Human Rights under African Constitutions: Realizing the Promise for Ourselves by Abdullahi Ahmed An-Na‘im
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most often Muslim and not literate, in contrast to the men in the party. Schmidt collected songs performed by women in the Guinean markets in the 1950s that critiqued male politicians and are reminiscent of the songs of the Nigerian women’s war decades earlier. Some women also became legendary street fighters, although most were involved in more mundane party work such as door-to-door recruitment. Tanya Lyons, with complementary material on women in the armed struggle in Zimbabwe, reveals how the development of a heroic image of women warriors has submerged the reality of women’s anticolonial work. Women’s support in providing food and shelter and in acting as messengers, work that was essential to the eventual victory, is not often acknowledged when women are publicly praised for their much less common participation in combat.

Of particular interest is the inclusion of primary documents related to the issues discussed in each chapter. Not surprisingly, given the scarcity of written material from African women during colonialism, many of the documents are written by Europeans, although Turritin includes an extract from Kéita’s published memoir, Mianda presents a newspaper article by a woman, and Bastian and Hawkins each publish court testimony by women. Other documentation is seen in Schmidt, Lyons, Gengenbach, and Tashjian and Allman, who offer interview selections within their chapters.

The collection will prove very useful to anyone studying or teaching colonialism in Africa, although there are a couple of limitations. The case studies are nearly all from ex-British colonies, and the articles are strongest when analyzing changes in marriage and politics. Although many chapters have some information on women’s work, no one chapter focuses on that significant topic. The compilation demonstrates how our understanding of historical events must change when women are placed at the centre. The more familiar stories that give priority to men’s experiences simply do not give an accurate accounting of history. This volume goes a long way, however, to enhancing our knowledge of colonialism.

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The growing multidisciplinary interest in human rights in Africa has recently spawned an impressive list of scholarly contributions on both the theory and practice of human rights in Africa. Much of the discussion,
from the universalism versus cultural relativism debate to the "African values" debate, has taken place mainly at an abstract theoretical level, rich in polemics but short in empirically-grounded research. This book is a welcome departure from this trend. Edited by Abdullahi Ahmed An-Na'im, a leading human rights scholar, the book presents studies on the legal protection of human rights under the constitution of African states. Its stated objective is to enhance and promote the legal protection of human rights under these constitutions, particularly as some of the most flagrant and persistent violations of human rights occur in Africa. The chapters focus on a cross-section of African countries — Ethiopia, Ghana, Guinea, Morocco, Mozambique, Nigeria, Rwanda, South Africa, Sudan, and Uganda.

As the title suggests, the book proceeds from the premise that standards for human rights protection can be realized only with direct and strong support from national, legal, and political institutions. Africans, as beneficiaries of national and universal human rights standards, must assume responsibility for protecting their own rights. The contributions examine the constitutional and legal frameworks for human rights protection in the selected African states, focusing on the impact of arbitrary colonial histories, imported Western legal systems, and the decolonization process.

The approach to human rights in the book is mainly legalistic. Although each chapter opens with a brief historical background and a discussion on the "political, social and economic context," the focus is on the legal mechanisms for human rights protection. Most of the contributions examine the gap between constitutional standards for human rights protection and the sociopolitical conditions within African states that hinder the full realization of these objectives. Despite the existence of elaborate human rights guarantees in the constitutions of most African countries, repressive governments have found ways to contravene them at both theoretical and practical levels. The postcolonial promise of constitutional democracy and human rights has been undermined by arbitrary rule, authoritarian military regimes, and one-party states. The problem also lies partly with limitations in the institutional mechanisms for human rights protection. The lack of judicial independence, inadequacies in legal education, and prevailing cultural attitudes towards predominantly elitist legal systems are identified as constraints on human rights protection in African countries.

The main appeal of this book is its practical and empirical approach to the human rights question in Africa. It underscores the centrality of legal enforcement to the protection of human rights. All the theoretical and polemical debates about universal human rights and cultural pluralism in
the interpretation of these rights will have little effect on the objective living conditions of ordinary people unless there are effective means of enforcing human rights standards as legal entitlements. After all, human rights are essentially legal or quasi-legal entitlement that individuals or groups hold in relation to the state. But although most African countries are saddled with the challenges of upholding constitutional human rights guarantees, there have been some promising developments. Since the early 1990s, many African countries have witnessed the emergence of vibrant human rights NGO, community, and civil society sectors. In South Africa, the judicial decisions of the Constitutional Court have become globally recognized benchmarks in economic and social rights jurisprudence.

While this book provides detailed descriptions and critical evaluations of the structures and hindrances to the legal protection of human rights in African countries, it is extremely short on analysis. By the editor’s own admission, the studies in this book are mainly descriptive rather than analytical [25]. At some point, it even begins to read like one of those expository human rights reports churned out by human rights NGOs, more adept at cataloguing contemporary human rights violations than at providing in-depth or long-term analysis. A scholarly work such as this could have gone much further. Most of the chapters draw extensively from published NGO reports. Perhaps this is to be expected since they were originally prepared for a project organized by human rights NGOs.

However, the uncritical use of NGO data has its limitations. For instance, the chapter on Nigeria repeats the oft-stated view that the origins of the bill of rights in the Nigerian constitution are traceable solely to a colonial initiative, a commission set up in 1957 to investigate complaints by minority ethnic groups. It omits the well-documented role of Nigerian nationalists, who, as early as 1953, drew on the Universal Declaration of Human Rights to propose a comprehensive bill of rights for the independence constitution.

Although there are references to customary law throughout the book, the discussion on Islamic law is surprisingly thin. Given the growing tensions between Islamic law and constitutional human rights standards in some part of Africa, one would expect a fuller discussion of Sharia in the studies on Sudan, Morocco, and Nigeria. While the recommendations that conclude each country study provide a useful guide on the possibilities of improving the legal protection of human rights, they tend to be repetitive and, in some cases, superficial. Overall, however, this book is an important contribution to the discussion on human rights in Africa. It provides a critical evaluation and empirically grounded assessment of the legal protection of human rights in Africa, which both scholars and practitioners will find useful.