreign intervention, ecological damage, war, and internal conflicts contributing to shortages and ecological damage. Rain has come to these regions, the people are returning to their homeland and are ready to begin cultivating their own crops. This, however, is not an easy task. Seeds must be distributed, farming equipment must be purchased (or received), but the lack of transportation prevents all these. (source of summary: *Africa Emergency*, Sept.-Oct. 1985, No. 4)

New Policies of African States

African states, with the assistance of several international agencies, and the World Food Council have drafted long-term policy approaches.

First, efforts must be redoubled to implement national food policies and strategies as an instrument for establishing priorities, co-ordinating investment, applying improved technology and integrating emergency and development assistance. These strategies must constitute an integral part of long-term economic plans and programs.

Second, within the context of national food strategies and programs, emphasis must be placed on policies and reforms which provide improved incentives for producers, especially small farmers and herders; which provide for more balanced food-crop and export-crop policies; which intensify investment in small-scale irrigation; and which adjust national priorities to deal more broadly with rural poverty.

Third, the importance of human resource building must be fully recognized and more attention must be given to stepped-up investment in the upgrading of technical and managerial skills, affecting the production of food production and nutrition objectives.

Fourth, African institutions and administration must be strengthened including restructuring the role of parastatals and strengthening the African managerial capacity to design and implement projects and programs.

Fifth, population issues should receive increased attention in the context of individual countries' social and economic conditions.

Sixth, careful planning and programming, as well as sustained higher levels of net capital in-flows, with longer periods to achieve structural policy adjustment, should underlie the necessary reform of African pricing and marketing policies to increase food production. This will require commitments by both donor and recipient countries, which can be monitored within an improved framework for debt management and adjustment, with due regard to the sovereign rights of the countries receiving that aid. In the opinion of the Executive Director, at least \$US 1 billion more annually in concessionary aid, over and above the World Bank's \$US 1.2 billion special fund, will be needed until trade earnings recover.

Declining annual net external resources to Africa are not consistent with the need for recovery of its food sectors and national economies. Yet this is the situation affecting sub-Saharan Africa as a result of steadily rising debt service payments, which this year amounted to \$US 8.9 billion and are expected to rise to over \$US 12 billion by 1987. Without further debt adjustments and new capital commitments, annual net resource transfer to the region will continue to decline to \$US 3.4 billion in 1987, or about one half the 1984 level.

The council reiterates its unconditional rejection of racial discrimination in all its forms and particularly the hateful system of apartheid. (source: *United Nations Report of the World Food Council*, June 1985, pp. 10-13)

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May-August 1985

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A Look at Books



Human Rights in Africa: Present Realities, Future Prospects

James R. Scarritt

Claude E. Welch, Jr. and Robert I. Meltzer, editors, **HUMAN RIGHTS AND DEVELOPMENT IN AFRICA** (Albany: State University of New York Press, 1984) pp. 349 +x, \$39.50 cloth, \$14.95 paper.

This book, containing thirteen substantive chapters, an extensive bibliography and three appendices, is by far the most significant collection of analyses of human rights in Africa yet to appear. The scope of its coverage includes the social roots of African human rights, regional initiatives on human rights, non-African

James R. Scarritt is Professor of Political Science at the University of Colorado at Boulder.

1st and 2nd Quarter, 1985

international influences on African human rights, and the concept of the "right to development." There is substantial controversy about each of these topics, and the authors of several chapters take strong positions with regard to these controversial issues.

With regard to the social roots of rights, Lakshman Marasinghe argues that the "traditional" Yoruba conception of human rights, institutionalized in social organization, is "less vulnerable and more permanent" (p.44) than Western conceptions. Thus it is obviously "... a popular myth to argue that traditional societies of Africa are devoid of any conception of human rights and that when one refers to human rights the modern societies of the West are the exclusive custodians of this universal concept." (p.42), a position for which Marasinghe criticizes Jack Donnelly's 1982 article in the *American Political Science Review*. In fact, this is only a disagreement over definition, and not over empirical reality. For Donnelly, human rights are those rights which are possessed by virtue of being human and not by virtue of belonging to a specific community, and Marasinghe explicitly states that, in traditional societies, rights "... exist within the context of particular groups" (p.33). Donnelly explicitly denies that the West has the position of exclusive custodian of the concept of human rights.

A second disagreement over the social roots of rights refers to empirical possibilities. Abdullahi Ahmed el Naïem contends that, if fundamental reform of Islam were to occur, Islamic conceptions would contribute substantially to the achievement of universal human rights. He believes that fundamental reform is possible in spite of major obstacles, but Claude Welch expresses doubt about this possibility, indicating that "Religions are intimately interwoven with their particular milieus" (pp.9-10). The chapters in this section of the book by Rhoda Howard on women's rights in English-speaking countries and by Richard Weisfelder on human rights in seven southern African states which have African majority rule are less controversial, although they will probably provoke disagreement from advocates of a double standard for men and women and for majority and minority-ruled states, respectively.

The significant African regional initiative on human rights is the 1981 Banjul Charter on Human and Peoples' Rights, and this document is the subject of intensive analysis in the book under review. The thrust of this analysis, which will certainly be viewed as controversial by African governments, points to the limited effects on human rights which the Charter will probably have in practice. After a neutral chapter by Edward Kannyo on the political background of the Charter, emphasizing the impetus provided by events in the former Central African empire, Equatorial Guinea, and Uganda, there are analyses by Richard Gittleman and Harry Scoble of the legal loopholes in the Charter, and a discussion by Scoble of the weakness of African human rights NGOs which might exert pressure for its effective implementation. Gittleman focuses on the inclusion of "clawback" clauses, which permit states to restrict granted rights to the extent permitted by domestic law, rather than the more limited derogation clauses found in other international human rights documents, while Scoble focuses on the extensive reliance placed on the good will of states, which are also the major potential sources of rights violations. Robert Wigton's appendix comparing the Banjul Charter with other human rights treaties is extremely useful for evaluating the content of these documents.

James R. Scarritt

Non-African international influences on African human rights are discussed to some degree in virtually every chapter, but they are the focus of attention in three chapters. Ronald Meltzer analyzes the treatment of development and human rights in the Lome II Convention between the European Community and the associated African-Caribbean-Pacific states, while George Shepherd describes the international political forces involved in the conflict over Namibian self-determination. Timothy Shaw relates human rights in African states to their position in the world system, suggesting that only in a minority of expanding, semi-peripheral political economies is there any prospect of improvement in human rights in "the mid-term future" (p.242). Among peripheral capitalist economies, socialist ones are more likely than capitalist ones to have progressed — especially economic rights. Shaw criticizes Rhoda Howard's thesis, expressed in a 1980 *International Journal* article and elsewhere, that political and economic rights tend to go together rather than having to be traded off for one another to a substantial degree, but his prediction concerning semi-peripheral countries supports this thesis and his prediction concerning peripheral countries is not inconsistent with it. Political pluralism and a socialist economy may be the most effective combination for protecting and enhancing all human rights in Africa.

A final controversial issue dealt with in the book is the validity of the "right to development." Jack Donnelly forcefully asserts that this concept, as defined by its advocates in the North-South debate being waged in the United Nations and other international forums, represents a goal of social justice rather than a human right. Development is alleged to be a right of peoples based on the value of solidarity rather than a right of individuals based on their humanity. Since the definition of development described by advocates of the "right to development" is essentially economic, Donnelly feels that unqualified pursuit of this alleged right will be likely to result in massive violations of real non-economic rights. Yet he acknowledges that individuals have a right to pursue development, and that development can contribute to the realization of rights, especially economic ones. Perhaps peoples' rights can be reduced to rights of the individuals of whom these peoples are comprised. Then the dispute over the "right to development" would be restricted to the issue of pursuit vs. actualization, an aspect of the general question of level of entitlement which is present with regard to all rights. In any case, Donnelly has made an important contribution to our understanding of this controversy, just as the book as a whole has made important contributions to our understanding of the major controversies about human rights in Africa.

The New World Information Order and International Communication

Ferdinand O. Fiofori

Thomas L. McPhail, **ELECTRONIC COLONIALISM; The Future of International Broadcasting and Communication** (Beverly Hills, Sage Publications, 1981) 288 pp., Paper — \$9.95, Hardcover — \$20.00

Thomas L. McPhail's *Electronic Colonialism* is about the New World Information Order (NWIO), a topic to which many professors and students of mass communications and the public in the more developed countries are not yet sympathetic, and we are just beginning to feel its impact on international communication. McPhail, who worked as a consultant to the United Nations Educational, Scientific and Cultural Organization (UNESCO) in both North America and Europe, gives the reader an insider's account of the NWIO of the 1970s and the early 1980s. He provides information on the major institutions, individuals, conferences, and issues that are altering the international information, telecommunication and broadcasting order — wire services, daily newspapers, satellites, journalists, film, radio, television, and advertising — in fact, all types of mass media activities. The New World Information Order seeks a restructured media and telecommunications system to make room for a more just and equitable balance in the flow and content of international communication. It also seeks to have a national self-determination of domestic communication policies, and at the international level, a diachronic (two-way) information flow to reflect more accurately the dynamic mechanisms, aspirations and activities of the less developed countries.

Opponents of the NWIO, Western governments and news organizations, strongly resist it, fearing it will bring increased interference with freedom of the press. Proponents argue that the current world communication system is an outgrowth of former colonial patterns and systems reflecting commercial imperatives of prior times. Arguments thus espoused by the Third World point out that the actors of the present international information system in the more developed countries, after having gone through their educational systems and having been trained by their governments' information agencies as wire service editors (gatekeepers), news reporters, etc., gather, distort and distribute information about the less developed countries in order to support their own countries' political, social and economic expediency. The less developed nations cannot economically afford international information systems machinery, operators and analysts, but the more developed countries can. This in short makes international information flow a one-way distribution affair; and questions on freedom of the press face the challenge: "Whose freedom are we protecting?"

Ferdinand O. Fiofori, Ph.D., is Director of Research and Analysis, Myriad Enterprises, Inc., Denver, Colorado, and is a Consultant in the Communication of Innovations and International Business.

McPhail's *Electronic Colonialism* helped to generate insight into the attempts of the New World Information Order to alter the ground rules for international information and mass communication systems, in order to reflect more accurately the aspirations and activities of Third World countries. This book identifies explicitly and articulately the interrelationships of freedom of the press and the lack of two-way information flow as they operate to the detriment of Third World aspirations. The central actors, who some see as victims of this emerging NWIO movement, are the major wire services: Associated Press, United Press International, Reuter's, and Agence France Presse. The international debate over a shift from the "free flow of information philosophy" to the "free and balanced flow" with the remote possibility of government control via licensing of journalists, merits the attention that this book has given it.

The author sees electronic colonialism as the dependency relationship established by the importation of communication gadgets, foreign-produced software along with technocrats and related information protocols, that vicariously establish a set of foreign norms, values, and expectations which, in varying degrees, may alter the domestic cultures and socialization process. It is part of a process by which the more developed countries have attempted to bind the less developed nations to themselves through commercial ties, with the primary object of promoting their (the more developed countries) own economic, social and political advantage. In opposition to this the New World Information Order movement has developed.

This book is not a searing indictment of either protagonists or antagonists of the New World Information Order; it is a carefully documented and forcefully argued book both historically and methodologically. It outlines the historical origins of the concept of freedom of the press in the West and the research traditions of both development theory and mass communication theory and how they have failed to provide the hoped for models and empirical verifications necessary to aid less developed countries. It analyzes the role of UNESCO and NWIO. The roles of the major international wire services, direct broadcast satellites, and the Latin American concerns and United States information policy are examined. The potential impact of the NWIO and its implications for the future of international broadcasting and communication are also carefully inspected. Throughout the author clearly poses the central dilemma: freedom of the press for Western newsworld versus equitable and balanced treatment of information for the less developed countries.

Although it has tried to avoid controversy, the UNESCO's role and profile in the current international media debate is unmistakable. Funds for crucial meetings and conferences have come from the UNESCO, which in a 1977 brochure sees the organization as helping "to change the scientific and technological bases which permit each country to use its national resources better, . . . to increase and improve communications and information systems . . . so that each society can undertake its own studies and utilize the instruments of change without losing its own identity." Basically, UNESCO is seen to have no legal force to alter the world's information order; but it does have moral force and votes and thus aims to move the debate on NWIO to the social, cultural, and human dimensions of international exchanges of information.

According to McPhail, many critics claim that the Western media, when they deal with affairs of the less developed countries, betray their Western biases and their involvement in Western power structures. The less developed countries think that they have no proper platform in the West and that their positions are hopelessly misrepresented by Western news operators who have the hubris to advance a world view through their biased opinions and reportage. One of the charges leveled concerns the attitude of many Western news operators who evaluate the unfolding of the development process in the less developed nations in terms of the stages of Euroamerican modernization. Any activity by the Third World seen not to conform to Western patterns are reported as negative and deviant.

The blame for the unbalanced international news is placed basically on news agencies and direct broadcast satellites which have been accused of exerting a monopolistic stranglehold over the flow of news, and of distorting the news, or serving the political and economic interests of the West. Some Third World spokesmen have alleged that major Western news agencies deliberately distort news concerning less developed countries either because of subscriber demands for stories dealing with coups and catastrophes and other sensational and stereotyped depictions of them, or because of some complicity among the ideological, political, and economic establishments of the West. It is also alleged that stories originating from less developed countries, if honestly and fairly written, go through editing (gatekeeping) in New York, London, or Paris where editors tailor the copy to meet market demands, Western expectations and interests, or even their own individual assumptions about the subject of the story. As a result of the bias and distortions that characterize Western wire service coverage of the Third World, many less developed countries feel they are misunderstood not only in the West but also in other developing countries that subscribe to these same Western wire services.

Thomas L. McPhail, through his *Electronic Colonialism* has opened the door for the public and the academia to try to learn and understand the forces that mold international flow of information. The author offers a unique array of perspectives on the issue of freedom of the press versus balanced unbiased international news flow. Today, it is *New World Information Order*, tomorrow, it may be "the new world information and communication order," as telecommunications and transnational data flows are now part of the issues being investigated. The beat goes on.

The crux of the case on freedom of the press versus unbiased, balanced international news flow lies in human factors. Will international news operators be objective enough to be able to gather and distribute news without being blurred by national or personal concerns? Would the international press be willing not to be used as a destabilizing factor against governments whose only crime is generally that of standing up for their rights, their sovereignty and independence? Although the mass of material and data the author had to sift through to write this book had impeded its fluidity, it is a well-balanced book and has critically examined both sides of the issue concerning the *New World Information Order*, and moved the discussion away from the fusillade of rhetoric and polemics. I strongly recommend it to students and scholars of Journalism, Mass Communications, Political Science and other Social Sciences, Development Research and International Relations.

Military Establishments and Foreign Policy in Africa

Timothy M. Shaw

William J. Foltz & Henry S. Bienen (eds) *ARMS AND THE AFRICAN: Military Influences on Africa's International Relations* (New Haven: Yale University Press, 1985) xiii + 221 pp. \$22.50.

It is now clearly axiomatic that "military factors have come to play an increasing role in Africa's international politics" (p. 171) and this prestigious collection presents a contemporary precis of the extent and limits of this role. Yet writing within the mainstream liberal framework — statecentric, realist and superstructural — the six male American contributors fail to advance the analysis significantly. To be sure, they do go somewhat beyond the great power preoccupations of many strategists — African as well as non-African armies play important roles — and appreciate the increasing complexities of "intervention" by either. They also recognize the trend towards "militarization" (p. 171) yet overlook its broader social context: the tendency towards repression as a means to contain underdevelopment.

Indeed, there is little sense here of Africa's intensifying economic crises: the underlying catalyst of "interventions." The nice projective pieces in all but one chapter (does France have not future in Africa?!) fail to treat the trends towards both general impoverishment and incremental inequalities. The apparent reluctance of contributors (and sponsor?) to consider classes as well as soldiers — Bienen still asserts that "In Africa where class divisions are blurred and interest groups (except for ethnic groups) are poorly organized, the state has greater autonomy than elsewhere" (p. 158) — means that intra-military divisions, the intrinsic tensions between officers and men, are not considered, neither are more "irregular" yet commonplace coercive institutions such as armed "police" mobile units and intelligence groups, let alone ubiquitous guerrillas and mercenaries. Furthermore, whilst "inter-imperial" rivalries are noted, growing power inequities in Africa are not: exponential inequalities in Africa's economic performances are inseparable from internal capacities, external interests and character of contradictions. In short, the continental tendency towards militarization is surely a function of political economy as well as of either super-power politics or military interests.

Despite the conceptual and data deficiencies (both functions of Americocentrism) of this volume it does present a coherent and succinct statement of current orthodoxy about a salient issue, recognizing changing environments and shifting alignments. The "opportunism" (p. 29) of the Soviet Union is contrasted with the pragmatism of France, and the changeability and volatility of the continental as well as global environments are incorporated. Yet nowhere among the neat

lists of factors is political economy situated. Thus the prospects of guerrilla preoccupations or inter-service rivalries are not appreciated; neither are the rise of African military-industrial complexes nor nuclear capacities. Furthermore, the officer corps is not recognized to be but one fraction of the indigenous bourgeoisie concerned to accumulate and reproduce as well as to defend or attack.

There is no sense here of the hard-ball character of either African or extra-African foreign relations; case studies of military fractions inside or around "politics" in, say, Burkina Faso, Ghana, Uganda, or Zaire would be most instructive. Without such insights, Bienen's only chapter, on soldiers in diplomacy, is generalized and impressionistic; indeed, his scepticism about any distinctions between military and non-military regimes (p. 170) tends to undermine the whole enterprise! Aside from the somewhat tendentious advice for American policymakers, the only distinctive quality of this book is the nice periodization and explanation by Robert Jaster of white South Africa's post-war defense strategies: informed, enlightened and judicious. Jaster's scepticism about the inflated importance of the apartheid regime — "South Africa carries little clout in world affairs" (p. 121) — undergirds his careful dissection of the origins and directions of the "total defense strategy" (p. 148).

The intricacies of the increasing involvement of the South African Defense Force and other security elements in that country's forceful regime is illustrative of the potential for sustained militarization elsewhere in the continent to "contain" the continuing fall-out of economic difficulties and declines. Foltz rightly dismisses many outmoded assumptions and assertions: "Africa is not, in fact, filled with puppet states and subservient neocolonies, whatever conservative US senators and radical dependency theorists may think" (p. 24). Rather, the interest of Africa's officers in foreign as well as domestic policy grows out of their bourgeois inclinations: keeping Africa safe not so much for international capital as for national, especially personal, survival. So despite the claims of this collection, Africa's creeping militarization has been treated better in both orthodox (e.g. Bruce Ailinghaus) and radical (e.g. Robin Luckham) literatures; no analysis of the continent's current condition can avoid dealing with capitalism and fascism as well as with security and stability.

The Role of The South African

Defence Force in White Politics

Claude E. Welch, Jr.

Philip H. Frankel, *PRETORIA'S PRAETORIANS: Civil-Military Relations in South Africa* (Cambridge: Cambridge University Press, 1984), xxii + 215 pp. £22.50, \$44.50

Any reader of this book will likely open it with preliminary knowledge about the South African Defence Force (SADF):

- It is the largest and best equipped in Southern Africa;
- It has benefitted from tremendous budget and manpower expansion in recent years;

Claude E. Welch, Jr. is Professor of Political Science at the State University of New York at Buffalo.

- As a chief prop of the minority government, the SADF relies almost exclusively on white males, although a few Coloureds, Indians and Blacks are being recruited for non-sensitive positions and selected combat in Namibia;

- It has become a major vehicle for the government's outward strategy, including destabilization, but leaves most domestic repression to the police.

Pretoria's Praetorians reinforces rather than rebuts these general observations. It is a book that deepens knowledge more than widens it. Yet it is an important book. No specialist on South Africa, or on civil-military relations, can omit Pretoria's Praetorians from his or her current reading.

Civil-military relations in South Africa lends itself far more readily to speculation and polemics than to scholarly investigation. The government puts a veil across the organization, management, ethos and deployment of the Republic's armed forces. Indeed, only Kenneth Grundy's 1983 book *Soldiers without Politics* stands in parallel with Pretoria's Praetorians.

Frankel, senior lecturer in politics at the University of the Witwatersrand, contrasts "liberal" and "kommando" traditions. The first springs from the British heritage, stressing contrasts between citizens' and soldiers' roles; the second derives from the Afrikaner heritage, emphasizing the unity of these roles. In the author's own words, "whereas the liberal model stresses soldiering as a discrete, permanent and professional activity of autonomous status in functionally differentiated society, the kommando (model) emphasizes the free flow of influences across the civil-military boundary personified in the citizen-soldier." (p. 25) A type of institutional schizophrenia exists at the heart of South African civil-military relations. A small Permanent Force forms the heart of the SADF; it is the repository of the "liberal" and professional tradition. The "kommando" tradition finds expression in the long period of service and the identity of citizen and soldier roles. All white males are liable to two years' compulsory military service, followed by 12 years in the Citizen Force, five years in the active citizen force reserve, membership in the Commando Force until age 55, and further service in the National Reserve until age 65. This obligation would seem to be unmatched by any other contemporary state.

South African society is now going through a process of militarization. The impetus, Frankel stresses, comes far less from the officer corps than from civilian leaders, as part of their "total strategy." "It is misplaced," he argues, "to see the Defence Force as eagerly waiting in the wings of the political process, straining at the bit in anticipation of political power." (p. 45) P.W. Botha played the key role in this expansion. As Minister of Defence for a dozen years, he presided over basic modernization of the SADF's equipment; as Prime Minister, he helped establish "arguably the most intimate (ties) in South African civil-military history between the chief executive and the military establishment." (p. 34) (Historians of the later years of the Boer Republics might disagree.) The "kommando" tradition has taken on a new life in some respects. Thus, unlike the pattern of most "praetorian" states, in which officers have pushed their way into power, the South African military has been pulled by civilian leaders, to a significant extent, toward the center of the political stage.

The "total strategy" pursued by Botha and his colleagues in the governing Nationalist Party can best be described in Frankel's words:

[T]otal strategy selectively interprets the world in the narrow, dialectic and melodramatic terms with which white South Africa is so familiar, confusing communism, nationalism, dissidence, subversion, racism and imperialism into an interpenetrable melange from which only the security of the white state emerges as constant and paramount ... It writes off the internal problems of South Africa as external manipulation and, where it is unable to find persuasive evidence of the 'total onslaught' on South Africa, it falls back on the fabricated series of perils so effective in activating the white *laager* mentality ... (p. 69)

Defense expenditures have risen more steeply in South Africa than perhaps any other semi-industrialized state — from 36 million Rand in 1968/9 to 2.668 billion Rand in 1982/3. Part of this large increase must be attributed to inflation, part to major re-equipping (essentially no new equipment was purchased between 1946 and 1980), but most results from expansion, especially since the mid 1970s. The SADF now absorbs about 20 percent of the government's budget.

Frankel's book is noteworthy in showing the structural sources and ramifications of militarization, "an all-embracing social activity involving major institutional shifts within and between the public and private sectors of society, new dimensions in state power, and new psychologies in the process of interaction between state and society." (p. 73) The civilian elite, he argues, "is today in the process of being directly and rather bluntly incorporated into the military realm, into the world of military norms, institutions and principles of social behaviour in an historically unparalleled fashion ..." (p. 90) The SADF has become a crucial source of foreign policy influence, especially in the subcontinent; its domestic importance needs no underscoring.

Are there prospects for change? In his concluding chapter, Frankel moves from detached academic observation to engaged personal argumentation. The first person singular appears: "I am, however, of the firm conviction that given the circumstances of South African society, continued militarization in any form whatsoever ... will do incalculable harm to the polity, exacerbate its racial cleavages and tensions, and contribute absolutely nothing to the resolution of its problems in the direction of justice, equality and stability for all its peoples." (p. 173) Yet, to South Africa's white, largely Afrikaner leaders, militarization poses far less threat than the combined domestic and international threats their "total strategy" seeks to forestall. Military role expansion will thus continue until long after systemic changes have come to South Africa.

Frankel's Praetorians thus succeeds in illuminating both the continuities and discontinuities of South African military organization, and the relationship of South African civil-military relations to patterns found elsewhere in the world. The SADF is not "praetorian" at this point, in the fashion of many Latin American militaries that have regularly taken over total political control. On the other hand, South Africa is moving toward becoming a garrison state through the combined pressures of white beliefs linked to the "total strategy," the tightening noose around the Republic, and the seeming failure of non-violent approaches to reform.

The Role of White Liberals in South African Politics

Leslie Rubin

Paul B. Rich, *WHITE POWER AND THE LIBERAL CONSCIENCE: Racial segregation and South African liberalism. 1921-60.* (Manchester University Press 1984) 192 pp. cloth \$25.00

This book argues that South African liberalism not only provided support for the policy of segregation before 1948, but also contributed to the ideas underlying the policy of apartheid. The author appears to have a preconception of liberalism, according to which it is an adjunct of capitalism, acting pursuant to some "grand design" to give capitalism a gentle face, perhaps to save capitalism from itself. It may be comforting to him to believe something of this kind, but it bears no relation to the reality of South African politics. (I use "reality", of course, in its non-Marxist sense.)

The argument has two major flaws. First, the author uses the term "liberal" indiscriminately to describe those who sought modification of the system of racial discrimination, as well as those who repudiated it; in the result his picture of white reaction to government policies is confused and misleading. Second, he fails to take into account the revolutionary character of apartheid; the fact that, largely owing to the influence of National Socialism on the Afrikaner nationalist leadership, far from being a continuation of traditional race policies it differed fundamentally from the previous policy of segregation. General Smuts warned that apartheid was a revolutionary doctrine in a letter written a year after Afrikaner nationalism came to power. "The old segregation policy of General Hertzog," he wrote, "is being abandoned and the constitutional guarantees for the Natives and Coloureds are now being set aside and our S.A. Act" — he was referring to the South African Constitution — "set aside. A wild campaign is going on which must cause resentment by the non-Europeans and may in the end lead to Coloured nationalism and a common front against the white man. All this is new Nationalist doctrine and very explosive stuff."

The formation of the Liberal Party in 1963 marked a basic change in the course of South African liberalism; it also transformed the pattern of white politics. For the first time in the history of the country a political party (except for the Communist Party which had been banned in 1950) repudiated apartheid unequivocally and called for the exercise of full political rights by all persons irrespective of "race, colour or creed". The party committed itself to the use of "only democratic and constitutional means", and declared its opposition to "all forms of totalitarianism such as fascism and communism." ("The declared anti-totalitarianism stance made the party the target of sustained sniping by communists who had found a home in organizations like the Congress of Democrats, much of it not unlike the denigration of liberalism that is the *leitmotiv* of this book.) It also, however, stood for a non-racial, though limited, franchise; voting

Leslie Rubin is Professor Emeritus of Comparative Government, Howard University.

1st and 2nd Quarter, 1985

on a common roll was to be available to "all suitably qualified persons." But this initial concession to the advocates of gradualism was short-lived; in 1954 the party abandoned the qualified franchise in favor of universal adult suffrage. In the 12 years that followed, until it chose to go out of existence rather than become a white party by complying with the Prohibition of Political Interference Act — the law that prohibited inter-racial political parties — the Liberal Party was a consistent unequivocal challenge to the whole structure of the white-supremacist South African society.

Through meetings, protests, demonstrations, and the unremitting exposure of the injustice and inhumanity of apartheid, in its journal *Contact* and by the handful of its members of parliament — until their voice was stifled by the abolition of "Native Representation" in 1960 — the party sent a steady message of hope to all the people of South Africa. (This chapter of South African history, though amply documented, is ignored in the book, notwithstanding the author's reliance on a wide range of sources; one quarter of the book is devoted to lengthy detailed footnotes and a comprehensive bibliography).

The party also acted as a catalyst in the liberalizing process. Its impact on the conscience of white South Africans made the emergence of a growing liberal voice within the United Party inevitable, and hastened the formation of the Progressive Federal Party, today the official parliamentary opposition.

It is not surprising that the Liberal Party's commitment to "democratic and constitutional means" in opposing the government led to differences and sometimes conflict with the African National Congress. But from the beginning the African leadership recognized that despite the divergence in approach and method that separated them, the Party, by its very existence, was a valuable ally; furthermore that its members of parliament had become an authentic voice for African grievances and aspirations. Although in theory the African National Congress could not cooperate with people who were in parliament as part of the system of separate representation for Africans that it rejected, there was, in fact, frequent and cordial contact between them and such leaders as Lutuli, Mandela, and Tambo. These contacts grew into significant ties as liberals moved closer to complete identification with African aims; the courageous liberal role during the 1960 emergency strengthened these ties. And when the banning of the African National Congress and the PanAfricanist Congress in 1960 left the Africans without legal means of political expression, the Liberal Party proved to be an important substitute.

But this book tells a quite different story. The African National Congress, it contends, considered the liberals irrelevant, if not hostile, to their own goals. The author relies on that magisterial work *From Protest To Challenge* edited by Thomas Karis and Gwendolen Carter; he has, however, conveniently overlooked items in the same work that contradict his contention.

It is also contradicted by the following statement made at a Liberal Party Congress in 1958:

[The Liberal Party] "stands for and represents lasting values, values which would make South Africa a country to be honoured. We in the A.N.C. would particularly like to work with the Liberal Party. I must say that we do usually co-operate in those matters where we agree and as the years have gone by, we have found ourselves more and more in agreement with the Liberal Party." (italics added)

The speaker was Chief Albert Lutuli, President of the African National Congress.

Mboya Portrayed

but not yet Fully Revealed

Edward I. Steinhart

David Goldsworthy, *TOM MBOYA: The Man who Kenya Wanted to Forget.* (Nairobi and London, Heinemann; New York, Africana Publishing Company, 1962) xii+308 pp. £ 13, \$35.00.

For those who enjoy a lively biography as a means of entry into the politics of an era, David Goldsworthy's *Tom Mboya* qualifies as a good example of political biography of Africa's first generation of nationalist leaders, to be placed alongside Philip Short's *Banda* and David Martin's *Amin*. I pick these two for comparison because of the highly critical, almost debunking, stance they take towards their subjects. Goldsworthy is not nearly as irreverent as these two, but far more critical than the standard nationalist biographies produced by Edgett Smith on Nyerere or John Hatch on Nyerere and Kaunda, and far more useful to the student of African politics. But I confess I am not a fan of biography, even of "the man and his times" variety that claims credibility as history or political science, and although Goldsworthy's work is an able defense of the virtues of this genre, it left me unconvinced.

Goldsworthy steers a prudent line between casting Mboya as a far-sighted hero of the movement for *uhuru* and the self-seeking opportunist and tool of American imperialism as he has been alternately portrayed in prior examinations of his personal career. In doing so he raises a host of important questions about Mboya's background, ideas and impact, as he traces his entry into trade union politics and his rapid advancement to union and federation leadership; his entry into national politics during the *uhuru* struggle and his emergence as a minister and formulator of national policy in independent Kenya. For those familiar with Kenyan politics during this two decade period dominated by Mboya, Goldsworthy has little new to offer in the way of information or insight. Even in the area of Mboya's personal life, he adds only one piece of information — Mboya's short-lived marriage of the early 1950s — not widely known before. And even this appears to have no bearing on Mboya's character or his subsequent careers as labor leader, politician or member of Nairobi's "bachelor club" of eligible young men about town. The book properly focuses on Mboya's trade union and political activities, the double-helixed career which carried the young man as near to the top of Kenyan public life as anyone would get while "the old man," Kenyatta, lived.

The problem with this approach to political biography is the thinness of the concepts used to explain and interpret that career. Mboya's star seems to ascend propelled by sheer ambition and general competence. In his wake are the careers of virtually every figure who crosses him: enemies at first blush like Odinga and onetime allies like Kiango who find his ambition or arrogance galling and move into opposition to the "young man in a hurry." Mboya emerges as highly

Edward I. Steinhart teaches in the Department of History, Texas Tech University, Lubbock, Texas 79409

talented, often unprincipled and very lucky. His forte is maneuver, parliamentary and organizational legerdemain. But can this really explain his success over almost twenty years of highly competitive advancement? Organizational ability and charismatic presence seem inadequate attributes on which to build that magnitude of success.

When it comes to Mboya as thinker, innovator and intellectual, Goldsworthy offers us Mboya as a "man of his times," reflecting prevailing sentiment and ideas on politics, economics and administration. Few claims are made for Mboya as an author of books or ideas, despite his much acclaimed *Freedom and After* and his role in codifying Kenya's views on socialism in Sessional Paper #10. The ideas which Mboya voices in these and other works are very much in the air, the common heritage of nationalist ideologues and mainstream economic thought in the late and immediate post-colonial era. Clearly his success can not be attributed to his contributions to the body of ideas he addressed.

When we look at Goldsworthy's examination of Mboya's principles, personal and political, we find only lasting commitments to positive as opposed to "negative tribalism" and an extremely vague dedication to the interests of the working man. Even these principles are worn threadbare by the last years of Mboya's life as he finds himself caught up in both the "politics of survival" and the good life of the Kenyan elite, the *wabenzi* culture of the bourgeoisie. In the end, the picture is too much a caricature. Mboya's motivation and behavior defy explanation in the simplistic terms that Goldsworthy has employed.

The book raises several important questions that bear on Mboya's continuing impact on the Kenyan political scene. The question of his long-standing relationship to Americans, particularly to the AFL-CIO and the CIA, is confronted, but not answered. Even if we accept that Mboya may have firmly believed that he, and not his American supporters and financiers, was in the driver's seat, that his objectives and values were his own and entirely "African," uninfluenced by American money and counsel, we are still entitled to more than this defense of Mboya's virtue. But, we find scant evaluation of the impact of Mboya's friendships on Kenyan policies on foreign affairs, labor relations or economic matters. Considering the enlarged American presence of today, in military as well as economic and labor areas, the role of America's first "partner" in Kenya's top leadership in forging that relationship needs more than an apologetic examination of his motives and status as a "tool" of imperialism.

Mboya's death raises other questions which are not satisfactorily answered. Goldsworthy reports the existence of rumors of conspiracy reaching up to a "big man" in Kenyan public life, but (implying fear of libel action) he doesn't examine or evaluate these rumors, exonerate any "suspects" or point in even a general direction. I for one would have valued his well-informed opinions.

Lastly, there remains the question implied by the subtitle. Why has Kenya tried to forget Mboya and bury his legacy with him? What did his life, work and death hold up to Kenya's conscience that some did not care to see? Was it perhaps a man whose imperfections, whose arrogance, opportunism and manipulative style of leadership, are too like those of his survivors, the followers in his *nyayo*, to be recalled without pain and embarrassment? This book doesn't really answer that question, but it does provide a thoughtful examination of Mboya's career for those concerned to understand what that career has contributed to the crisis-ridden Kenya of the 1980s.

Memories of an Expatriate in the Employ of Ethiopia's Emperor

Simon D. Messing

John H. Spencer, *ETHIOPIA AT BAY: A Personal Account of the Haile Sellassie Years.* (Algonac, MI: Reference Publications, Inc., 1984) 397 pp. paperback, \$24.95 Illustrated.

This diplomatic and personal history, the author of which served as legal advisor to Ethiopia's Foreign Ministry for 17 years of continuous service plus some months in 1936 and 1973/4, deserves to be read not only by 'ethiopianists', but also by trainees of the Foreign Service Institute and serious students of political science. It follows a young lawyer from Iowa and the Harvard Graduate School to the Paris of the early 1930s on a fellowship from the Carnegie Foundation for International Peace, to his position in Addis Ababa. Anyone who has experienced the byzantine complexities of government on most social levels of the traditional Abyssinian culture of Ethiopia, can only marvel at Spencer's perseverance, and can forgive him his self-confessed errors of judgment, truculence and suspiciousness.

For the anthropologist, the most relevant of the 19 chapters are numbers 1 and 7, though their titles do not reveal this. Traits of material, social and religious culture are cited in relation to Spencer's impressions and historical events. A central focus is the personality of the Haile Sellassie, whom he describes as "a bundle of contradictions: courageous, cowardly, generous, avaricious, intuitively sensitive . . . suspicious, trusting, loyal, jealous, cynical, romantic, idealistic . . . fundamentally an intensely self-centered person" (p. 62), surrounded by sycophantic schemes of courtiers. "In personal encounters one lost awareness of his diminutive and frail stature" and sensed his "sinews of inner controls" (p. 133). Perhaps it would have been more precise to sum it up as a syndrome of facets of personality on which H.S.I. could draw at will, at least until his famous memory failed him in old age, "his charisma extinguished . . . retreating into a dream world . . . inarticulate speech . . . the curtain of senility had dropped" (pp. 334-5).

The other focus of the book is a critique of the colonialist abuse of Ethiopia, not only by Mussolini, but by Britain and France. One may not agree to Spencer's addition of the U.S.A. to this list, particularly President Ford (p.342). There appears no direct evidence that the latter was either concerned or knowledgeable about the problems of Ethiopia.

Spencer's chief assignment by the Ethiopian government in 1943 appeared to be "Breaking Free From Britain", the title of Chapter 8. This occurred two years after liberation and the return of the emperor. Britain was still occupying this former 'Italian colony' and appeared intent on turning it into a Protectorate.

Simon D. Messing, Ph.D., is Professor of Anthropology at Southern Connecticut State University, New Haven, Conn. 06515.

Haile Sellassie's solution was to ease the British out by substituting U.S. assistance, on the grounds that the U.S.A. had no designs upon Ethiopia (p. 103). Thus the Italian Radio Marino at Asmara, held by the British, eventually became the American Kagnev Station in 1955 and was turned over to Ethiopia in 1973 (pp. 200, 280). During the period of American presence, agricultural training (p.270) and educational and public health projects were active in Ethiopia. In November 1958 the U.S. offered a gift of cereals against an anticipated famine in Eritrea (p. 283). (Incidentally, in the mid-1960s this reviewer photographed metal silos set up by USAID to prevent famine elsewhere in Ethiopia).

Spencer's role was evidently difficult. He often refers to "my client Ethiopia", an oddity for an employee towards the boss. "It was one of the defects of my personality that I allowed the lawyer to prevail . . . over the diplomat" (pp. 149-150). In time Spencer learned "when a foreign affairs adviser has to choose between the roles of legal expert and diplomatist, it is the role of the diplomatist which should be chosen" (p. 354). In the meantime, he found "I was no more popular at the American Embassy for not following the line laid down. In written reports, Ambassador Bliss objected that I did not adhere to my duty as an American citizen to follow his directives. As when earlier the Department of State threatened to have me recalled, (as though that power extended to an employee of the Ethiopian government), the United States appeared to claim a proprietary interest in me" (p. 315).

It may also be noteworthy what Spencer omits. Thus he describes the 1949 wedding of Princess Aida, the emperor's granddaughter, to the great-grandson of Emperor Yohannes IV, Mengesha Seyoum (p. 205). Spencer does not mention that, five years earlier, the bridegroom has been taken to Addis Ababa in gilded chains following a failed attempt at secession of Tigre province and Eritrea which Britain had engineered, using the young Mengesha as figurehead. While the active leaders of the rebellion were hanged, Mengesha's punishment had been banishment to Britain to "pursue his studies". Years later Haile Sellassie recalled him for the wedding, which linked the dynasties, and could keep Mengesha under permanent surveillance under the chains of marriage.

One also misses any reference to President Truman, whose 1949 "Point IV" program of assistance to underdeveloped countries is mentioned only in passing (p. 358). There are no references to the Peace Corps, 1961-1973, which at its peak reached 600-800 young volunteers eager to serve in rural areas (which were disliked as too uncomfortable by most educated Ethiopians).

In his conclusions, Spencer's chief proposal for the future of small states like Ethiopia is that they seek to defend their own integrity and not rely on the United Nations or on regional organizations. In this way they "may succeed in converting contempt into respect" (p. 368). This appears correct at least in theory, but one could point out that internal reforms of government, land tenure, etc. were at least equally needed for the integrity of Ethiopia. These the aging emperor was unwilling to permit in time. As advisor for foreign affairs only, Spencer was in no position to affect internal reforms, but their lack had the effect of terminating his role.

Despite the various shortcomings mentioned above, this book is a unique record of the legal and political history of Ethiopia. It deserves special attention by students of "psychological history." The style is clear, occasionally waxing lyrical. One wonders why this book has not been published by a major university press.

Publications

1. MEDIA AND DEPENDENCY IN SOUTH AFRICA is the title of *Monograph in International Studies Africa Series No. 47*, published by Ohio University. This 80 page report is a case study of the press and the Ciskei "Homeland." Written by Les Switzer, it examines how South Africa's communication industry, the largest and most powerful on the continent, promotes dependency among the subject African populations. This study focuses on the privately-owned commercial press and its role in helping to frame a consensus in support of the political, economic and ideological values of the ruling alliance. The cost of this monograph (in paperback) is \$9.00. Orders for this and other titles in the Monograph Series in International Studies should be placed through the Ohio University Press/Scott Quadrangle, Athens, OH 45701-2979.

2. Another title in the same series is AMERICAN-SOUTH AFRICAN RELATIONS, 1784-1980: *Review and Select Bibliography* by C. Tsheloane Keto. This 159-page monograph provides a concise, well-organized guide to materials of use to students of American-South African relations. Beginning with a brief introductory essay surveying the organization and contents of the guide, Keto cites the periodical sources, monographs, books, reports, theses, and dissertations published before July 1983 that describe and analyze developments up to 1980. He also directs the reader to useful American and South African groups, organizations, research centers, and libraries with extensive collections in this field. Cost \$11.00. See item above for address for ordering.

3. Robert Davies' SOUTH AFRICAN STRATEGY TOWARDS MOZAMBIQUE IN THE POST-NKOMATI PERIOD is a comprehensive and detailed analysis of Pretoria's "total strategy" in Southern Africa. Since the Nkomati Accords between Mozambique and South Africa, the crisis in the region intensified. This 69-page brochure looks at the consequences in Mozambique in particular and draws certain conclusions about the evolution of the apartheid regime. Copies can be obtained at CIDMAA for \$5.00. Address: 3738, rue Saint-Dominique, Montreal H2X 2X9, Quebec, Canada.

4. AFRICAN URBAN QUARTERLY is the title of a new journal dealing with Africa. This interdisciplinary quarterly for comparative urbanization in Africa is intended to serve as a 'central clearing house' for research dealing with analytical, descriptive, evaluative and prescriptive problems concerned with the comparative urbanization and development planning in Africa and the rest of the world. The journal is edited by R.A. Oudho at African & Afro-American Studies Dept., State University of New York at Albany. Topics covered in the AUQ include agriculture, demography, transportation, medicine, politics, geography, history, sociology, economics, statistics, mathematics, urbanization, anthropology, archeology, education, law and environmental studies as they affect the quality of human life in both rural as well as urban areas. Costs of a yearly subscription, beginning with Vol. 1, No. 1 (January 1986) are: Institutions \$70.00; Individuals \$40.00. For more information, write: African Urban Quarterly, African & Afro-American Studies Dept., State University of New York, 1400 Washington Avenue, Albany, NY 12222 or call (518) 442-4730 & 442-4701.

5. **WANASEMA: Conversations with African Writers** attempts to show some of the many faces of African Literature. Dramatists, poets and novelists speak in these pages. They write in French, English, Portuguese, Arabic, and indigenous languages. Some are Christian; others are Muslim. A variety of subjects are discussed, including the status of women, history, religion, politics, dress and education. Taken together, the interviews in *Wanasema* should interest African Studies specialists, but also those whose concerns include literature, history and contemporary events in the Third World. *Wanasema* is edited by Don Burness and Mary-Lou Burness. This 96-page monograph costs \$9.00, and is No. 46 in The Ohio University Monographs in International Studies Africa Series mentioned in Item 1, where the address for ordering can be found.

6. In March 1983 the Pretoria regime announced its intention to build a new township outside Cape Town. It was to be called Khayelitsha (Our new home). By mid-1983 people were already living there. The Western Cape group of the Surplus People Project — a group working on forced removals in South Africa for the last three years — decided to record the historical process of the removals of Cape Town's African population. The result was a dossier, called **KHAYELITSHA: New Home — Old Story**. The material includes: information on the history of influx control in the Western Cape, the clearance of informal settlements, published information on Khayelitsha, interviews with people under threat of removal and various other documents and illustrations. Most of it was collected over a two month period. Cost of this dossier is \$4.00. To order, write: The Distributor, P.O. Box 187, Cape Town 8000, South Africa.

A related study published for the Surplus People Project is **THE SURPLUS PEOPLE: Forced Removals in South Africa** by Laurine Platzky and Cheryl Walker. The context of this 500-page study is the forced removal of over 3.5 million people over the past 20 years in the implementation of apartheid. *Surplus People* is an attempt to answer some basic questions on the policy of relocation in South Africa. The material for this book was collected over three years by more than 50 members of the Surplus People Project. The report was published in June 1983 in five volumes. Price: \$14.95. Published by Ravan Press. Order through your bookseller or direct from Ravan Press.

7. The recent crisis within South Africa has focused renewed attention on that country's long standing defiance of the U.N. resolution which calls for the independence of Namibia (formerly the German colony of South West Africa) and recognition of SWAPO (The South West Africa Peoples Organization) as "the sole and authentic representative of the people of Namibia." **NAMIBIAN INDEPENDENCE — A GLOBAL RESPONSIBILITY** by A.W. Singham and Shirley Hume describes the role of the Non-Aligned Movement in promoting the independence of Namibia; and shows how this effort is being sidetracked in the U.N. Security Council by the Contact Group (five Western powers led by the United States). This 128-page book costs \$6.95, and is published by Lawrence Hill & Co. Order from your bookseller.

8. Two new titles are available in the *Munger Africana Library Notes Series*: **MOZAMBIQUE FOREIGN POLICY AND THE WEST 1975-1985** by Dr. Luis Benjamin Serapiao. (#76) and **THE ARCHEOLOGICAL POTENTIAL OF CENTRAL CAPE TOWN** by Gabebah Abrahams (#77-78). To order any of the *Munger titles* write: *Munger Africana Library*, California Institute of Technology, Pasadena, CA 91125. Price for #76 is \$4.00 and 77-78 \$7.00.

9. We wish to bring a new journal to the attention of our readers. It is called *The American Journal of Islamic Social Sciences* and is jointly published by the Association of Muslim Social Scientists and the International Institute of Islamic Thought. The journal is published twice a year. The first two numbers of the journal were published under a different title: *American Journal of Islamic Studies*. Subscriptions should be sent to AJISS, P.O. Box 38 Plainfield, Indiana 46168. Subscriptions for a yearly volume are: Institutions \$30; Professionals \$16; & Students \$12.

10. The *Lawyers' Committee for Civil Rights Under Law* has put out its annual **SOUTHERN AFRICA PROJECT 1984 ANNUAL REPORT** which is entitled **SOUTH AFRICA 1984: RENEWED RESISTANCE, INCREASED REPRESSION**. The Project seeks, in the words of its founders, (1) to ensure that defendants in political trials in South Africa and Namibia receive the necessary resources for their defense and a competent attorney of their own choice; (2) to initiate or intervene in legal proceedings in this country to deter actions that are supportive of South Africa's policy of apartheid, when such actions may be found to violate U.S. law; and (3) to serve as a resource for those concerned with the erosion of the rule of law in South Africa and that government's denial of basic human rights. For more information, write: *Lawyers' Committee for Civil Rights Under Law*, 1400 'Eye' Street, N.W. Suite 400, Washington, D.C. 20005.

11. Since late 1975 a large number of Saharawis have been living in exile in refugee camps, excluded from the possibility of living freely in the Western Sahara. From early 1976 the greatest number of these refugees have settled in camps in the area around Tindouf, Algeria. The **SPSC LETTER OCCASIONAL PAPER, No. 3**, entitled **THE SAHARAWI REFUGEES: ORIGINS AND ORGANIZATION, 1975-1985**, describes the evolution of the original group of refugees, traumatized by the experiences of their "exodus" from Western Sahara, into the forward-looking inhabitants of the well-organized camps of 1985. Today some 120,000 to 165,000 refugees prepare for a return to their proclaimed state, the Saharawi Arab Democratic Republic. The 30-page document is mostly text, but contains footnotes and a map. Plastic binding. A prepaid donation of \$6 includes mailing costs. To obtain a copy, write **SPSC LETTER, 217 E. Lehr, Ada, OH 45810**.

12. The *Episcopal Churchpeople for a Free Southern Africa* have published a revised edition of Elizabeth Schmidt's **ONE STEP IN THE WRONG DIRECTION: An Analysis of the Sullivan Principles as a Strategy for Opposing Apartheid**. As a result of the recent developments in South Africa and the United States, the 1983 edition of this booklet has been expanded and updated. Price for the new edition is only \$1.00. Write: *Episcopal Churchpeople for a Free Southern Africa*, 339 Lafayette Street, New York, NY 10012-2725. A review of this edition will appear in a subsequent issue of *Africa Today*.

13. Readers interested in keeping abreast of the activities of the *Sudan Studies Association* would like to note that the Association's Newsletter is now in its fifth year of publication. To learn more about the Newsletter of the S.S.A. write The Sudan Studies Association c/o Dr. James Hudson, Executive Secretary, Morgan State University, Baltimore, MD 21239.

14. Four new *International Defense & Aid Fund* titles are available that deal with different aspects of the political struggle in Southern Africa. **FOR THEIR TRIUMPHS AND FOR THEIR TEARS: Women in Apartheid South Africa** by Hilda Bernstein is about women in South Africa and the circumstances of their lives. It explains how the oppression and exploitation of the majority of South African women — as women, as workers and above all as black people — is an integral part of the apartheid system. It recounts how, for that reason, the movement of women to free themselves has always been an integral part of the struggle for national liberation. The first edition of this book was published in 1975, at the start of the United Nations International Decade of Women. This present version, appearing at the end of that decade, is substantially rewritten and contains much that is new, reflecting changes brought about during the past ten years in the impact of apartheid on women, and in the mobilization of women in the struggle against apartheid. A poster celebrating the struggle of South African women against apartheid and for national liberation has also been produced. Size 23½ inches x 16¼ inches (69 x 42 cms). Book Price L350, \$7.70, postage price 75p. \$2.20 (p & p inclusive).

THIS IS APARTHEID: A Pictorial Introduction is an IDAF pamphlet which introduces the reader to apartheid in a simple and direct way. This thoroughly revised and updated edition replaces the original 1978 publication produced for the U.N. International Anti-Apartheid Year. 40pp, illust. with 64 photographs & maps. Price: \$1.70.

Aimed specifically at those in school or with little knowledge of the situation in Namibia, **THIS IS NAMIBIA: A Pictorial Introduction** illustrates, in an easily accessible form, how colonialism and apartheid have deprived the black majority of their economic, political and social rights. It describes their struggle against South Africa's illegal occupation, showing how the South West Africa People's Organization (SWAPO) the national liberation movement, has the support of the great majority of Namibians. Finally it explains Namibia's international status and the continuing drawn out negotiations for independence. 40pp, illust. with 53 photographs & maps. Price: 50p., \$1.70.

FACT PAPER ON SOUTHERN AFRICA NO. 13, A NATION IN PERIL: Health in Apartheid Namibia describes the state of health of the Namibian people, and examines the structures and institutions of the health service imposed by South Africa's apartheid policies. Black Namibians have a higher infant mortality rate, a shorter life expectancy, and are at greater risk of contracting diseases such as typhoid, tuberculosis, and cancer than the minority white population. The social inequality between the races permeates into the area of health. Additionally, South Africa's massive military presence in Namibia, particularly in the north, has disrupted the few preventive health programs that existed. The brutality of its armed forces has resulted in thousands of black people being killed or suffering serious injuries. This fact paper examines these aspects of the health situation in Namibia and also details the work of SWAPO in the area of health care. 40pp. Price: 50p., \$1.70.

To order the above titles write International Defence and Aid Fund, Canon Collins House, 64 Essex Rd., London N1 8LR, U.K. or IDAF US Committee, PO Box 17, Cambridge, MA 02138.

15. A reprint of Raya Dunayevskaya's piece, "MARX'S 'NEW HUMANISM' AND THE DIALECTICS OF WOMEN'S LIBERATION IN PRIMITIVE AND MODERN SOCIETIES" is now available for 50c. Write: *News and Letters*, 59 E. Van Buren, Ste. 707, Chicago, IL 60605.

Books Received

Political Science

CLASS, RACE AND SPORT IN SOUTH AFRICA'S POLITICAL ECONOMY. Grant Jarvie. (Routledge and Kegan Paul, Inc., Boston, Mass., 1985) 107 pp. cloth. \$38.95.

COLD WAR AND BLACK LIBERATION: *The United States and White Rule in Africa.* J. Thomas Noer. (University of Missouri Press, Columbia, Missouri, 1985) 274 pp. hardcover. \$26.00.

NATO, THE WARSAW PACT AND AFRICA. Christopher Coker. (St. Martin's Press New York, 1985) 302 pp. hardcover \$32.50.

PEASANT CONSCIOUSNESS AND GUERRILLA WAR IN ZIMBABWE. Terence Ranger. (University of California Press, Berkeley, 1985) 337 pp. hardcover. \$35.

POLITICS IN SUB-SAHARAN AFRICA. Roger Tangri. (Heinemann Educational Press, Portsmouth, N.H., 1985) paperback \$12.50.

***THE POLITICAL MYTHOLOGY OF APARTHEID.** Leonard Thompson. (Yale University Press, New Haven, 1985) 293 pp. hardcover. \$22.50.

THE RISE AND DECLINE OF THE ZARIAN STATE. Crawford Young and Thomas Turner. (Univ. of Wisconsin Press, Madison, WI 1985) 499 pp. \$37.50.

THE RISE AND FALL OF NIGERIA'S SECOND REPUBLIC, 1979-84. Toyin Falola & Julius Ihonvbere. (Zed Press, Totowa, N.J., 1985) 290 pp. hardcover, \$30.95. paperback, \$12.50.

SOUTH AFRICA: 1984 Dennis Austin. (Routledge and Kegan Paul Inc., Brooklyn, New York. 1985) 80 pp. paperback. \$10.95.

SOUTH AFRICA: *White Rule, Black Revolt.* Ernest Harsch. (Monad Press, New York. 1985) 352 pp. hardcover, \$27.00. Paperback, \$7.95.

SOUTH AFRICA IN NAMIBIA: *The Botha Strategy.* Robert S. Jaster. (University Press of America, New York, 1985) 114 pp. paperback \$7.75.

SOUTHERN AFRICA: *Regional Security Problems and Prospects.* Robert S. Jaster (ed.) (St. Martin's Press, New York, 1985) 170 pp. hardcover \$27.50.

THE THEORY AND PRACTICE OF AFRICAN POLITICS. Christian P. Potholm. (University Press of America, New York, 1985) 307 pp. paperback \$14.50.

WHO IS FOOLING WHO? J.K. Randle. (West African Book Publishers, Ltd., Lagos, Nigeria, 1985) 235 pp. price unknown.

Economics

A DIFFICULT ROAD: *The Transition to Socialism in Mozambique*. John Saul (ed.) (Monthly Review Press, New York, 1985) 420 pp. cloth \$27.50, paper, \$12.00.

AFRICA'S SHARED WATER RESOURCES: *Legal and Institutional Aspects of the Nile, Niger, and Senegal River Systems*. Bonanya A. Godana. (Francis Pinter, London, 1985) 370 pp. cloth \$27.50.

ECONOMICS OF AGRICULTURE IN TROPICAL AFRICA. S. La-Anyane (John Wiley & Sons, New York 1985) 153 pp. price unknown.

FOOD PRODUCTION AND RURAL DEVELOPMENT IN THE SAHEL: *Lesson From Mali's Operation Riz-Segou*. James Bingen. (Westview Press, Boulder, CO, 1985) 167 pp. paper \$18.50.

POPULATION, HEALTH AND NUTRITION IN THE SAHEL: *Issues in the Welfare of Selected African Communities*. Allan G. Hill (ed.) (Routledge and Kegan Paul, Inc., Boston, Mass., 1985.) 399 pp. \$29.95.

REGIONAL DEVELOPMENT AT THE NATIONAL LEVEL. (Vol. 1): *Canadian and African Perspectives*. Timothy M. Shaw & Yash Tandon (Editors), (University Press of America, New York, 1985) 324 pp. cloth \$27.00, paper \$13.50.

REGIONAL DEVELOPMENT AT THE INTERNATIONAL LEVEL. (Vol. II): *African and Canadian Perspectives*. Timothy M. Shaw & Yash Tandon (Editors). (University Press of America, New York. 1985) 278 pp. paper \$14.50, cloth \$28.00.

URBANISATION AND PLANNING IN THE THIRD WORLD: *Spatial Perceptions and Public Participation*. Robert B. Potter. (St. Martin's Press, New York, 1985) 284 pp. cloth \$35.00.

A THEORY OF TECHNOLOGY: *A Continuity and Change in Human Development*. Thomas R. DeGregori. (Iowa State University Press, Ames, Iowa, 1985) 263 pp. paper \$17.50.

Literature/Miscellaneous

AFRICAN AND AMERICAN VALUES: *Liberia and West Africa*. Katherine Harris. Vol. XVII in American Values Projected Abroad Series. (University Press of America, Lanham, Maryland, 1985) 101 pp. \$7.50.

AFRICAN CULTURE: *The Rhythms of Unity*. Molefi Kete Asante & Karimu Welsh Asante (Editors) (Greenwood Press, Westport, CT 1985) 270 pp. cloth \$35.00.

AFRICAN SHORT STORIES. *An Anthology*. J. de Grandsaigne, S. Nnamonu, eds. (St. Martin Press, New York 1985) 199 pp. cloth \$27.50.

AFRO-AMERICAN WRITING: *An Anthology of Prose and Poetry*. Richard Long and Eugenia W. Collier. (The Pennsylvania State University Press, University Park 1985) 736 pp. cloth \$22.75.

FEMALE NOVELISTS OF MODERN AFRICA. Oladede Taiwo. (St. Martin's Press, New York, 1985) 228 pp. \$22.50.

RESEARCH PRIORITIES IN AFRICAN LITERATURES. Bernth Lindfors (Editor) (K-G. Saur, Inc. New York, 1984) 222 pp. hard cover \$27.00.

Books Received

YORUBA DUN UN SO (book one) Karin Barber. (Yale University Press, New Haven, CT 1985) 144 pp. \$16.95.

Coming Events

The 1986 African Literature Association Conference will be held at Michigan State University, East Lansing, Michigan 48824, from April 16-19, 1986. "The theme is Critical Theory and Political Commitment." Conference Convenors are Linda Beard, English Dept. M.S.U. and Ken Harrow, Humanities Dept. M.S.U. Guest Speakers include Abdelkebir Khatibi, Maryse Conde, Edward Said, Abdul Janmohamed, Gayatri Spivak, Henry Lewis Gates Jr., and Anthony Appiah. For more information write Ken Harrow.

Readers are reminded that the seventeenth annual meeting of the Western Association of Africanists will take place at the University of Colorado, Boulder, from April 17-19, 1986. Those interested in presenting a paper, chairing a panel, or serving as a discussant should contact Dr. Louis Wilson, Department of Black Studies, University of Colorado, Boulder, Boulder, CO 80309. Suggestions for panel topics are also welcome.

The 25th Anniversary of the African Studies Program at the University of Wisconsin-Madison will be marked by the annual meeting of the African Studies Association. The ASA meeting will be from Thursday, October 30 through Sunday, November 2, 1986, and will be held at the Concourse and Inn on the Park hotels (both located near the state capitol in downtown Madison).

Linda Hunter of the Dept. of African Languages and Literature will act as program coordinator, while Paul Beckett, Program Associate Director, will be local arrangements coordinator for the ASA meetings. For further information write: The African Studies Program, University of Wisconsin-Madison, 1450 Van Hise Hall, 1220 Linden Drive, Madison, WI 53706 or call: 608-262-2380.

Announcement

We have received notice of the establishment of the Stirling University Press, in partnership with K.G. Saur Ltd., and its affiliated imprint Hans Zell Publishers of Oxford. The press will publish works both from within the University and from the wider academic community. The programme will cover scholarly monographs, academic texts and research reports, as well as multi-volume reference works. The initial list will be announced in the spring of 1986, and the first titles are expected to be published in late 1986 or early 1987.

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Volume 32 (1985)

Number Three

IN THIS ISSUE

Guest Editor's Introduction.....	Ahmed I. Samatar	5
Map of Somalia.....		6
Dominance and Conflict on the Horn; Notes of United States-Soviet Rivalry.....	George W. Shepherd, Jr.	7
Underdevelopment in Somalia: Dictatorship without Hegemony.....	Ahmed I. Samatar	23
The Predatory State and the Peasantry: Reflections in Rural Development Policy in Somalia.....	Abdi I. Samatar	41
Literature and Politics in Somalia: The Case of Nuruddin Farah.....	Juliet I. Okonkwo	57
A Bibliography of Recent Publications on Somalia.....		67
Africa Rights Monitor.....		71
Correspondent's Report American Studies in Africa: Alive and Well.....	David S. Cownie	83
A Look at Books.....		87
Land Tenure in Ethiopia: A Thoughtful Analysis... Mengistu — Robin Hood of the Army and Vanguard of Socialism.....	Simon D. Messing Paul Edwin LeRoy	87 89
A Large, but Very Uneven, Collection of Ethiopiana.....	Simon D. Messing	91
Islamic Art in Africa.....	Aaron Segal	92
A Contextual Case Study of Resistance to Colonialism in Kenya.....	Edward I. Steinhart	93
Publications.....		97
Coming Events.....		100
Announcement.....		101
Books Received.....		102
Statement of Ownership, Management and Circulation.....		104

AFRICA TODAY is indexed in the Public Affairs Information Service (PAIS) the Social Sciences Citation Index; Social Sciences Index, Current Contents Africa: a current bibliography of recent literature (Documentation Service Africa-West Germany) and the International African Bibliography and abstracted and indexed in ABC POL SCI, Historical Abstracts and/or American History and Life.