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## Human Rights in Africa: Observations on the Implications of Economic Priority

Minasse Haile

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# HUMAN RIGHTS IN AFRICA: OBSERVATIONS ON THE IMPLICATIONS OF ECONOMIC PRIORITY

*Minasse Haile\**

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### I. INTRODUCTION

International human rights generally are grouped into three broad categories: civil and political rights, economic rights and

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personal security rights.<sup>1</sup> Little disagreement exists that in principle every state should observe personal security rights regardless of the State's economic and political system and the level of its development. Views diverge, however, on the relative priority that a state should accord the implementation of civil and political rights versus economic rights.

Many African and other Third World states which receive support from the Eastern European states argue that priority should be given to implementing economic rights rather than to civil and political rights. They contend that economic development is a necessary precondition to the attainment of civil and political rights. Similarly, the United Nations and its Specialized Agencies both explicitly emphasize the importance of meeting "the basic needs" of the poor in the developing world. Although the Specialized Agencies also emphasize "participation," they generally refer to the involvement of local people in implementing local programs, rather than to the right of a people in a given country to elect their principal political leaders. In contrast, many developed Western states have emphasized the importance of civil and political rights not only as an objective worth pursuing in its own right, but also as a necessary means for attaining a rapid economic development.

The debate over priorities has taken on added salience because a serious economic crisis involving a decline in agricultural production has developed in Africa. In recent years, food production per capita has actually declined in most African countries. Importation of food grains is rising. Export crop production has stagnated. Increases in per capita income have been meager at best, and in some African countries per capita income has declined.

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1. This categorization follows the approach which the United States Department of State has adopted. HOUSE COMM. ON FOREIGN AFFAIRS, SEN. COMM. ON FOREIGN RELATIONS, 97TH CONG. 2D SESS., *Country Report on Human Rights Practices*, 2 (Joint. Comm. Print 1981) [hereinafter *Country Report*]. This Report groups the internationally recognized rights into the following three broad categories:

first, the right to be free from governmental violations of the integrity of the person—violations such as torture, cruel, inhuman or degrading treatment or punishment; arbitrary arrest or imprisonment; denial of fair public trial; and invasion of the home; second, the right to enjoy civil and political liberties, including freedom of speech, press, religion and assembly; third, the right to participate in government. . . .

*Id.*

When the balance-of-payment crisis and the rise of external indebtedness is added to these problems, the economic picture of Africa is grim.<sup>2</sup>

The causes of the economic crisis are many and varied.<sup>3</sup> Among the most important factors are the inadequate policies many African governments have pursued. Because most of the people of Africa live in rural areas, improvement of the conditions of the rural masses through appropriate economic policies is essential to any overall amelioration of the living conditions of all the people. The policies of African governments with respect to the rural masses, however, have been harmful. Farmers' access to essential services has been very limited. In terms of the provision of essential health services, education and access to safe water, the record of most African governments has been one of neglect.

The strategies of choice concerning the improvement of the record of economic development in Africa have undergone changes since World War II because, one after the other, each new strategy failed to improve the lot of the poor.<sup>4</sup> The first strategies emphasized the growth of gross national product as the primary means of achieving economic development. This strategy failed to improve the conditions of the poor, and underdeveloped countries turned to strategies emphasizing "employment" and "growth with equity." These strategies also failed in practice to fulfill their promises to the poor. This failure led the planners to propose the basic needs strategy (BNS),<sup>5</sup> a strategy that directly addressed satisfying the basic needs of the poor. Unfortunately, neither the BNS nor the related agricultural strategy, Action for Rural Development,<sup>6</sup> which the World Bank developed seem more likely to succeed than their predecessors.

The most recently developed strategies, the BNS and Action for Rural Development, are based at least implicitly on the following two assumptions: (1) the political leaders of African countries are willing and able to exert themselves to the utmost in the

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2. See AFRICAN STRATEGY REVIEW GROUP, ACCELERATED DEVELOPMENT IN SUB-SAHARA AFRICA: AN AGENDA FOR ACTION, 2-4 (The International Bank for Reconstruction and Development/The World Bank 1981) [hereinafter ACCELERATED DEVELOPMENT].

3. *Id.* at chs. 2-3.

4. See P. STREETEN, FIRST THINGS FIRST: MEETING THE BASIC HUMAN NEEDS IN DEVELOPING COUNTRIES 8-12 (1981).

5. *Id.* at 13.

6. ACCELERATED DEVELOPMENT, *supra* note 2, at ch. 5.

interest of their respective peoples; and (2) to unleash their benevolence, the African political leaders only need the resources and strategies that will allow them to achieve their developmental goals. Certain fundamental constraints on the leaders of African countries which arise primarily from leaders' interest in surviving in power render both of these assumptions false. The same constraints also doom to failure development strategies that do not take this political reality into account.

Thus, defective economic strategy has not led to economic crisis in Africa. Rather, the social distance between government and the rural poor and the absence of institutions through which farmers can influence the formulation and execution of policies affecting agriculture explains the policies of African governments which have been either harmful to or neglectful of the agrarian sector. The only way to overcome the political constraints on development in Africa may be to find means by which the rural masses can impose their interests on their political leaders, means by which to recognize and implement, to some degree, the African peoples' civil and political rights.

The pervasive concern with the strategies and techniques of development, the general failure to examine the political assumptions on which those strategies are based, and the emergence of the view that civil and political rights should not form a focus of attention create a precarious outlook. Section II of this article examines the relationship of economic rights and civil and political rights to economic development along with the problems involved in establishing democratic institutions in Africa. Using the right to food as an example, Section III describes in more detail the extent to which economic rights depend on the recognition of civil and political rights in the African context. Section IV examines avenues for pursuing economic rights that account for both political and civil rights and African political realities. Section V sets forth conclusions.

## II. THE RELATIONSHIP BETWEEN ECONOMIC RIGHTS AND CIVIL AND POLITICAL RIGHTS

### A. The "Economic Rights First" Approach

The idea of giving first priority to attainment of economic rights and of consigning to an indefinite future the fulfillment of civil and political rights is not new. The Soviet Union and other communist countries pursue economic policies and maintain po-

litical systems that ostensibly give priority to economic development and the satisfaction of society's basic material needs.<sup>7</sup> Indeed, Soviet insistence led to the inclusion of economic rights in the Universal Declaration on Human Rights. Traditionally, the Western democracies had deemed that economic rights flow naturally from the recognition of civil and political rights.

Many African leaders have supported the general notion of according priority to economic rights. Some leaders have believed in good faith that they could make greater headway in achieving economic plenty for their people if they could eliminate public criticism of government policy. Other African leaders preferred to give priority to economic rights to provide themselves with a ready made means to acquire political power or to perpetuate their tenure in office.

Proponents of assigning priority to economic rights over civil and political rights give several reasons to support their views. First, they claim that more of the world's population is actually suffering from the denial of their economic rights "to work, food, health, shelter and education . . . than from violations from their rights to freedom from torture, arbitrary detention and censorship of the press."<sup>8</sup> A second rationale is that a starving, illiterate man cannot understand civil and political rights,<sup>9</sup> and therefore, human rights in some cases should be set aside until the majority of the people are educated and conditions of living are improved.<sup>10</sup> Third, civil and political rights are not universal concepts and have little application to the non-Western world.<sup>11</sup> A fourth justification involves the difficulty the developing countries would have in achieving rapid economic development if they give

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7. See Przetacznik, *The Socialist Concept of Human Rights: Its Philosophical Background and Political Justification*, 13 REVUE BELGE DE DROIT INTERNATIONALE 267-68 (1977).

8. P. WEISS, HUMAN RIGHTS AND VITAL NEEDS 2 (Institute for Policy Studies 1977).

9. See *Statement by the Representative of Cuba to the United Nations General Assembly*, 32 U.N. GAOR c.3 (43d mtg.) at 3, U.N. DOC. A/C.3/32/SR.43 (1977).

10. See SEMINAR ON THE STUDY OF NEW WAYS AND MEANS FOR PROMOTING HUMAN RIGHTS WITH SPECIAL ATTENTION TO THE PROBLEMS AND NEEDS OF AFRICA, 1973, at 9, U.N. Doc. ST/TAO/HR/48 (1973) (organized by the United Nations in cooperation with the Government of Tanzania, Dar-es-Salaam).

11. See Pollis & Schwab, *Introduction* in HUMAN RIGHTS: CULTURAL AND IDEOLOGICAL PERSPECTIVES 1 (A. Polis & P. Schwab eds. 1979).

priority to civil and political rights or if they observe those rights simultaneously with economic rights. The basic assumption that "the securing of civil and political rights . . . will somehow, as if by magic, lead the Third World out of underdevelopment"<sup>12</sup> is wholly "unsupported . . . by historical evidence."<sup>13</sup> Fifth, the mass communications media and other phenomena of the modern world stimulate expectations in the minds of the people of the Third World that are likely to complicate the task of economic development in states observing civil and political rights.<sup>14</sup> Sixth, the multiparty political systems inherent in the concept of civil and political rights would tend to reflect tribal particularism in Africa and to create unwanted opportunities for foreign influence in African states' internal affairs.<sup>15</sup> Last, proponents of economic rights doubt whether observance of civil and political rights in the developing countries will lead to political and economic stability.<sup>16</sup> Because African states are new, their first priority should be to establish strong, viable governments.<sup>17</sup>

As the concept of economic development has evolved in recent years, a trend, as reflected in the debates in the United Nations, has developed toward greater support of the "economic rights first" approach and away from support of civil and political rights. In the twenty or thirty years following World War II, the problems of economic development were thought essentially to be tied to the rate at which per capita gross national product (GNP) rose in the developing countries.<sup>18</sup> The idea was that once growth took place in a developing country, the benefits of that growth would either trickle down naturally to the poorer segments of society or the government would redistribute the benefits of the

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12. See Weiss, *supra* note 8, at 2.

13. *Id.*

14. See *Statement by the Representative of Pakistan in the United Nations General Assembly*, 32 U.N. GAOR c.3 (53d mtg.) at 2, U.N. DOC. A/C.3/32/SR.53 (1977).

15. See SEMINAR ON HUMAN RIGHTS IN DEVELOPING COUNTRIES at 35 U.N. DOC. ST/TAO/HR/25 (1966) (organized by the United Nations in cooperation with the Government of Senegal) [hereinafter Senegal Seminar].

16. See L. PYE, ASPECTS OF POLITICAL DEVELOPMENT 72 (1966).

17. See Linton, *Human Rights and Development*, in HUMAN RIGHTS AND DEVELOPMENT: REPORT OF A SEMINAR ON HUMAN RIGHTS AND THEIR PROMOTION IN THE CARIBBEAN, 20 Int'l Comm'n of Jurists, Pamphlet Vol. 3, 20 (1978).

18. INT'L LABOUR OFFICE, EMPLOYMENT, GROWTH AND BASIC NEEDS: A ONE-WORLD PROBLEM 1-2 (1976) [hereinafter ILO].

larger economic pie resulting from the growth in GNP. International agencies engaged in development assistance, Western aid donors and the developing countries based their development policies largely on this notion of "grow now, trickle later."<sup>19</sup>

The policy of encouraging greater aggregate output resulted in "impressive rates of growth in many developing countries."<sup>20</sup> "[I]t has become increasingly evident . . . that rapid growth at the national level does not automatically reduce poverty and inequality or provide sufficient productive employment"<sup>21</sup> in the Third World. In Africa unemployment rose<sup>22</sup> and inequality of income increased,<sup>23</sup> with the result that the bottom forty percent of the population received fifteen percent of the total income,<sup>24</sup> and unemployment and underemployment affected as much as forty percent of the labor force.<sup>25</sup> This situation stimulated changes in the concept of economic development.

First, the International Labor Organization (ILO) initiated employment oriented economic policies. This led to the adoption of the Employment Policy Convention, which required states to pursue "as a major goal an active policy designed to promote"<sup>26</sup> full employment. Along with employment targets came the view that the goals of economic development should be broadened to include "redistribution with growth" to assure that the fruits of growth were more evenly spread among all segments of society.<sup>27</sup>

When it became clear that a commitment to redistribution was insufficient to meet the essential needs of the poor, the BNS was introduced. In addition to economic growth, increased employment, and greater redistribution of income, the BNS emphasized

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19. Wilber & Jameson, *Paradigms of Economic Development and Beyond*, in DIRECTIONS IN ECONOMIC DEVELOPMENT 1, 14 (K. Jameson & C. Wilber eds. 1977).

20. ILO, *supra* note 18, at 4.

21. *Id.* at 15.

22. *Id.* at 17.

23. "[T]he material conditions of life for large numbers of people are worse today than they were one or two decades ago." *Id.* at 23.

24. R. SANDBROOK, *THE POLITICS OF BASIC NEEDS: URBAN ASPECTS OF ASSAULTING POVERTY IN AFRICA* 4 (1982).

25. See ILO, *supra* note 18, at 18 (Table 1). In 1972, 239 million Africans (69% of the population) were classified as "seriously poor" and 134 million (39% of the population) as "destitute" and suffering from severe malnutrition. *Id.* at 22 (Table 2).

26. *Id.* at 2.

27. See Wilber & Jameson, *supra* note 19, at 12-18.



the necessity of actions designed to meet the basic minimum needs of the poor directly.<sup>28</sup> The BNS stressed “[c]ertain minimum requirements of a family for private consumption: adequate food, shelter and clothing, . . . [and] essential services provided by and for the community at large, such as safe drinking water, sanitation, public transport and health and educational facilities.”<sup>29</sup>

Whether the international agencies that have endorsed the BNS believe that it requires recognition of the nonmaterial components of human rights, such as civil and political rights and personal security rights, is not clear.<sup>30</sup> For example, the ILO, in its report advocating the BNS, only vaguely referred to “participation of the people in making the decisions which affect them.”<sup>31</sup> The great emphasis the United Nations Special Agencies gave to government policies directed to meeting basic material needs suggests the agencies would not accord the satisfaction of nonmaterial needs an important role in the BNS.<sup>32</sup> United Nations General Assembly Resolution 32/130 of 1977, while recognizing perfunctorily that “all human rights and fundamental freedoms . . . are indivisible,”<sup>33</sup> declared that “[t]he full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible.”<sup>34</sup> This resolution is an equivocal espousal of the view that economic rights should have priority over civil and political rights.<sup>35</sup>

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28. Trubek, *Economic, Social, and Cultural Rights in the Third World: Human Rights Law and Human Needs Programs*, in 1 HUMAN RIGHTS IN INTERNATIONAL LAW: LEGAL AND POLICY ISSUES 205, 227 (1984).

29. ILO, *supra* note 18, at 32.

30. These agencies include the World Bank, the World Health Organization, ILO and UNESCO. See Alston, *Human Rights and Basic Needs: A Critical Assessment*, 12 REVUE DES DROITS DE L'HOMME 19, 23-27, 35 (1979).

31. ILO, *supra* note 18, at 32.

32. Civil and political rights are not included in the BNS. See Alston, *supra* note 30, at 35.

33. G.A. Res. 130, 32 U.N. GAOR Supp. (No. 45) at 150, U.N. DOC. A/32/45 (1977).

34. *Id.* at 151.

35. See Moskowitz, *Implementing Human Rights: Present Status and Future Prospects*, in HUMAN RIGHTS: THIRTY YEARS AFTER THE UNIVERSAL DECLARATION 109 (Ramcharan ed. 1979), for an analysis of the debates in the Third Committee. “Obviously, if human rights are perceived in the spirit of the General Assembly resolution 32/130, the stress in the United Nations will be increasingly on forms of implementation designed to further economic develop-

Thus, in the United Nations the trend in the area of development is toward greater support of the economic rights first approach and relative neglect of civil and political rights and personal security rights. The purpose of the Universal Declaration on Human Rights was to place before the world the human rights and fundamental freedoms set forth in the United Nations Charter as a standard for all peoples and all nations. To the extent that certain of those rights now are given preference over others, a spirit of revisionism exists in the United Nations<sup>36</sup> and elsewhere. In sum, the BNS's lack of emphasis on nonmaterial rights indicates another effort to endorse the economic rights first approach to development.

Full acceptance of the economic rights first approach presents both serious problems of principle and practical difficulties. At the extreme, the approach yields certain propositions which even the strongest adherents of the economic rights first view are unlikely to accept. The following hypothetical illustrates the problem.

First, assume that the African countries are in a position to give priority to economic rights and that this priority leads to economic development. If the necessary by-product of this approach is a severe violation of the nonmaterial components of human rights a society will result in which all basic material needs are met, but in which the people have little or no role in shaping their destiny. The question of whether a dictatorship by one or the few over a people whose material needs are met is acceptable arises under this set of facts.

The government of South Africa defends its policy of apartheid, particularly its denial of civil and political rights to the black majority, largely on the grounds that the economic needs of the blacks are being met. That policy, however, is almost universally condemned. Even the most ardent supporters of the economic rights first approach do not defend the South African regime. They are unlikely to find a similarly extreme extension of their theory palatable in other settings.

Once the extreme position is rejected, the two real issues raised by the economic rights first approach become relatively clear. The first issue is whether the economic rights first approach is practical in Africa, given that continent's present political and eco-

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ment. . . ." *Id.* at 126.

36. *Id.* at 111.

conomic conditions. The likely results of the implementation of that approach are the second concern. More specifically, a consideration of the political and economic consequences of the absence of civil and political rights is necessary. This consideration involves questions of whether the African ruling elites are likely to assign priority to economic rights, whether the approach is likely to lead to economic progress if priority is assigned to economic rights, and whether, in the long term, the assigning of priority to economic rights will leave unimpaired civil and political rights and personal security rights.

The economic rights first approach is supportable only if these questions are answered in the affirmative. If the answer to any of them is in the negative, no basis would exist for the hope that an almost exclusive emphasis on economic rights would lead to economic development. If the ruling elites will not or cannot dedicate themselves to economic betterment of all the people, or if a purported assignment of priority to economic rights tends to do permanent injury to civil and political rights, then the economic rights first approach should lose all credibility.<sup>37</sup>

#### B. The "Civil and Political Rights First" Approach

Those who feel that the developing world should either give priority to civil and political rights or attempt to give them a status equal to that of economic rights have argued that to assume the poor and the illiterate cannot understand human rights is unreasonable;<sup>38</sup> the existence of poverty and illiteracy cannot be used to justify infringement of the rights to life and to freedom from arbitrary arrest, torture and slavery.<sup>39</sup> They also state that human rights is a universal concept,<sup>40</sup> and civil and political

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37. Of course, regardless of whether a government claims to accord priority to economic development or not, economic growth has the potential of expanding the middle class and thereby making it increasingly difficult for the ruling elites to ignore demands for civil and political rights.

38. See SEMINAR ON HUMAN RIGHTS IN DEVELOPING COUNTRIES at 31, U.N. DOC ST/TAO/HR21 (1964) (organized by the United Nations in cooperation with the Government of Afghanistan).

39. See Van Boven, *United Nations Policies and Strategies: Global Perspectives*, in HUMAN RIGHTS: THIRTY YEARS AFTER THE UNIVERSAL DECLARATION 83, 86-87 (Ramcharan ed. 1979).

40. See Berger, *Are Human Rights Universal?*, COMMENTARY, Sept. 1977, at 60-63. See also Manglapus, *Human Rights Are Not a Western Discovery*, WORLDVIEW 4 (1978).

rights form part of traditional African society.<sup>41</sup> Further, this group holds that even if the absence of civil and political rights facilitates economic development, the former should not be sacrificed in the interest of economic development.<sup>42</sup> The sacrifice of individual liberty in the name of economic development is too high a price to pay.<sup>43</sup> This group also believes that people do not always place material goods above civil and political rights.<sup>44</sup> In addition, economic development may not be possible in the absence of civil and political rights.<sup>45</sup> The experiences of Brazil, South Korea and India demonstrate that sacrificing liberty for a rapid economic development produces negative results.<sup>46</sup> In the absence of civil and political rights, for example, investment takes unproductive, wasteful forms,<sup>47</sup> and without popular participation in decision-making, very serious mistakes in economic policy are difficult to correct.<sup>48</sup> According to this approach, the justifications offered for single party political systems are invalid.<sup>49</sup> Those systems lead to personality cults and become tools by which privileged minorities perpetuate inequality.<sup>50</sup>

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41. See All African Council of Churches/World Council of Churches, *Factors Responsible for the Violation of Human Rights in Africa*, 6 Issue 44 (Winter 1976). See also Wai, *Human Rights in Sub-Sahara Africa*, in HUMAN RIGHTS: CULTURAL AND IDEOLOGICAL PERSPECTIVES 115 (A. Pollis & P. Schwab eds. 1979).

42. See Statement by the Representative of the United Kingdom, 32 U.N. GAOR 3rd Comm. (54th mtg.) at 3, U.N. DOC. A/C.3/32/SR.54 (1977).

43. See Senegal Seminar, *supra* note 15, at 37.

44. See FREEDOM IN THE WORLD: POLITICAL RIGHTS AND CIVIL LIBERTIES 6 (R. Gastil ed. 1978) [hereinafter Gastil].

45. See Statement by the Representative of Ireland, 32 U.N. GAOR 3rd Comm. (68th mtg.) at 11, U.N. DOC. A/C.3/32/SR.68 (1977).

46. See MANGLAPUS, *supra* note 40, at 6.

47. Williams, *Human Rights and Economic Development*, in HUMAN RIGHTS AND DEVELOPMENT 26 (1977).

48. See Howard, *The Full-Belly Thesis: Should Economic Rights Take Priority Over Civil and Political Rights? Evidence from Sub-Sahara Africa*, 5 HUMAN RIGHTS QUARTERLY: A COMPARATIVE AND INTERNATIONAL JOURNAL OF SOCIAL SCIENCES, HUMANITIES, AND LAW 467 (1983).

49. See Lewis, *Beyond African Dictatorship: The Crisis of the One-Party State*, in GOVERNING IN BLACK AFRICA: PERSPECTIVES ON NEW STATES, 83 (M. Duro & N. Stultz eds. 1970). See also Henderson, *Underdevelopment and Political Rights: A Revisionist Challenge*, 12 GOV'T AND OPPOSITION 276 (1977).

50. Senegal Seminar, *supra* note 15, at 36. Some commentators believe that a minimum core of rights derived from both civil and political rights and economic rights should be observed simultaneously. See Linton, *World Development, Change and the Challenge of Human Rights*, 1978 NEW ZEALAND L. J.

If civil and political rights are viable in the present African condition, but the assignment of priority to these rights or their equal status with economic rights fails to bring about the desired economic progress, the result may be a society of free citizens who go hungry and whose other material needs remain unfulfilled. The adherents of a civil and political rights first approach are not likely to accept this extreme statement.

Following rejection of this extreme outcome, more practical issues raised by the civil and political rights first approach to development surface. These issues include the current viability of civil and political rights in Africa in the face of the colonial legacy, the fragility of national unity,<sup>51</sup> the danger of foreign subversion,<sup>52</sup> and the rising expectations of the peoples of Africa for improved conditions of life.<sup>53</sup> Another concern is that economic progress is doubtful in circumstances in which civil and political rights may imply political instability.<sup>54</sup> Further, the possibility exists that the people might use their civil and political rights to increase consumption rather than investment. If civil and political rights are not viable or, if an African society cannot achieve material progress under them, little basis remains for arguing that civil and political rights should be given priority.

Some who support giving priority to civil and political rights in Africa tend to rely mistakenly on the perceived historical experience of the Western countries. The orthodox paradigm,<sup>55</sup> or liberal theory,<sup>56</sup> of development is based largely on Western historical experience. During the 1950s and 1960s, many believed this theory was applicable to the Third World. The orthodox paradigm had much in common with the trickle down theory of economic development. This theory held that as people acted to

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245-46. See also Linton, *HUMAN RIGHTS AND DEVELOPMENT*, *supra* note 17, at 21-22; Colson, *Introduction*, in *THE ROCKEFELLER FOUNDATION, HUMAN RIGHTS, HUMAN NEEDS, AND DEVELOPING NATIONS* 1-4 (1980). These commentators disagree, however, about the content of the minimum core. See Schechter, *The Views of 'Charterists' and 'Skeptics' on Human Rights in the World Legal Order*, 9 *HOFSTRA L. REV.* 357, 375-78 (1981).

51. See Haile, *Human Rights, Stability, and Development in Africa: Some Observations on Concept and Reality*, 24 *VA. J. INT'L L.* 575, 594-595 (1984).

52. *Id.* at 597.

53. *Id.* at 595-598.

54. *Id.* at 603.

55. See Wilber & Jameson, *supra* note 19, at 7.

56. K. Trubek, *supra* note 28, at 8.

maximize their self-interests in competitive markets, higher total income, increased mass consumption<sup>57</sup> and, eventually, increased civil and political freedom would result. Despite the utility of this liberal theory of development to explain the historical Western experience, it failed to prove viable in the Third World. Economic growth in the Third World has not led to democracy or to equitable economic development. This failure intensified debates in the West about the manner in which economic and political development should be secured in the Third World, a debate which included the question of whether civil and political rights should precede or follow economic development.

The ineffectiveness of this classic liberal theory in the Third World, and in Africa in particular, may be a result of the differences in the circumstances that existed when the West underwent industrialization and those now prevailing in the developing countries. For example, the liberal view of development assumes the existence of a limited democracy or bourgeoisie democracy. The theory takes for granted the existence of national unity, which the West achieved prior to industrialization. This theory did not have to concern itself with a global ideological struggle designed to influence the minds and actions of peoples everywhere. Finally, the theory assumed the existence of propitious conditions for political stability.

When the conditions that existed at the time the West was industrializing are contrasted with those prevailing in Africa today, the reasons both for the failure of the automatic process of economic and political development and for the folly of giving priority to civil and political rights become clear. First, industrialization took place in the West after the bourgeoisie had achieved predominant political power. Thus, political leaders were forced to depend on the support of the middle class.<sup>58</sup> To satisfy their middle class constituency,<sup>59</sup> those leaders had to join with the industrialists to give high priority to economic activities. In essence, the political structure compelled economic growth, even though the limited nature of political participation did not lead to equitable distribution of income. Africa, by contrast, has no large middle class, nor even limited democracy. Rather, one-man or oligarchic rule characterizes the political structure. Therefore, most

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57. See Wilber & Jameson, *supra* note 19, at 8.

58. A.F.K. ORGANSKI, *THE STAGES OF POLITICAL DEVELOPMENT* 65 (1965).

59. *Id.* at 70-78.

African leaders face no compulsion to give priority to economic development or to meet the basic needs of the poor. In short, Africa does not fit the model of the liberal view of development with respect to the existence of limited democracy.

Second, limited democracy fostered the accumulation of capital in the West. The limited democracies of the West could hold down consumption and increase investment by outlawing labor unions and denying welfare to the poor.<sup>60</sup> Current ideals concerning development and the role of civil and political rights involve universal suffrage, free labor unions and the provision of social welfare. Whether an African country can achieve economic development and meet the basic needs of the poor in this ideal system is a question that those who support the giving of priority to civil and political rights must consider.

Third, as the West industrialized under bourgeois democracy, the following factors assured political stability: the popular belief in the laissez-faire doctrine,<sup>61</sup> the absence of other developed countries which could serve as models,<sup>62</sup> the absence of destabilizing propaganda, product of global, ideological struggle of the superpowers, and the lack of serious problems with national unity. These factors contributed to political stability and held popular expectations for improved conditions to a manageable proportion. In Africa and the rest of the developing countries these conditions do not exist. Few believe in laissez-faire, and most want the good life enjoyed in the developed countries. Global ideological struggle exacerbates instability. Popular expectations for a better life is high, and in Africa, national unity has not as yet been adequately forged. These factors contribute to make African political life unstable.<sup>63</sup>

When viewed in proper perspective the history of development in the West does not support the notion of giving a prominent place to the full realization of civil and political rights in Africa.<sup>64</sup> On the contrary, the Western experience argues for priority to limited civil and political rights.

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60. *Id.*

61. Haile, *supra* note 51, at 599-600.

62. *Id.* at 597.

63. Another discrepancy is that only after the West was fully industrialized did the "politics of national welfare" come through universal suffrage. ORGAN-SKI, *supra* note 58, at 12-13.

64. Haile, *supra* note 51, at 598-601.

### III. IMPLICATIONS FOR AFRICANS OF ASSIGNING PRIORITY TO ECONOMIC RIGHTS: THE PROBLEMS OF DEVELOPMENT IN THE ABSENCE OF CIVIL AND POLITICAL RIGHTS

Giving priority to economic rights in the implementation of human rights and delaying the realization of other components of human rights, particularly civil and political rights, has serious implications for the people of Africa. One concern involves the possibility that giving priority to economic rights will not lead to economic development capable of meeting the basic needs of the poor. The status of civil and political rights and personal security rights in those African countries whose regimes have declared unequivocally their commitment to seeking economic development first and have played down the importance of mechanisms that afford the poor some opportunity to influence public policy forms a second line of inquiry. The extent to which external assistance can help meet the basic needs of Africans in the absence of civil and political rights is a third issue. This section explores these concerns.

#### A. The Problem

The economic situation in most African countries is deteriorating.<sup>65</sup> Fifteen African countries recorded a negative rate of per capita growth between 1960 and 1979. In 19 other countries, per capita income grew by less than one percent per year in the same period.<sup>66</sup> Output per person rose less in Africa than in any other part of the world. Moreover, the rate of increase in Africa was slower in the 1970s than in the 1960s.<sup>67</sup>

The economic crisis in Africa is most evident in agriculture.<sup>68</sup> Per capita food production has been declining. Total food production rose by 1.5% per year in the 1970s, compared with the 1960s' rate of two percent.<sup>69</sup> This meager growth in total food production has lagged behind increases in population, which in the 1970s

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65. ACCELERATED DEVELOPMENT, *supra* note 2, at 2.

66. *Id.*

67. *Id.* at 3.

68. Because agriculture is "at the heart of African economies," the World Bank observed that "its (agriculture's) sluggish record of recent years is the principal factor underlying the poor economic performance of the countries" of the African region. *Id.* at 45.

69. *Id.* at 3.



averaged 2.7% per year.<sup>70</sup> Because seventy to ninety percent of the people in Africa earn their income from agriculture, the drop in food production has meant a loss of real income for the poor in Africa.<sup>71</sup>

African imports of food grains have been growing at the rate of nine percent per year since the 1960s<sup>72</sup> which makes African countries increasingly dependent on food from abroad and reduces further the prospect of self-sufficiency. The rate of growth in imports of food grains has been more than three times that at which population has increased.<sup>73</sup> As Africa's food imports have increased, its share of the world market in export food production has been shrinking. The modest rate of increase of 1.9% per year in the 1960s was countered by an equivalent decrease in the 1970s.<sup>74</sup>

As a consequence of these economic trends, the incomes of the African people have remained low<sup>75</sup> and access to basic services is very limited. Death rates in Africa are the highest in the world and life expectancy is the lowest.<sup>76</sup> Fifteen to twenty percent of African children die in their first year of life. Only twenty-five percent of Africans have access to safe water.<sup>77</sup> The reach of formal education is limited as well.<sup>78</sup>

#### B. Causes of the Crisis in African Agriculture

While the causes for the general failure of economic development in Africa are many,<sup>79</sup> the failure to achieve adequate growth in agricultural production is attributable largely to the misguided economic policies many African governments have followed. Although the overwhelming majority of the people in Africa live in rural areas and earn their living from the land, the political leaders of Africa tend to adopt and implement economic policies that either ignore or actually harm the interest of the rural masses.

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70. *Id.*

71. *Id.*

72. *Id.* at 48.

73. *Id.* at 45.

74. *Id.* at 46.

75. *Id.* at 3. Per capita income in 1979 was \$329 per year (excluding Nigeria).  
*Id.*

76. Life expectancy in Africa is 47 years. *Id.*

77. *Id.*

78. *Id.* at 10.

79. *See supra* note 3.

These economic policies have created disincentives which discourage farmers from increasing their output.<sup>80</sup>

Fixing the price of agricultural products at very low levels creates economic disincentives. In most African countries, the government controls producer and consumer prices for foodstuffs with the purported aims of creating incentives for the farmers to produce and guaranteeing food at reasonable prices to the urban population.<sup>81</sup> Because African governments' dominant motive has generally been to pander to the politically conscious urban population, official food prices have been set at levels too low to encourage farmers to produce.<sup>82</sup> Furthermore, African governments have subsidized urban dwellers and discouraged agricultural production by selling imported food below cost<sup>83</sup> and increasing food imports when domestic food prices rise.<sup>84</sup>

The efforts of African governments to maintain overvalued exchange rates have curtailed incentives for farmers to produce more. Farmers' earnings from the production of export crops decline because the local currency they receive does not have purchasing power commensurate with the foreign exchange value of their crops. The overvaluation of local currency also means that the price of imported food is reduced.<sup>85</sup>

African governments' heavy taxation of export crop production<sup>86</sup> is a third disincentive. This "high level of taxation of export crops through export taxes, marketing broad levies, excessive marketing costs, and overvalued exchange rates have kept export production in many countries below what it could have been. . . ."<sup>87</sup> Because African countries have comparative advantages in the production of many of their traditional export crops, these policies have led to "a loss of growth opportunities for the

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80. "It is now widely agreed that insufficient price incentives for agricultural producers are an important factor behind the disappointing growth of African agriculture." ACCELERATED DEVELOPMENT, *supra* note 2, at 55.

81. *Id.* at 56-57.

82. "[P]rices in parallel markets are often two or three times as high . . . . [T]he policy of setting low official producer prices undoubtedly has negative effects on farmer incentives to produce and to sell basic foods." *Id.* at 57.

83. *Id.* at 56.

84. *Id.*

85. *Id.* at 56.

86. *Id.* at 55.

87. *Id.*

economy as a whole."<sup>88</sup>

In addition, African governments have not designed other important economic policies to benefit the rural poor. Many African countries have "directed a substantial proportion of their agricultural investment to large-scale, government-operated estates which involved heavy capital outlays for mechanization (as with the rainfed crops) or irrigation schemes, or both."<sup>89</sup> Although crop yields in Africa are generally markedly lower than in other continents, and are stagnant or falling,<sup>90</sup> African governments have failed to encourage research to increase yields.

### C. Explanation of the Causes for the Failure to Raise Agricultural Production

The international community has been preoccupied with designing and redesigning strategies for attaining economic development in the Third World. Development strategies that have emphasized growth, employment, growth with equity, the BNS, and Action for Rural Development, fall within this tradition. All of these strategies are based on the assumption that the political leaders of the developing countries are willing and able to work in the interest of their respective peoples once the appropriate strategy has been revealed to them and the necessary resources have been made available. Despite the failure of these strategies for development to produce satisfactory economic progress for the African masses, doubts are rarely expressed about the validity of the assumptions that underlie these strategies. Specifically, the international community has carefully scrutinized neither the possibility that the ruling elites in most African countries may be unwilling to take into account the interests of their rural majorities, nor the possibility that the political structure of most African states may preclude them from taking those interests into account. The United Nations and its Specialized Agencies, like the World Bank, will not undertake this kind of inquiry because their membership includes Third World countries whose internal legitimacy would be called into question. Third World governments cannot be expected to raise these issues where their own political foundations are undemocratic.

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88. *Id.* at 56.

89. *Id.* at 51.

90. *Id.* at 69.

Some commentators in the academic world are concerned with questions of the relation of civil and political rights to economic development. Because countries like China appear to have achieved a measure of economic development in the absence of civil and political rights, confusion exists regarding the relevance of civil and political rights to economic development. The tendency of academics to focus on the economic aspects of development and to treat the political aspects as matters of marginal relevance has been strengthened.

In the African context adequate economic development in general and improvement of agrarian production in particular cannot be achieved without the implementation of certain civil and political rights. More specifically, consideration must be given to the rights of freedom of speech<sup>91</sup> and of assembly<sup>92</sup> and to the rights provided for in Article 21 of the Universal Declaration of Human Rights:

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives . . . the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.<sup>93</sup>

These civil and political rights provide the only practical mechanism available to the people of Africa to force their political leaders both to respond to their economic needs and to abandon the economic policies that are hindering progress. Both the BNS, which emphasizes the material component of the African peoples' basic needs, and the Action for Rural Development, which is based on the hope that African governments will divert the bulk of their investments to the agrarian sector, have the technical potential to succeed. Neither is likely to produce the desired results, however, if the role of civil and political rights in economic development continues to be ignored.

An examination of the economic strategies that have been pursued in the past demonstrates that the strategies floundered not because they were incapable of serving the interests of the rural

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91. See The Universal Declaration on Human Rights, art. 19, *reprinted in* BROWNLIE, *BASIC DOCUMENTS IN INTERNATIONAL LAW* 147 (1972).

92. *Id.*, art. 20, *reprinted at* 148.

93. *Id.*, art. 21, *reprinted at* 148. See also *infra* Section IV-C for the benefits of popular participation at the local level.

poor, but because they were not permitted to serve that interest in practice. These failures are also attributable in part to the denial to the rural majority in Africa of the civil and political rights by which they might have influenced their governments to implement programs and take actions that would meet their basic needs.

The economic growth or trickle-down strategy added to the wealth, prestige, luxury, and political power of the privileged few in most African societies. Those who reaped the benefits of this policy seemed to care little that the majority of the population suffered from unemployment and the absence of social services and sank deeper into poverty. The poor had no real political influence and, consequently, could not enforce their preferences upon the ruling elites.<sup>94</sup>

The majority's lack of political influence explains the failure of a policy that emphasized economic growth to improve the lot of the poor in Africa. Governments responsive to the needs of the disadvantaged could have taken steps, through taxes and basic social programs, to achieve a more even distribution of the fruits of the growth that did occur, even if market conditions did not assure an adequate rate of "trickle-down" in the short run. This did not happen, however. The reorientation of the policies that brought economic benefits and power to the elite would have required a voluntary repudiation of self-interest which the elites of Africa were unwilling to support.

As development strategies moved away from the simple emphasis on economic growth and began to stress the importance of meeting more directly the needs of the poor, the adverse implications of those strategies for the interests of the elites increased. As a result, the prospect that African governments would fully implement those strategies when the majority lacked civil and political rights declined. The influence the elites exerted and the interest of African governments in retaining power produced several negative consequences. First, these governments were unlikely to allocate their budgetary resources for the development of rural areas. The African governments were unwilling to pursue policies to ensure that the poor could feed themselves, that the health of the rural poor was cared for through the establishment of medical facilities, or that the educational needs of the rural masses were

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94. See Trubek, *supra* note 28, at 228-29.

met. Second, the ruling elites did not reorient production from non-essential goods that the wealthy desired to the simple consumer goods the poor needed.<sup>95</sup> Third, government policies did not change pricing and foreign exchange practices to aid farmers in receiving a fair return for their products or free farmers from the forced subsidization of consumption in urban areas. Last, African governments failed to provide increased employment opportunities through support of labor intensive technologies, rather than through the increased mechanization of agricultural production.

To assess the possibility of African governments' success in giving priority to economic rights or of meeting the basic needs of the poor in the absence of civil and political rights, the preceding implications of the BNS must be considered. Because these requirements of the BNS mean a more even distribution of existing wealth and of the benefits accruing from economic growth, undemocratic regimes are not likely to adopt this strategy. Further, a danger exists that some African leaders may cite the emphasis international agencies are placing on the BNS to reinforce their existing tendency to disregard the civil and political rights and the personal security rights of the people they govern.

With respect to the agricultural crisis in Africa, the FAO Regional Food Plan for Africa<sup>96</sup> suggests a major action program for rural development that would lead to a tripling of the growth rate in agricultural production. The program calls for investment of \$125 billion for the fifteen year period from 1975 to 1990. Similarly, the World Bank's Agenda for Action for Rural Development emphasizes the need of policies that would involve "a focus on small holder production; changing incentive structures (by hiking producer prices, developing more open and competitive marketing arrangements, and involving farmers in the decisions that affect them) . . . undertaking quick-yielding activities in irrigated agriculture."<sup>97</sup>

These proposals to reverse the deterioration of agricultural production in Africa obviously would require fundamental changes in the policies the leaders of African countries are pursuing. Those who have prescribed these antidotes to agricultural decline, however, have paid almost no attention to whether African political

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95. See SANDBROOK, *supra* note 24, at 11-12.

96. See ACCELERATED DEVELOPMENT, *supra* note 2, at 49-50.

97. *Id.* at 50.

leaders will implement these policies in good faith.

To meet the crisis in African agriculture African governments must reverse their present policies. They must provide greater incentives for agricultural production, eliminate the bias against the rural sector, raise the prices at which governments purchase from the farmers, devalue currencies to reflect reality in purchasing power, and implement a tax structure that promotes, rather than depresses, production of export crops. In the long run, agricultural production will benefit from the expansion of research, soil conservation and greater attention to aiding small landholders in improving production.<sup>98</sup>

Whether the political leaders of Africa will adopt these reformist plans will depend less on the technical merits of the plans than on short term political considerations. To the extent that the recommended policies imply adverse results for the politicized urban population, African leaders will not be willing to implement those policies unless the leaders operate in political structures which make them responsive to the demands of the rural areas. In systems in which the rural masses have no meaningful civil and political rights, the likelihood that the political leaders of Africa will reverse their existing agricultural policies by adopting new strategies is slight.

The magnitude of the domestic resources required to meet the basic material needs of the poor and the egalitarianism inherent in this type of program suggest that the BNS can emanate only from a democratic regime or from a political leadership committed to self-abnegation. Politicians pursue power and, having acquired it, generally give top priority to maintaining it. This universal phenomenon is incompatible with the basic needs strategy.

Even if one assumes that the ruling elites in Africa are genuinely committed to giving priority to economic rights in order to meet the material needs of the poor, serious questions exist about whether they have the political freedom to take the necessary actions. The political structure of most African states is based on informal coalitions primarily involving those who live in urban areas.<sup>99</sup> In those countries political pressures such as labor strikes, student demonstrations, and threats of military take-over come essentially from the modernized, politically conscious, urbanized

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98. *Id.* at ch. 5.

99. BRUN-OTTO BRYDE, *THE POLITICS AND SOCIOLOGY OF AFRICAN LEGAL DEVELOPMENT* 35-59 (1976).

segments of society. An African government has a greater chance to remain in power for a longer time if it acts to satisfy the expectations of these politicized elements. The rural areas, populated largely by poor farmers, pose no serious threat to the government. For this reason, African governments tend to ignore with impunity the interests of the rural poor.<sup>100</sup> If the political structure of these African governments remains untouched, the chances are slight that any government's verbal commitment will result in its meeting the basic material needs of the rural poor.<sup>101</sup>

Another problem is that the absence of mechanisms through which the poor can exert some political influence results in an absence of mechanisms by which the poor can correct ill-conceived and injurious development policies of their governments. For example, Tanzania became an importer of maize after the government, as part of its program of "Ujamaa," lowered the price of maize and expropriated the lands of thirty-five large-scale farmers who produced thirty percent of the maize.<sup>102</sup> Debate over Ujamaa was disallowed, and therefore the potential negative consequences of that action were never aired.<sup>103</sup> In Kenya, President Kenyatta's order that businessmen increase their employees by ten percent ultimately had undesirable consequences.<sup>104</sup> In Ghana, the market run by women in Accra was destroyed and no substitute administrative, transport or distribution facilities were created.<sup>105</sup>

The efficacy of the New International Economic Order (NIEO) in meeting basic needs within a reasonable time is doubtful in the absence of civil and political rights. The United Nations General Assembly in its Declaration on the Establishment of a New International Economic Order<sup>106</sup> and its elaboration of the Declaration in the Programs of Action<sup>107</sup> has set forth the basic principles and

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100. *Id.*

101. *See* Alston, *supra* note 30, at 55.

102. *See* Howard, *supra* note 48, at 471-72.

103. *Id.* at 472.

104. *Id.*

105. *Id.* at 473.

106. Declaration on the Establishment of a New International Economic Order, May 1, 1974, G.A. Res. S-3201, 6 (Special) U.N. GAOR Supp. (No. 1) at 3, U.N. Doc. A/9559 (1974), *reprinted in* BASIC DOCUMENTS IN INTERNATIONAL LAW AND WORLD ORDER 273 (Weston, Falk & D'Amato eds. 1980).

107. Programme of Action on the Establishment of a New International Economic Order, May 1, 1974, G.A. Res. S-3202, 6 (Special) U.N. GAOR Supp. (No.



programs of NIEO. The premise of the NIEO is that the international economic order should be changed to make available to the developing countries more resources with which they can achieve more rapid economic development.<sup>108</sup> This approach recognizes both that the developing countries themselves do not have adequate resources to meet their immense needs and that the current poverty of the Third World is in part due to the inequitable international economic relationship between rich and poor countries. Thus, the programs of action seek to strengthen the export earnings of the Third World,<sup>109</sup> to transfer resources to the Third World through development assistance and international financial institutions,<sup>110</sup> to provide greater access to markets in the developed countries through the removal of tariffs and other barriers,<sup>111</sup> and to give the developing countries a greater voice in international financial institutions through reforms in voting procedures.<sup>112</sup>

Doubt remains, however, about whether the governments of many Third World countries would be willing or able to meet the basic needs of the poorer segments of their societies, even with the commitment of developed countries to implement the NIEO. The benefits of the NIEO might go to the elites of the Third World, rather than to the poor.<sup>113</sup> Unless the political order in many developing countries is restructured to give meaningful political influence to the poor, neither African leaders nor the leaders of other Third World countries are likely to use the resources made available by the NIEO to meet the basic needs of the poor.

Thus, the main causes for the continued economic misery and poverty of the peoples of Africa can be traced to the deliberate

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1) at 5, U.N. Doc. A/9559 (1974), *reprinted in* BASIC DOCUMENTS IN INTERNATIONAL LAW AND WORLD ORDER 276 (Weston, Falk & D'Amato eds. 1980) [hereinafter Programme of Action].

108. See Trubek, *supra* note 28, at 247-48.

109. See Programme of Action, *supra* note 107, art. I, § 1, *reprinted at* 276-77.

110. *Id.*, art. II, *reprinted at* 279-80.

111. *Id.*, art. I, § 3, *reprinted at* 278.

112. *Id.*, art. II, § 2, *reprinted at* 280.

113. See Galtung, *The New International Economic Order and the Basic Needs Approaches: Compatibility, Contradiction and/or Conflict?*, 9 ANNALS OF INT'L STUDIES 129-31 (1978). See also Donnelly, *The Right to Development: How Not to Link Human Rights and Development*, in HUMAN RIGHTS AND DEVELOPMENT IN AFRICA 261, 274-75 (C. Welch & R. Meltzer eds. 1984).

economic policies of the political leaders of African states. The explanations for these injurious economic policies lie primarily in the political structures of those regimes. Those regimes afford no civil or political rights to the mass of their people. As a result, the leaders of these countries gain by pursuing policies that do not benefit the rural poor.

Development strategies which fail to deal with these root causes of poverty are unlikely to succeed. This situation will persist as long as African political leaders vociferously affirm their commitment to giving priority to economic rights but decline to broaden their political base through the recognition and implementation of civil and political rights for their people. Accordingly, the pretense of giving priority to economic rights may serve only to perpetuate the misery of the African populace. The establishment of a durable democratic system in Africa and the potential of that system to meet the basic needs of the people remain problematic.

#### IV. THE DILEMMA AND SOLUTIONS

Previous analysis raises two conflicting propositions. First, economic development requires the recognition and practice of civil and political rights. Second, adequate civil and political rights cannot be established in Africa with its current political structure. More specifically, a major obstacle to economic development is the political dynamic of most African states, a dynamic that makes political leaders dependent on the modernized and politicized sector of the population. This dependence impedes those leaders from making efforts to meet the material needs of the poor. Ineradicable obstacles, however, may frustrate the task of reforming authoritarian political structures along democratic lines. These obstacles include lack of national cohesion, expectations for improved living conditions, and destabilizing effects of the global ideological struggle.

##### A. Revolution

The ideological status that Afro-Marxist states give to civil rights is ostensibly similar to that of the Soviet Union.<sup>114</sup> Civil rights such as freedom of speech, press and assembly are exer-

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114. See Gastil, *supra* note 44, at 16-17, Table 1. See also Country Report, *supra* note 1.

cised only "in order to strengthen the socialist system"<sup>115</sup> or to support the policies and programs of the leaders.<sup>116</sup> This view of civil rights involves outright rejection of the fundamental values of the right to speak, to write and to assemble for the purpose of criticizing the government in power.<sup>117</sup> No purpose is served in characterizing as a "right" that which is understood to apply only when one manifests agreement with those in power.

Afro-Marxist states also reject the concept of political rights which include the right to elect political leaders.<sup>118</sup> In those countries, all parties except the communist party or its Africanized analog are illegal. Criticism of the government's programs and policies is prohibited. Elections, based on democratic centralism and frequently requiring mass political participation, become instruments for endorsing the policies of the political leaders, not means for selecting or controlling those leaders.<sup>119</sup>

Furthermore, evidence suggests that the denial of civil and political rights by these regimes is not merely a temporary phenomenon. The experience of the Soviet Union and the other communist countries demonstrates that the restrictions they place on the exercise of civil and political rights is likely to last until the leadership decides that prevailing conditions permit the withering away of the state. In the meantime Africa will remain without any effective means of controlling its self-appointed leaders.

The policy of the dictators of the right with respect to civil and political rights, though perhaps not as clearly enunciated, is equally inimical to democratic values. The only hopeful sign is that those dictatorships have proven more vulnerable to revolu-

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115. DRAGNICH & RASMUSSEN, *MAJOR EUROPEAN GOVERNMENTS* 474 (1978). See also L. HENKIN, *THE RIGHTS OF MAN TODAY* 69 (1978).

116. *Accord* DRAGNICH & RASMUSSEN, *supra* note 115, at 474.

117. *See id.*

118. Article 25 of the Covenant on Civil and Political Rights provides that every citizen shall have the right:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.

International Covenant on Civil and Political Rights, Mar. 23, 1976, G.A. Res. 2200, 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1967), reprinted in *BASIC DOCUMENTS IN INTERNATIONAL LAW AND WORLD ORDER* 201, 207 (Weston, Falk & D'Amato eds. 1980).

119. DRAGNICH & RASMUSSEN, *supra* note 115, at 442.

tionary change than the dictatorships of the left. One possible approach that some African elites endorse is revolution. For instance, several Marxist leaders assert that the continued underdevelopment of Third World societies is a result of the use of economic surplus, "that which remains after necessary consumption has been subtracted from total output,"<sup>120</sup> by aristocratic landlords and the emerging middle class for wasteful luxury consumption. These Marxists state that this surplus should fund continued expansion, modernization of business and programs to meet the basic needs of the people.<sup>121</sup> The Marxists contend the present capitalist structure prevents the development process from proceeding. Thus, these leaders propose a revolution to replace the capitalist structure with socialist society under the control of workers and peasants as an interim step in the development process.<sup>122</sup> The validity of the Marxists' proposal hinges largely on who the socialist leaders will be, whether they will be committed to self-abnegation, and the extent to which they will be committed to act in the interests of the workers and peasants.

Remedies of this sort cannot ameliorate the problems emanating from the political structure of most African states. Rather, they impede genuine efforts to improve the lot of the poor and worsen the structural problems because they narrow the government's political base. Totalitarian regimes often eliminate existing political structures through which certain politicized elements of the population have been able to exercise some pragmatic influence on government. The few who hold political power rule without fear that adverse consequences will result from their policies or actions.

Some leaders who hold power in this fashion may miraculously be "philosopher-kings." In that event, they might pursue policies designed to meet the needs of their people, albeit at a high cost in terms of suppression of civil and political rights. But if, as has been the case almost universally, these leaders deviate from altruism by enhancing their more immediate political power or their own economic interests, the people will suffer silently because no legal means will exist by which they can challenge either the rulers or their policies. The record of the Afro-Marxist states, in terms of economic growth, are no better than the record of the

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120. Wilber & Jameson, *supra* note 19, at 19.

121. *Id.* at 23-24.

122. *Id.* at 26-27.

pragmatic authoritarian states of Africa.<sup>123</sup> In the area of economic equality, no clear evidence exists that the Afro-Marxist states have performed better than other African countries.<sup>124</sup>

Thus, the extreme priority Afro-Marxist states have given to economic rights has not resulted in either better economic growth<sup>125</sup> or in a successful effort to meet the material needs of the poor. Even if the Afro-Marxist states had succeeded in their economic efforts, the larger question of the desirability of having societies in which the people's basic material needs have been met, but in which the members of that society have lost their civil and political rights, remains. The failure of these regimes to attain their economic or distributional goals makes their denial of civil and political rights intolerable.

### B. Supporting Pragmatic Authoritarian Regimes

A second strategy is the establishment or support of pragmatic authoritarian governments which formally recognize or which informally tolerate some exercise of civil and political rights. While full recognition of civil and political rights are ideal conditions for the achievement of the economic rights of all the people of Africa, it is impractical at present. Accepting the homily that "half a loaf is better than none," this approach supports regimes that observe some civil and political rights as representing a lesser evil than the human rights practices and philosophy of the Afro-Marxist and right-wing totalitarian regimes. This approach distinguishes between African governments on the basis of the extent to which they presently recognize civil, political and personal security rights and the prospects for increased observance of these rights in the future. Therefore, extreme forms of dictatorships in Africa, on both the right and the left, would be grouped together from the point of view of observance of human rights.

In contrast to Afro-Marxist regimes, most pragmatic authoritarian African governments do not deny all meaningful civil and political rights in principle or in practice. These rights are allowed to exist, albeit in varying and generally inadequate degrees.<sup>126</sup> The prospect that existing restrictions on civil and politi-

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123. See C. YOUNG, *IDEOLOGY AND DEVELOPMENT IN AFRICA* 96 (1982).

124. *Id.* at 305.

125. *Id.* at 298.

126. See Gastil, *supra* note 44, at 16-17 (Table 1). See also Country Report, *supra* note 1, for freedoms in various African countries.

cal rights will gradually be removed, however, is much better than in the Afro-Marxist states<sup>127</sup> and other totalitarian regimes.

### C. Participation

Although the political rights emphasized relate to the rights of all citizens to take part in the governments of their countries, either directly or through chosen representatives, other types of participation in the governing process could be important in helping to facilitate the development of policies and programs that will meet the basic needs of the poor. For example, opportunities should be provided for participation at the local level in decisions concerning the allocation of resources that the central government makes available for economic development.<sup>128</sup> This participation may prevent bureaucratic mismanagement of those resources. Although this type of participation may not materially influence the quantity or the quality of the resources apportioned to rural areas in the short term, it has the long-run potential to improve the efficiency with which those resources are used.

Participation in local decision-making is likely to counter extreme economic centralization and its potential to stifle initiative. China, which has a tradition of supporting public participation in local decision-making, is endeavoring presently to extricate itself from unduly centralized economic policymaking. In Africa, those authoritarian rulers whose efforts to develop the rural areas have been stymied by urban opposition may find that public participation in local economic decision-making and the organization of local government will place them in a stronger position to resist the demands of their urban populations.

### D. Nationalization

Nationalization of land, banks, and industry is an important process for many African states. However, before one rejoices that the government has taken the means of production out of the hands of private owners, one should inquire into the identity of the new owner: "When the government owns the means of pro-

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127. J. Kirkpatrick, *Dictatorships and Double Standards*, Reprint No. 107, in COMMENTARY, Nov. 1979, at 44.

128. Dias & Paul, *Developing the Human Rights to Food as a Legal Resource for the Rural Poor: Some Strategies for NGOs*, in THE RIGHT TO FOOD 203 (P. Alston & K. Tomasevski eds. 1984).

duction, the question is who owns the government."<sup>129</sup>

If the government is not based broadly on the consent of the governed, then putting the means of production in its hands amounts to no more than giving it to the few rulers who constitute the government. African societies will fare no better merely because the control of the means of production changes from private landlords and capitalists to ruling groups who are accountable to no one. For example, when a government nationalizes, the new owner of the soil will eventually benefit if the resources the government controls are used for development purposes. If the political rulers use those resources either to enrich themselves or to perpetuate themselves in office, however, by purchasing arms, increasing the size of the standing army or the police, or establishing an extensive internal security apparatus, no reason exists to applaud "nationalization." Similarly, if the process of nationalization of the means of production is largely ideological, the public may suffer when sufficient consideration is not given to whether the officials who will administer the nationalized property are adequately trained, will perform efficiently, and are motivated to act in the public interest.<sup>130</sup>

## V. CONCLUSION

In the absence of civil and political rights, the prospects are slim that economic development which meets the basic needs of the poor will occur in Africa. Because African political leaders are forced by self-interest and political circumstance to respond to political pressures affecting their tenure of power, they are likely to continue to ignore the needs of the poor, particularly those of the rural poor. In addition, most economic development strategies, including growth, growth with equity, the BNS and the NIEO, are likely to remain largely meaningless for the suffering poor of Africa.<sup>131</sup>

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129. SANDBROOK, *supra* note 24, at 103.

130. In addition to those practical problems, extreme forms of economic centralization or collectivization may in itself endanger civil, political and personal security rights. *See generally*, HAYEK, *THE ROAD TO SERFDOM* (1944).

131. "[T]he root cause of hunger is the increasing concentration of control over food-producing resources in the hands of fewer and fewer people. . . . No new combination of material inputs . . . can address the powerlessness of the poor that is at the root of hunger." LAPPE, COLLINS & KINLEY, *AID AS OBSTACLE: TWENTY QUESTIONS ABOUT OUR FOREIGN AID AND THE HUNGRY* 10 (1980).

Serious internal obstacles also block adequate realization of civil and political rights in Africa. The colonial legacy, rising popular expectations for a better life, subversion from abroad and the absence of strong national cohesion will engender political instability in African political systems that give free rein to the exercise of civil and political rights. Moreover, even if one assumes a democratic political system would be viable politically, that system may succumb to demands for increased consumption rather than promote adequate investment in infrastructure. In either event, democratic political systems will tend to be unstable, with the result that economic development will not be achieved and civil and political rights will not adequately be observed.

Thus, according some absolute priority to either economic rights or civil and political rights is not a desirable objective in Africa. The former is likely to remain an empty promise, while the latter, even if viable, may not lead to economic progress. The paradoxical nature of this conclusion compels a view of the problem from the following perspective.

First, although both sets of rights are important, civil and political rights are the means by which economic rights can be enforced in the African context. Although full observance of civil and political rights is not practicable at present, no alternative exists to making a distinction among African regimes based both on the degree to which they violate these rights and the prospects that violations will diminish. In broad terms, the distinction suggested is between those totalitarian regimes of the right and left which do not give meaningful recognition to civil and political rights and those pragmatic authoritarian regimes in Africa which accept civil and political rights but do not observe them adequately.

Neither revolution nor economic centralization are strategies likely to resolve constructively the development and rights dilemmas currently facing most of Africa. One step toward overcoming some of the problems inherent in the "rights paradox" is to encourage rural people to participate in the formation and execution of projects of their localities. This participation may lead eventually to their participation in the formation of local and national governments.



