

The Human Rights' dynamics in the African Cities

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Abstract— Human Rights means a possible utopia of humankind and an integral part of the Rule of Law. It entails processes through which human dignity, rights and liberties are preserved. There is strong evidence in the literature to show that human rights goes beyond a simple moral claim to an integrated value and legal principles that governs the political, social and economic relations between people and the states. The objective of this paper is to explore the meaning of the right to the city in relation to human rights and, how the right to the city is claimed. We analyse the relationship between citizens, human rights and the state politics. The first part discusses the theory and practices of human rights (the philosophical foundation of

human rights), its fundamental contradictions, fragilities and ambiguities, as well as the status of citizenship. The second part discusses the theories and the architecture of the modern state and its dynamics in the African cities. We arrive at the point that significant progress was made in the field of human rights and the state politics across the globe. However, the neoliberal model yet plays an important role in shaping the political environment in Africa..

keywords: human dignity, citizenship, rights to the city, state politics, African cities



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1 INTRODUCTION

The Universal Declaration of Human Rights formulates rights in “recognition of the inherent dignity and the equal and inalienable rights of all members of the human family. This is the foundation of freedom, justice and peace in the world” (UNGA 1948). This general statement is oriented to universalise fundamental values of the modern societies, based on human dignity and human rights. The core assumption presented in the statement bounds every individual and limits the arbitrary performance of the states. At the core of human rights norms and appeals, the idea of

human dignity goes beyond the social status or other conditions of the individuals and focus on the sense of belonging to the human family. In this way, human dignity means human being. Dignity is an adjective to qualify every human-kind. Human rights can be understood from different angles, cultural and political understanding.

The foundation of human rights proclaimed in the international framework is associated with the Dumbarton Oaks Conference.¹

¹ Given the inability in dealing with the world conflict, the League of the Nations, the representatives from China, the United Kingdom and the United States met in a Dumbarton Oaks mansion in Washington in 1944 to discuss the world stability, peace and progress. But for

This event marks the important step for the creation of a post-war international organisation to succeed in the United Nations. The Dumbarton Oaks Conference proposed the creation of the four main bodies to consolidate the mission of the United Nations. This is the case of the General Assembly (including jurisdiction on the Economic and Social Council); the Security Council; International Court of Justice and a Secretariat (UN 1946).

this end, there were important a creation of a more efficient international organisation, in this case, the United Nations. This conference consisted of two rounds. The *first round from 21 August to September 28 and involved the U.R.S.S, the United Kingdom and the United States. The second phase, involving China, the United Kingdom and the United States, from September 29 up to October 7.* These agreements were embodied in the Dumbarton Oaks proposal (UN 1946). For details on Dumbarton Oaks proposal, see The Year Book of the

As a result of the intensive debate on the impacts of World War I and II, the inefficiency of the League of Nations in dealing with the world conflict was evident. Thus, the Dumbarton Oaks just confirmed the opening up to the new era, and the need for progress and participation of all countries in changing the paradigm.

At that time, the issues of massive violations of human dignity were exacerbated by the *Hitlerism*.² The idea of peace and stability led to the creation of the United Nations in 1945 to pro-

United Nations 1946.

² The third paragraph of the Declaration by United Nations, drawn in January 1, 1942 in Washington DC, mention *Hitlerism* in reference to the Nazi regime.

mote peace and secure freedom and social stability. That level of the concept related to freedom, liberty and what was intended justice. The international system adopted by the United Nations since 1948 has classified human-rights as civil, political, social, economic and cultural rights which every human person deserves. Despite those individual rights, grouped rights and, recently, environmental rights were incorporated into the frame of the rights related to every human being.

Although the Universal Declaration on Human Rights did not establish a hierarchy among these rights, the chronology of subsequent

human rights norms led to a division between civil and political rights - framed as individual rights and viewed as the first generation of human rights - and social, economic, cultural and environmental rights - framed as collective rights as well as perceived as contending with third generations of human rights. Nevertheless, struggles over social, economic and cultural rights have been successfully challenged this frame. Currently, there is a consensus among scholars on the indivisibility of human rights, meaning that the fulfilment of any human rights depends on the fulfilment of all types of human rights (Shivji 1989; Zeleza & McConnaughay 2004; Branco

2009). However, the implementation of human rights recommendations is a major challenge facing society all over the world, such being the case of Mozambique. The State, civil society actors and the international organisations play a key role in the formulation, adoption and implementation of such human rights principles (Zezeza 2006).

The international human rights norms have also defined rights according to the subjects of protection. In this perspective, human rights encompass general rights - which are supposed to apply equally to all human beings - and particular rights - which must be applied to specific

“groups” by virtue of their social vulnerability,³ discrimination and exclusion from the enjoyment of general rights (Lyons & Mayall 2003).

Although general and particular rights cannot be separated, we aim to discuss the philosophical foundation of the concept of human rights, and that partition of human rights is important to track the fundamental contradictions, ambiguities and fragilities on the ideal of human rights.

³ Women; children; people experiencing mental or physical limitations (disabilities), elder people; racial and ethnic minorities; religious minorities; immigrants and so on.

1.1. Civil and political rights as a right to the city

The concept and practice of human rights are the most influential and fruitful discourse in a contemporary world. The fulfilment of the rights announced by the Universal Declaration of Human Rights could bring justice and peace, or at least reduce the gap between social classes. However, the implementation of such assumption today, in the so-called the 'era of democracy and human rights' is quite contradictory. One of the great examples of such contradictions can be found in the ways human rights are being used to

restrict and grant human rights. Basic rights such as the right to life, liberty and security, legal protection, equality before the law, and privacy and protections against slavery, arbitrary arrest, detention and inhuman or degrading treatment are being restricted in the name of human rights and security measures (Donnelly 2013).

Henry Lefebvre first introduced the concept of right to the city in the 1960s. Lefebvre's right to the city claimed (demanded) the right not be displaced into urban spaces (Lefebvre 1971; 1996). The 1960s observed a French movement dominated by the rise of criticism towards the theory of the self-adjustment of the free market.

This contributed to progress in socioeconomic conditions and urbanisation (Meade 1990). The masses fled from rural areas to urban spaces in search of better conditions.

The primary consequences were the re-definition of the urban context. It means the recreation of the urban spaces and modernisation of urban life. These questions exacerbated the proliferation of discriminated suburbs, mainly occupied by 'outsiders' and the low-income people (working class and immigrants). In the central cities were surrounded by social housing in response to housing demand. However, the occupation of urban space was based on discriminatory criteria

which many people claim to enjoy (Lefebvre 1971).

Urban space becomes a place for utopia and claims, where in the 1960s, many social movements stood in public spaces against discrimination, the war in Vietnam and different forms of discriminations. This set of demands extended to the right to work and not be forced into the deterioration of everyday life. The struggle over the legitimacy to occupy and enjoy urban places become more and more evident (Harvey 2012).

The right to the city (in this domain) can be considered the right to enjoy the city centre, the

privileged spaces of the city, and the right to participate in the city political life (Lefebvre 1996). This genealogy of human rights reminds us of the reality of the excluded groups. It brings to light what Boaventura de Sousa Santos called the “abyssal division of the world”. The abyssal perspective consists of two distinctive realities. On one hand, we find the privileged reality that will rule over the others. On the other, there is the unprivileged reality or group who claims to bring changes.

To read about this generation of human rights is almost to be transported back to the 13th century, when the Magna Carta was drafted as a

peace treaty and aimed to protect specific rights and limitations. It is also reminiscent of the Petition of Rights exhibited by the 1628 English legal reform movement, the Habeas Corpus Act of 1640 and 1679⁴, the England Bill of Rights of 1689, the American Declaration of Independence in 1776 and the French Declaration of Rights of Men and of the Citizens in 1789 (Morphet 2000; Hobsbawm 1996)⁵.

⁴ Established for the better securing the liberty of the subjects, and for prevention of the imprisonment. Thereof to responding to the abusive detentions without mandate or legal authority (Habeas Corpus Act 1679).

⁵ This was one of the most import charters of human liberty and had inspired further struggles and legal reforms – such as the 1789 - 1799 French Revolution and French Constitutions. Their conception was sourced on the French enlightenment intellectuals, with a special

These human rights documents anchored on a limitation of absolute power tackled two scales. The first is related to the principles of individualism. Thus, about all rights⁶ proclaimed in the Universal Declaration of Human Rights, African Charter on Human and Peoples Rights and in a vast arsenal of human rights documents are intrinsically related to the rights of individuals (OAU 1981; Donnelly 2013).

Almost all human rights documents begin

focus on the separation of power of Montesquieu and the general will of Rousseau. The basic principle of that Declaration (renamed Declaration of the Rights of Man and later, Declaration of the Rights and Duties of Man and Citizen) was that “all men are born and remain free in rights”(Morphet 2000; Donnelly 2013).

⁶ With exception of the right to self-determination mentioned in the

with statements which proclaim that “Every human being has the right to...”; “Everyone is entitled...”; “Everyone has the rights to...”; “No one shall be...”; “No one may be...”. These approaches to individuals are anchored on a “centrality of human dignity among human rights issues”. Thereof, human dignity claims to be the foundational concept of the whole human rights’ mechanisms and international human rights law. This is the ‘ultimate value’ that gives coherence to human rights (Hasson 2003, p. 83).

This character of moral assumption based on the natural law theory and converted into posi-

tive law is also supported by both, the Charter of United Nations and the 1966 International Covenant on Civil and Political Rights. Furthermore, other documents such, the Vienna Declaration and Programme of Action on Human Rights similarly assumes that “all human rights derive from the dignity and worth inherent in the human person” (UN 1945; UNGA 1966).

Also, this idea of human dignity and the equal and inalienable rights of all members of the human family presented herein oriented to freedom, justice and peace in the world. Thus, it had provided insight to the Universal Declaration of Human Rights and the United Nations mission.

However, these legal sources seem unclear of the exact meaning of human dignity. It may lead to ambiguity and because of its abstract meaning, human dignity can result in different interpretations.

The other weakness surrounding the abstract meaning of human dignity is the possibility of its recognition in case of violation (Donnelly 2013). It remains unclear and ambiguous. In this response, the violation of human rights means the violation of human dignity. In other words, we understand that human right is a natural and social claim applied to that human being who has dignity.

Here, again, we find human dignity linked to the quality of being honourable or holding a social, economic or political high position, excellence, dignitary, nobleness. In this sense, are we referring to all human beings? To what extent is humankind dignified? Are all human beings subject to nobleness or excellence? The application of the concept of human dignity from the natural law theory perspective suggests attempting to hire the democratisation of the dignity and argues that human beings deserve respect.

In practice, the ambiguity of the concept of human dignity allows contradictory claims and implementation of human rights protection. It

contributes to franchising the idea of liberty and equality among people.

The second scale of human rights norms based on human rights documents is related to the purpose of the political organisation. On behalf of the promotion and protection of human rights, the positive law and the international law proclaim that the state as a political organisation has the duty and responsibility to issue legal measures and establish mechanisms to secure human rights. Therefore, it is the state's role to promote, protect and discourage human rights violation.

Moreover, a consecration of the civil and political rights requires state efforts to establishing

what Thomas Hobbes and later Isaiah Berlin (1958) had argued as the negative liberty – the absence of obstacle and barriers to free people do what they want, or that what Canotilho called rights to the negative acts (Canotilho 2003). The other aspects is that of the positive liberty which is defined by the Ian Carter in the *Stanford Encyclopedia of Philosophy* as “a possibility of acting in such a way as to take control of one’s life and realise one’s fundamental purposes” (Carter 2016).

Distinguishing both negative and positive liberty requires an analytical focus on the specific context of the political and social philosophy. As such, it will take us back to an Emmanuel Kant’s

idea of free will and the sense of 'liberty', discussed years later by its contemporary fellows, mainly Isaiah Berlin. Positive and negative liberty have to do with the way the relationship between the individuals and the state is performed, and autonomy is granted (Berlin 1958).

They involve incompatible interpretations of political or legal patterns. As Berlin attempted to demonstrate, both negative and positive liberty are not empty conceptions of liberty they are substantive claims that will vary according to the way the political tradition defines liberty (individual or of the collective). On one side, the pro-individual liberty or liberal political tradition acknowledge

the importance of individual liberty over the interference of the state. It means negative freedom or non-state interference 'in the individual business.' On the other, critics of this model argue that the state intervention is necessary to place negative freedom of self-determination (Sen 1981; Carter 2016).

Positive or negative liberty is distinctive only for a political purpose not for substantive differences. Both places individuals or collective liberty at the centre of the relationship between the individual and the state. In this sense, we must not forget that the great achievement and evolution of human rights resulted in the interna-

tionalisation of human rights.

In response to the Nazi regime atrocities, genocide and mass killing, the United Nations and the International Community had witnessed the world engagement to protecting humankind, by imposing and reinforcing limits to the arbitrary use of power (political or military). Despite the gradual evolution of human right regimes, since its inception in 1945 until today, it is undeniable the challenges and rewards of human rights around the World.

1.2. Social, economic and cultural rights as a right to the city

The demand for development and the fight against poverty have become the most important issues and contemporary challenges in Africa. Hence, the implementation of the measures applied by the international models of economic development has become problematic and ambivalent due to the conflicting logic of customary-based models of economic development and cultural framework.

The social concern of human rights and local economic development in Mozambique are relatively difficult to define within the framework of national understanding. Therefore, ethnic and cultural diversity makes them difficult to justify

without confronting the problem of cultural relativism pointed out by Tuner. It is also difficult to know how human rights and economic development could be enforced and locally accepted (Turner 2006, p. 46).

The relationship between democracy (citizens' political participation) and development have a long and contentious history. Development started gaining academic attention right after World War II and the period in which decolonisation occurred in many African and Asian countries. Nevertheless, years later, a few authoritarian regimes achieved remarkable economic growth, such as China, Singapore, South Korea, Taiwan,

Malaysia and Chile, compared to the sluggish record of democracies like India. Consequently, this dynamic created the impression that democracy and development were not ideally suited (Ghosh 2016).

Although we see democracy and development mutually reinforcing, these are particular and quite localised patterns. The political regimes based on the non-Western model of politics tend to criticise the Western or liberal democracy, however, they focus the lens on economic objectives. By doing so, they focus on economics instead of democracy and human rights.

These regimes postpone human rights and

democracy, claims the right to self-determination, the right to cultural diversity and definition of own political models and philosophy. This resulted in political cleavages between the liberal democracy and other political codes. The hegemonic political tradition sees democracy is complementary or necessary to development, while other political traditions find democracy obstacles to development.⁷

As stated by Jack Donnelly a “dichotomous division of any complex reality is likely to be

⁷ This second obviously happens in the environment where the political leaders maintain their power through dictatorship, or invoke cultural relativism and religious specificities to accommodate their political ideology.

crude and easily misread to suggest that the two categories are antithetical” (Donnelly 2013, p. 40). These divergences are fuelled by the long-term imposition of Western civilisation to the World. We see one reality in which apparently human rights, development and democracy are sacred and other realities in which different paradigms of human rights are applied.

We find that the consecration of rights aims to promote general welfare in a democratic society by allowing men and women to enjoy all economic, social and cultural right – right to work, right to education, cultural and language, right to property, to mention a few (Silva & Andrade 2000;

Osório & Macuácuá 2014).

Furthermore, in the 1990s a significant shift had occurred in the political engagement and response to human rights. Thus, the postcolonial Africa today, acknowledged democracy (citizen' political participation), decentralisation (good governance), development (sustained economic growth) and human rights/ citizenship rights (respect for the rights of citizens) and connects them to the standards of international political legitimacy and to hegemonic political goals (Donnelly 2013, p. 217).

Therefore, there are (at the regional level) some affinities with human rights such being the

case of that proclaimed through the African system of human rights. In fact, all African mechanisms of human rights conceive human rights as fundamental for democracy and development.⁸ Given the reciprocity among democracy, human rights and development, the 1993 Vienna Declaration and Programme of Action on Human Rights call for moral principles on the indivisibility and interdependency between them. In this picture, “democracy, development and respect for human

⁸ The African Charter on Human and Peoples’ Rights (Banjul Charter), The African Charter on the Rights and Welfare of the Child (African Children’s Charter), The Protocol establishing the African Court on Human and Peoples’ Rights (African Court Protocol), The Protocol on the Rights of Women in Africa (African Women’s Protocol), The African Court of Human and People’s Rights (Zezeza &

rights and fundamental freedoms, are interdependent and mutually reinforcing” are universal.

Whenever a ruling regime is at least ‘reinforced’ by contemporary claims and demand for democracy, development, and human right, the Universal Declaration on Human Rights regards “the will of people” as a necessary toolset of the authority of governments (UNGA 1948).

In other words, democracy, development, human right and decentralisation have important conceptual and practical affinities. The idea of a democratic and developed nation oriented to the sustainable development-based economy has be-

come one of the most important concerns of contemporary economic theory. This is perhaps the essential account of the Millennium Development Goal. Its primary goal is to ensure the economic, social, and cultural rights, as well as civil and political rights, will be assessed in a sustainable way by the ordinary citizens. For example, the right to food, water and sanitation, basic health care, social security, rights to work, children right, women's rights and gender equality (Donnelly 2013, p. 218).

Given the government role in creating a legal and political environment in which human rights can flourish, a number of African countries

have adopted and implemented controversial economy-based politics. Thus, multinational corporations and the direct foreign investment have perpetuated their presence in Africa by entering into local government business via a public-private partnership.

The driving force of multinational corporations is liberal market principles. They are not interested in human rights. It means that their major aim is profit and expansion of their market and profits. So, human rights will not be or determined or secured by the logic of the market. The other controversial aspect is the supposed violation of human rights perpetrated by the state.

In contemporary Mozambique for example, the economic impact of a long-term civil war, corruption, patronage, land grabbing for large-scale agribusiness investment and the lack of opportunities in the rural areas have contributed to deteriorating the social and economic conditions of the locals (Hanlon 2004). This has made the already weak welfare state deeply more fragile.

Recently, the hostages between the Renamo guerrilla and the national defence and security forces fuelled the rural exodus. Rural communities and peasants and their relatives have been forced to leave their lands to give access to the megaprojects and international corporation oper-

ating in mineral resources and agribusiness. Consequently, it affects human rights.

To challenge these realities and call for social justice, local democracy, and to reduce the impact of the weak economic environment in Mozambique - particularly in the small towns and municipalities, civil society organisations have been demanding more involvement in the local decision-making forum and public accountability.

In response to such demands, the local governments have been reformed and applying norms and policies to improve public access to the definition of public priorities. Several reforms have been implemented such as participatory

budgeting as well as the decentralised planning. However, these measures are yet to solve the problems of social injustice and inequalities.

1.3. Citizens' participation and the right to the city

Given the fast-growing urbanisation in developing countries, human rights require grounding to flourish and challenge the contemporary political, social, economic and cultural structures. Both civil and political rights and social, economic and cultural rights are interconnected with the rights to the city.

It is important to investigate how social configurations of the city as public space have been influenced by the colonial perception of what a city should be and to what extent such configurations work to boost the rights to the city from that of the individuals to collective rights.

The implementation of individual rights in the cities such as freedom of speech, assembly and protest, depends on the political tradition and the foundational jurisprudence (Donnelly 2013, p. 100). Thus, different jurisdictions would apply different evaluation of such rights according to their concept of human dignity. For instance, social justice, sense of belonging, healthy environ-

ment, diversity and common responsibility in constructing public space.

In attempting to bring a consensus towards the concept of rights to the city, and its relation to citizens' rights and human rights, the Global Platform for the Right to the City, based on human rights instruments and Sustainable Development Goals defined the rights to the city as "the right of all inhabitants, present and future, permanent and temporary to use, occupy and produce just, inclusive and sustainable cities, defined as a common good essential to a full and

decent life” (GPR2C 2014, p. 3).⁹

The interpretation of the concept of rights to the city tracks down important features to the centre of individuals and a collectivity. First, is the fact that all inhabitants regardless their lifetime they own these rights (Lefebvre 1996; 2003). It means that rights to the city are universal to all city’ inhabitant. Nevertheless, this point could raise concerns about what city means and their limits.¹⁰

⁹ For details, see Habitat III Conference - The New Urban Agenda at [www. http://habitat3.org/](http://habitat3.org/) (UN 2016).

¹⁰ In Mozambique for example, the current conception of city is that inherited of the Portuguese colonial era, where were distinguished two perspectives: The main city – ‘cement city’ and the surrounding or informal settlement. Recently, the composition of city applied to the

There is a dialectic approach to universal rights that brings together the intimate relationship between citizens' rights and human rights. Such being the case of the right to a healthy environment, rights to water and sanitation, rights to sustainable development, rights to enjoy the public place and use public facilities, rights to historic places and culture and rights to participate in the local decision-making forum.

For a deep understanding of the universality of the rights to the city, the quoted Global Platform for the Rights to the City asserts diffusive

mentioned characteristics yet shapes the way people and the national governments deals with.

rights and collective rights.

2. From the state of nature to the modern state's political theories

In the classic *Leviathan*, Thomas Hobbes acknowledges the centrality of the social contract to securing peace necessary to 'felicity' within the *polis*. Given that in the 'state of nature,'¹¹ the logic of pursuing happiness and satisfaction differ among individuals and in certain circumstances it could erupt into conflict, Hobbes calls sovereign authority to reinforce law and maintain peace

among individuals (Hobbes [1651]1986).

If we interpret Hobbes' thought, we find three important aspects at the core of that conflicting relationship. The first aspect is related to competition. It means that in the state of nature individuals compete with each other for the property. The second is insecurity which leads man to contend against another man to gain defence and success. The third aspect is that of the glory of the individuals who compete with each other to access power and prestige. The author 'invites' the superior authority to balance social

¹¹ This is detailed in chapter II of the second essay of Locke (1823).

interests and public control.

Although there is little doubt that Hobbes' assumptions are no longer valid for organising contemporary politics and social life, several nations follow questionable political practices. The important issue here is to stress the Hobbes' ideal of social and political organisation (Hobbes [1651]1986). This is relevant to establishing relations with modern States' politics, democratic accountability and power balance.

Leaving aside the analysis of the utilitarian relationship among peoples in the natural state, John Locke offers a different approach to the social and political relationship. Contrary to Thomas

Hobbes, John Locke perceived the state of nature as synonymous with freedom and central to the understanding of today's political power (Locke 1823, p. 106 and 112).

A state of perfect freedom and equality is when men and women enjoy rights and liberty. All powers and jurisdictions are reciprocal - "no one has more than others." This state of equality creates a sense of belonging. However, the 'apparent' Locke state of liberty and freedom could not be perceived the total state of anarchy in which, "man have an uncontrollable liberty to dispose of his person or possessions, yet he

has not liberty to destroy himself, or so much as any creature in his possession, but where some nobler use than its bare preservation calls for it” (Locke 1823, p. 107).

It means in this regard that, natural norms will shape and guide the social and political life. “The state of Nature has a law of Nature to govern it, which obliges every one, and reason, which is that law, teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty or possessions; for men being all the workmanship of

one omnipotent and infinitely wise Maker; all the servants of one sovereign Master, sent into the world by His order and about His business; they are His property, whose workmanship they are made to last during His, not one another's pleasure" (Locke 1823, p. 107ss).

Hobbes' interpretation of the state of nature differs to that of Locke. The way both see the state of nature is different. Hobbes perceives it as a state of violence, competition and struggles. Locke sees it as a space of freedom, liberty and mutual development. However, the divergent structural position between Hobbes and Locke seems to converge on centrality of the law and authority to

maintain social and political relationships.

Furthermore, if we move ahead of the state of nature and bring the notion of social and political space to the discussion, we find that Hannah Arendt perceives *polis* as a space of appearance where people live to make their appearance explicitly. This is the purpose of the social and political life (Arendt 2004).

Arendt's approach focuses on the intangibility of the notion of space or polis. She sees polis, not as a city-state or a physical platform of social and political interactions, but "it is organisation of the people as it arises out of acting and speaking together, and its true space lies

between people living together for this purpose, no matter where they happen to be” (Arendt 1958, p. 198). This assumption emphasises social and political relations and the possibility of constant recreation of the public space of appearance through dialogue and actions.

On the face of it, Arendt’s assumption of ‘speaking and acting together in the space of appearance’ only makes sense when addressed to discuss and deliberating public concerns. The space of appearance is that in which individuals gather together to discuss common projects, legislation and to solve common problems. It means the space in which individuals enjoy the right to

participate in deliberating social, economic and political concerns.

Arendt views the space of appearance as an emancipatory social and political platform to grant power to individuals. This scope of acting together to safeguard social and political demands is what Arendt calls power. The more important aspect of following, is the way the author perceives and approaches the 'phenomenon' of power.

Hannah Arendt synthesises power as a product of action because it is based on balanced activities and diversified perspective and entirely rests on persuasion because it concerns the capaci-

ty to hold political consensus (Arendt 1972). This approach to power appeals to an essential disposition of legitimacy.

Hence the capacity of assembling individuals to discussing and deliberating public matters is at the centre of power legitimacy. Thereof, power is the capacity and rational persuasion among individuals who stand together in solving common problems. Thus, the other lens suggests that the Arendt's approach demands distinguishing power from violence, force and strength.

When discussing the ideology and construction of the state power and politics in Africa, Étienne Le Roy perceives the State as a 'mysteri-

ous entity' in constant interaction with citizens. In parallel with that, Le Roy debates the complex influence of the 'Western state model' to the post-colonial politics and contemporary state in Africa (Le Roy 1997).

The other aspect discussed by several scholars is the impact of colonial thought and tradition in postcolonial Africa.¹² Patrick Chabal and Jean-Pascal Daloz argue that "virtually all models of African politics are constructed on the assumption that development and modernisation are co-terminous" (Chabal & Daloz 1999, p. 142). In this

¹² See (Duignan & Jackson 1986; Mudimbe 1988; Bayart 1989; Badie 1992; Chabal 1992; Carrier 1995; Herbst 2015; Mamdani 1996;

picture, both Le Roy' 'mysterious entity' and the Chabal and Daloz's view of African politics share the idea that whatever the political dynamics in contemporary Africa, there is a consensus about the influence played by the colonial legacy.¹³

The field of postcolonial studies criticised the way the idea of a recent state was implemented in the context of a conflicting political logic in Africa. In this respect, Achille Mbembe draws a 'low-optimistic vision' about the future of

Bourmaud 1997).

¹³ The situation of Africa today is questionable. It has nothing to do with the lack of intellectual capacity of the Africans in defining their future. So, the way in which the African poverty and ignorance is reinforced and perpetuated by the outsiders turns Africa to an infinity backward and vulnerability. For details, see (Rodney 1973).

the process of decolonisation of Africa. Mbembe goes further and perceives the postcolonial African states as a mere recipient of the 'imported models' - such as political, economic or even social - therefore, there is obvious, the continuing consequences of the colonial legacy. In this term, the "sociology of colonising Africa" plays a central role in shaping the contemporary societies. This undeniable statement leads us to agree that Africa today is highly Westernised. Thereof, contemporary African state is the result of a radical attempt of rupture with colonial ties. However, in practice what remains strong is the logic of the colonial state paradigm (Mbembe 1992).

The relationship between the colonial logic and the local-based political thought tends to accommodate popular demands by maintaining the boundaries of the state politics. It means that the state's model of the colonial past is locally adapted and perceived as a new model. However, the logic of inequality in some African countries and the ruling system (some are in constant militarised conflicts) shows that we are dealing with colonial practices. The modern African state failed to emancipate itself. It failed to create genuine African political models from the rupture with the colonial models (Bratton & Van de Walle 1997; Chabal 2009).

In these revealing assumptions, we find that most African countries expelled colonialists and acquired political independence (partial independence), but the colonial thought remains. Most of the former colonies adopted the language of their coloniser as an official language, the laws and judicial system and even the administrative system follows the colonial logic. Africa failed to expel colonialism to acquire genuine freedom, and the colonial thought and practices continue to shape African minds and societies.¹⁴

¹⁴ The former colonised zones, now independent States yet continue to be divided in two. The dominant class and the rest of the citizens – the powerful vs. the powerless. So, the independence process failed to create a horizontal society free of class exploitation. The gap between

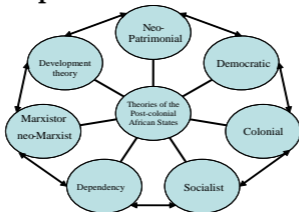
In this section, we do not intend to create a political theory of the modern African States or discuss the origins of the Africa state power or political apparatus, but engage in a theoretical discussion that could lead us to understand how politics in modern African states are being conducted and its interaction with the pillars of

the social politics and its implementation operates and perpetuates social inequality and injustice. Today, the government of the post-colonial Africa States has great challenges to adopt more inclusive models of politics in which their citizens can feel part of, to create local autonomy and reduce foreign dependency (political, economic and social), the African states should be more sympathetic for participatory models. Even though it is argued that citizen participation per se cannot promote development, but at least can contribute to horizontal social relations. This is why president Samora Machel who ruled Mozambique from 1975 to 1986 had vigorously punish corrupt officers and implemented revolutionary views in which people could be involved in popular assemblies, communal production.

democracy.

Given the complexity and diversity of the African politics, its analysis demands a great amount of personal, cultural and normative precaution. This is not just because of the dimension of the continent, but also the diversity of local political tradition and a distinct colonial legacy. We will discuss the African subjectivities inherent to the interpretation and validity of the political theory.

1. The postcolonial african states theories



In the preceding discussion, we stress the theories substantive to explaining the politics of postcolonial Africa. It is important to remember that theory does not “stand in a vacuum; it is constructed throughout certain historical contexts and then applies in specific ways” (Chabal 2009, p. 2 and 3). In this regard, the theory is a general organisation of knowledge.

2.1. Theories of development

This section explores the question of GDP at the centre of the progress or backwardness of Africa's political process and development. Foreign thought and its social understanding of Africa have played an important role in destabilising the local-based social, economic and political life. It has made it impossible to think of Africa without associating it with external influence.

The literature on economic development comprises classic and contemporary theory. Classical theory is dominated by four stages (Dang & Sui Pheng 2015). The first stage began in the 1950s to 1960s. In this phase, economic growth was line-

ar. This stage emphasised the capital accumulation, the economic growth and a combination of domestic saving, investment or GDP. In this picture, development was viewed through the lens of material wealth. The other important aspect was the complacency towards social class inequalities, poverty, environmental issues and gender-based discrimination were ignored in the name of maximisation of income growth (Solow [1970] 2000).

The second stage, characterised by structural changes occurred in the 1970s. Years later, scholars and policymakers understood the fragility of the income growth approach to responding to matters of development. The 1970s marked the

period of structural changes in the social, economic and political way of addressing development issues. Concerns about poverty reduction were central. Several countries had experienced a significant growth rate of per capita income and yet failed to changing peoples' life condition (Dang & Sui Pheng 2015). This starting point contributed to shifting development approaches to the next development stage. The third state is that of the international dependence of the 70s.

The fourth stage is the neoclassical or free-market that of the 1980s to 1990s. Competitiveness was the primary aspect of this stage. Economic competitiveness played a central role in providing

new jobs, new consumption goods and improving well-being. New development objectives were established¹⁵ and brought new elements into consideration – such as standards in delivering services and quality of life and individual freedom, focus on economic, social and cultural rights (Sen 1985; 1999).

The recent theories of economic develop-

¹⁵ The objective shifted from a simple economic growth to the reduction of poverty, inequalities and unemployed to the focus on quality of life. Therefore, quality of life become the central development objective. In this aspect, changes in income redistribution, public service delivering, education, health care, water and sanitation and environmental issues were applied at the core of the new objectives. The World Bank, states that, improvement of quality of life mainly of that living in developing countries should constitute the central objective of the government. The objective shifted from the promotion of economic growth to improvement of the quality of life.

ment are dominated by the idea of interconnection among the economic growth, political liberties (democracy), freedom (human rights) and issues on climate change and environment (Sen 1999; Dang & Sui Pheng 2015).

Although both classic and contemporary theories aimed at providing strategies and insights into understanding development implications and to making development goals achievable, therefore. The contemporary theories incorporate issues in which the classical theory failed or ineffectively addressed contemporary concerns.

Therefore, the contemporary approach of

development is oriented to the sustainability of the process and the indivisibility of the 'human needs.' It means that the essential development elements and orientations which all countries follow are unveiled and 'soon Africa will eventually get there.' The question here is to what extent did these theories politically and economically favour Africa?

For instance, what Patrick Chabal and Jean-Pascal Daloz called 'the politics of dependence or the politics of mirror'¹⁶ addresses foreign political language to the African realities. By doing so, the-

¹⁶The Bretton Woods structural adjustment delivered and implemented in Africa in response to economic crisis is a great example of

se models reinforces the idea that “the outsiders (donors or foreign experts) knows and understands what Africa needs”. Most of those models stated that in the long-term the logic of market could grow the economy and brings a better life to the locals (Chabal & Daloz 1999).

Critically, in the short run, that measure seemed to contribute to deteriorating the social situation by reducing the government duties, responsibilities and expenditures over social needs. In this case, “the benefits of the expansion of the market did not make up for the impact

these politics. For details, see Mosca (1999; 2002).

on the population of the sharp cuts in government spending on social and economic activities. Urban dwellers, in particular, suffered higher levels of unemployment and a serious fall in their standard living. Indeed, open borders and the export of primary products have not led to sustained development anywhere in the World. Privatisation has enabled highly dubious practices, favouring state elite and corruption" (Chabal & Daloz 1999, p. 121).

This perspectives of running politics trough

liberalisation of the economy had reinforced the idea of “Africa as a mere receptive of imported models” and acknowledged the outside domination and controls. In this condition, market *per se* will not respond to sustainable economic growth in Africa.

Economic performance assessed through GDP and gross national product (GNP) and gross national income (GNI) per capita plays a central role in ranking countries in terms of progress and backwardness. These patterns drive the economic and political relationship (WB 1997). Therefore, the political stability and scientific research, internal and external market competitiveness linked to

citizens' participation in the decision-making process might provide a normative and empirical approach to economic development.

The present social, economic and political condition of Africa results from a long-term historical process with 'ups' and 'downs' - exploitation-oriented economy, slave trade impact, lack of industrialisation and infrastructure, small sized internal markets, lack of capacity to operate and compete in international markets, and the export of gross raw materials. The universal development theories had contributed to pushing Africa to the left side of the development equation. The vision of as-

sessing countries through their GDP or gross national income per capita to tracking development steeped on dichotomisation of the world – developed countries and developing countries.

However, this principle will shape the way Africa is interpreted as a backward continent, or developing continent and the place in which measures should be taken in order to lift them socially, economically and politically. The lack of balanced conditions on foreign direct investment and economic cooperation between African countries and other economic actors outside Africa, as well as the ‘restrictive’ international market regulations, have been leading the continent to

the position of the recipient of Western and Asian modernisation (Bayart 1989; Mbembe 2001; Kabunda Badi 2000).

2.2. Neo-patrimonial theories

Although the question of the state power in Africa is complex and widely discussed in political and social science (Chabal 2009), we focus on the universal development perspective applied to African states and the native-based socioeconomic

and cultural features along with their impact in the contemporary African states politics.

Given the patrimonial orientation of the state in Africa and its role as the main economic actor, the Bretton Woods loan conditions challenged African regimes. It exercised pressure to reward the African clientelism network, thus ‘endangering’ the continuity of most African government. A number of governments refused to implement such measures or even reversed them to adjust to their political aims.

The example of this parallel constellations is what Mahmood Mamdani called ‘bifurcated state’ (Mamdani 1996, p. 5), and Homi Bhabha called ‘democracy de-realised’ (Bhabha 2003).¹⁷ In this regard, Bhabha outlined the pre-existent division between embattled politics and the narrative without opposition.

If we enter into debates across this issue, we find that both Mamdani and Bha-

¹⁷ When discussing the State in Mozambique, Boaventura de Sousa Santos proposes a concept of heterogeneous state (Santos 2006).

bha underlined the ways in which the Western patterns and politics have been exported to the entire world. For this reason, the logic of contemporary politics in Africa and elsewhere lie in the Western political and economic paradigm (Mamdani 1996; Bhabha 2003; Chabal 2009).

The other aspect is the way in which such politics are implemented in the host countries. Since the triumph and globalisation of liberal democracy, the business of political power in postcolonial Africa and

across the world is shifting to the conservative and radical.

In the conservative African state orientation, the hierarchy of the modern local state power continued after independence means that the colonial ruling logic yet shapes the local power structures. They reproduced the decentralised despotism in the form of the colonial state in Africa (Herbst 2015).

Contrary, the radical states seemed to considerable changes thereby operating in

distinctive perspectives. They sought to reform but failed to do so through democratic tools. In some cases, the customary-based law was discarded and seen as simple customary laws transcending tribal boundaries (Mamdani 1996). Therefore, there are two legal apparatus operating in parallel. One is that of the modern law for urban zones, and the other is that customary law applied to rural areas.

The radical reformists tended to centralise the power structure. They paved the

ground for the local dispute over political power and narrowly connected to the central state. These new forms of wealth accumulation are anchored in the government's role of providing public services. Local elites captured local power and conquered their economic influence. Therefore, the political elite who control the state has major implications on the trade-off between their wealth accumulation and public interests (Bratton & Van de Walle 1997).

If on the one hand, the allocation of basic financial resources and the provision of public services helps to halt the public confidence and legitimacy, on the other, it serves to maintain the ruling elite in power to last the benefits and increasing private profits. However, the primary impact is the emergence of authoritarian regimes by which the opposition are not tolerated to ‘disturb’ the ruling regime. In this perspective, we see political leaders perpetuating

their influence in politics and business without facing public accountability.

Mahmood Mamdani steps beyond a 'simple' dichotomisation of the African realities and seeks to offer a bold, insightful account of the legacy of colonialism. He argues the way the states pays off reforms in one socioeconomic sector against repression in the other, and the role of the state institutional reforms in reinforcing the tension between rural and urban (Mamdani 1996).

Mahmood Mamdani brings critical elements to the analysis. In discussing the way politics in Africa affect people, he acknowledges two logics in what he compared with colonialism and apartheid in the colonial territories. The ambivalence of the African state politics is similar to the indirect rule, characteristic of the British colonial empire and, direct rule characteristic of the Portuguese colonial administration and the French colonial administration, and lat-

er apartheid implemented in South Africa and Palestine.¹⁸

Both direct and indirect administration served the interests of the colonisers and negatively impacted the life, culture and development of the native populations. This is what happens in Africa today. With the connivance of the national government, the multinational corporation expels peasants and rural communities in the name of

¹⁸Recently Jimmy Carter and many critics of Israeli occupation policy nominated apartheid for what is happening in Palestine (Donnelly 2013).

economic reforms, development and public-private partnerships. On the other hand, the citizens living in the urban areas are “governed” by the logic of the market. The primary government role in the provision of public services, such as education, basic health, water supply, electricity, and so on are being restricted to those who can pay for it. In this model, the interests of the grand capital ‘speaks louder’ than the government voice. It makes clear that the process of occupation and colonisation charac-

terised by direct repressions and destructions of the native socioeconomic structure of livelihood made by the colonisers administrative and military apparatus and the local collaborators, today is taken forward by the postcolonial states.

The transplantation of the Western state political models and the continuation of the colonial exploitation dynamics are inappropriate. The second aspect adduces that the postcolonial African state necessarily reflects the patrimonial nature of lo-

cal politicians and corporate interests. It leads us to understand that the contemporary African states failed to provide new models for serving their citizens and the state institutions demonstrated their dysfunction towards local communities' interests.

2.3. Democratic theory

Today, democratic theory fits in some social, economic and political approaches. Therefore, democracy is universal and 'undeniable'. Democratic theory is sustained and lifted by the

vision of liberal democracy as the only viable mechanism of modern politics (Chabal 2009).

It is not our intention here to discuss the theory of democracy in the politics in Africa and how justified and relevant democratic theory is and its impact on African economic and political models. In the process of attempting to interpret the causal factors across the inevitable democratisation of the world and the recent blooming of multiparty elections in Africa, some scholars find the simultaneity between the end of the Cold War and the emergence of economic liberalism at the centre of the democratic expansion (Chabal & Daloz 1999; Chabal 2009).

Both democracy and liberal capitalism were delivered to Africa aiming to provide an alternative model of political and economic development. However, the triumph of capitalism brought to an end all competing patterns. Today, the full implementation of democracy and economic liberalism scores high resistance and controversy among African leaders (El-Khawas & Ndumbe 2006). Many of them call themselves democratic, but the reality is different.

The implementation of both democracy and economic liberalism is endowed with the modernisation of politics and economics (Dahl 1971; Held 1995). We believe that democratisation

of Africa results in a globalised movement of economic and political patterns¹⁹ in which Africa has had nothing to say²⁰ (Mamdani 1983; Chabal 2009).

Consequently, the questions of the

¹⁹ See Santos (2007) for details. The author discusses hegemonic and counter-hegemonic globalisation and its impact in both global north and south. Santos defines hegemonic globalisation as a mainstream globalisation, a process of spreading the Western social, economic and cultural patterns, as well as politics to the rest of the world. On the other side, Patrick Chabal call these dynamics, the Westernisation of the world. Counter-hegemonic globalisation, has to do with the resistance, struggle and opposition of a certain actors in adopting the Western patterns (Chabal 2009). This process entails facts in which the marginalised cultures claim their original identity or negotiate it with hegemonic standards.

²⁰ As part of loan and foreign aid conditions, the Western donors and the Bretton Woods institutions were asking for reforms of the political economic system of African and Asian countries. The grants were conditioned and required democratisation and adoption of certain economic and political reforms. One of that, was to change the role of the government in the political economy.

economic and political dependence of Africa are widely discussed. Several concerns were raised, and the most challenging is the contribution of Africa to the hegemonic globalisation. It is undeniable that Africa exports primary good or raw materials and imports manufactured products and even food. It will be useful only if the government of African countries takes measures to secure local basic transformation of the basic products.

Although a modern definition of dependence – such as agency, international cooperation, programmatic assistance – is applied to overlap the idea of ‘a receptor of foreign support’ or to

bring new actors into politics and economics, the issues of political and economic dependence remain problematic. It contributes to fuelling corruption in many African states (Hanlon 2004).²¹

Given the situation, we argue that the influence of African politics and realities made through different realities and theories. It is not to say that African states should be isolated or not cooperating in the international arena, but we stress the ideal of reciprocity and socio-cultural balance.

Thus, the issues of political or economic universalism could be considered while dealing

²¹ Joseph Hanlon discusses the case of Mozambique (Hanlon 2004).

with economic or political cooperation. For this reason, a significant number of African states attempted to reject the transplanted model of the state and economics on arguments of socio-cultural and economic incompatibilities.

The assumption that democracy is universal and represents a political modernisation rests on the idea that institutionalising democracy will eventually result in the emergence of democratic political culture (Chabal 2009). Democratic theory is universalist, teleological and steeped in a notion of modernisation as a variant of Westernisation.

3. Conclusions References laws and

Regulations

The recognition of the citizenship status to Africans resulted in political independence. This perspective only makes sense if we read it with the concept of self-determination or humanisation of Africans. On this ground, human rights struggles play an important role in pushing the politics of humanising human rights in Africa.

The concept of citizenship had served colonial purposes and was essential to differentiate between locals and Europeans or outsiders. There were legitimate and institutionalised social inequalities and racial differences. In parallel with

the status of citizens, a low-level status was granted to the natives who learned European civilisation and abandoned their autochthonous tradition. The lowest status was *the indigenous*. It was granted to the natives who remain ruled by their customary law.

Human rights, in theory, and practice, places human dignity at the centre of its aims. It reflects contradictions and ambiguities related to its interpretation, political and cultural traditions. Human rights are used both to support hegemonic political discourses and as a battle cry for marginalised groups. Some discriminated and marginalised groups have been using human

rights to sustain and support their claims.

The modern African state is beyond the simplistic dichotomisation of the imported versus local-based state architecture. The African state dynamics are complex and involves different aspects and actors. We avoid taking for granted the arguments that Africa today means the presence of colonial thought. The states in Africa have recreated themselves to build an African political, economic and social paradigm based on a combination of both inherited modernity and contemporary dynamics.

Given the complexity and the fast-growing dynamics are driven by the hegemonic globalisa-

tion and challenged by the local-based paradigms, the future of the African government is riddled with a great number of challenges. These challenges can be traced from the demographic, environmental, social, economic, political, education and health to the creation of infrastructure to respond to demand. Such being the case of urbanisation of the cities for responding to the rural exodus.

However, the logic of social justice and self-determination may lead us to understand that there is an insignificant line that separates human rights, democracy and development. They are interconnected. Life under the umbrella of mod-

ern states means safeguarding human rights. We find that the right to the City is narrowly compatible with social diversity and social justice. Colonial divisions of a city remain and continue to shape the political and social context. It makes the rights to the city one of the most unfilled rights in Africa.

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