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ABSTRACT

While they have emerged as global ideals based on the recognition of liberty, dignity and universal rights to 'all individuals' within the global community, human rights have faced numerous criticism and scepticism from the Global South. This research paper argues that such scepticism has had negative impact on the drive for the protection and promotion of human rights and International Human Rights Law in global politics. Given such huge challenges, this research paper points out that, unless the global human rights discourse undergoes significant reform and shift, its Western-centric domination will result into more harm than good in the international community's agenda for human rights protection and promotion. Postcolonial Africa has been at the forefront of the debate on the power-political use of the notion. As such, it has been argued that human rights discourse has influenced relations and policies between the West and the Third World, especially Africa. In this relationship, human rights have been viewed as a strategic tool for powerful states in global politics, to use in their quest to legitimise the case for political change. Furthermore, human rights have also been employed by governments seeking to justify their interference in the domestic affairs of other states, especially the West in the case of postcolonial Africa. It has therefore emerged that the human rights rhetoric/ discourse has been understood by postcolonial Africa as serving to establish a powerful perspective relating to the present and past collective experiences of injustice, exclusion and domination within global politics. Here, the global human rights regimes and Africa seem to be at a crossroads regarding the role of human rights in international politics.

KEYWORDS:

Human Rights Discourse/ Humanitarian Discourse, Save Darfur Coalition, United Nations Declaration of Human Rights, Neoliberalism, Postcolonial Africa

List of Abbreviations

9/ 11	September 11
AU	African Union
ICC	International Criminal Court
INGOs	International Non-governmental Organisations
JEM	Justice and Equality Movement
R2P	Responsibility to Protect
SDC	Save Darfur Coalition
SLM	Sudan Liberation Movement
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNAMID	UN/African Union Mission in Sudan
UNHCHR	United Nations High Commissioner for Human Rights
US	United Sates

ACKNOWLEDGMENTS

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DECLARATION

I declare that this mini thesis in my own unaided work, that it has not been submitted for any degree or examination in any other University, and that all the sources I have used or quoted have been indicated and acknowledged by complete references.

Name: ATHENKOSI THOBA

Signed:………………………………………….

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Chapter One

Introduction

The notion of human rights has become a contested one in the past few decades. Since the adoption of the Universal Declaration of Human Rights (UNDHR) by the United Nations in 1948, human rights discourse has become an essential part of global politics. While noting and recognising their essentiality within the global community, critics have argued that human rights are fundamentally influenced by the West. They have observed that, since the end of the Cold War, human rights have become a controversial and complex topic for both academics and policy makers. Enforced and influenced rapidly through humanitarian discourse, human rights have come under much criticism in the 21st century. According to Blackburn (2011: 1), "the discourse of human rights has become hegemonic in recent decades". As such, this has resulted in the emergence of a new field of scholarship that seeks to explore how this happened.
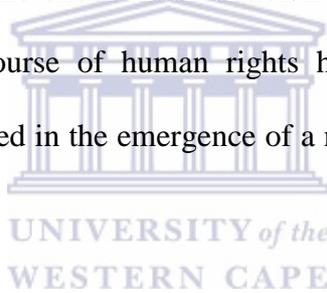
While realising the essence of liberty, dignity, and universal rights to 'all individuals' within the global community as an essential element of the human rights movement, critics have argued that human rights discourse does not exist in aa political vacuum (Moyn, 2010 and Catling, 2012). Furthermore, critics of human rights discourse have highlighted a series of salient ethical and political complexities involved in the contemporary 'humanitarianism' movement that took place after the Cold War. This has resulted in the humanitarian discourse, and its more forceful and controversial corollary, 'humanitarian intervention', coming under increasing scrutiny over the past few years (Catling, 2012: 2). Within this scholarly work, key questions have been posed regarding human rights and its politics. Such questions include: why do human rights seem to have only emerged in force post 1989 and

why does the language of human rights lend itself so easily to abuse, malevolence, and near meaninglessness, especially towards the developing world?

Human rights discourse is therefore understood as a process whereby the language of human rights has been developed and spread through treaties and conventions. The aim of this from the global community has been to promote certain norms and moral standards within multilateral frameworks and around global practices for nation states. According to Szczepanik (2015: 14), through this 'discourse' human rights have become a "globally accessible moral and legal language applied to express universal claims and to measure development". The language of human rights in international politics has thus been used to "legitimise political actions such as external interventions for regime change as well as to counteract cultural practices if they violate the rights of individual persons or reflect gender inequalities" (Szczepanik, 2015: 14). Consequently, postcolonial scholars have argued that within this paradigm, there exist an unequal relation between North and South. From this understanding then, contemporary human rights discourse in this research paper is regarded as a continued approach of applying the human rights language by the Global North towards the Global South in an imperial and neo-colonial way. Postcolonial scholars here are concerned with how the discourse around human rights is dominated by the West both in terms of advocacy and enforcement. As such, there is a growing suspicion that much international rights conversation is based on European- and American-derived notions of liberty that is dominated by characteristic of neoliberalism. These have been at odds with respect to collective care and responsibility that have been an integral part of non-Western world. This argument is by no means a way of negating the continued abuse of human rights in non-Western countries, rather the concern here is raised based on the question of who dominates the debate on human rights in global politics.

Humanitarian intervention has become the core component of the broader impact of human rights norms and the concept of human security in the international human rights discourse. This has become a contentious subject matter within the human rights discourse debate, especially with the emergence of the responsibility to protect (R2P). Critics have pointed out that both the notion of humanitarian intervention and R2P fall within the broader global human rights discourse and are born out of Western capitals and forced down the throats of Africans (Mamdani, 2010: 54). The international debate on Darfur has focused less on the dynamics driving the violence than on how to name it: should it be termed genocide or not? The debate on Darfur, within the international arena, has been over whether to characterise the violence against civilians as genocide or as counter insurgency (Mamdani, 2010: 54). The preoccupation with naming follows from the legal implications of how something is named: 'genocide' denotes an international responsibility to intervene. In the post-cold war era, that responsibility has been defined as 'the responsibility to protect' and has been broadened to include three crimes in particular: genocide, crimes against humanity, and war crimes. Arranged in order of gravity, these crimes are said to justify a 'humanitarian intervention' and the jurisdiction of an International Criminal Court (ICC) - the first, based on a right to protect and the second, on a right to punish - both overriding claims of sovereignty (Mamdani, 2010: 54). It describes as 'human' the populations to be protected, and as 'humanitarian' the crisis they suffer from, the intervention that promises to rescue them, and the agencies that seek to carry out intervention (Mamdani, 2014: 55)

As such, this research paper situates the Darfur conflict and its debate within this broader discourse on human rights in international politics. It locates the discourse on Darfur conflict within the post-Cold War and post September eleven (9/11) era, where Western countries have dominated the neo-liberal human rights agenda. Within this human rights discourse, postcolonial Africa's sovereignty has been greatly undermined (Chatterjee, 2004 and

Mamdani, 2010). According to Neocosmos (2012), international human rights institutions and doctrines have been central in the criticism of neo-colonial tendencies by the West towards Africa through human rights discourse. Dexter (2007: 1057), highlights the fact that, these institutions and doctrines have been:

> invigorated by the human rights regime, the R2P has created a 'geography of power', a core and a periphery within the 'international' defined not just by economic and military power, but by moral clout.

This growing "cultural, legal, and moral borderlessness of responsibility favours the emergence of a cosmopolitan monopoly of morality, humanitarianism, and the legitimate use of force in the West" (Beck, 2005: 15). For Mamdani (2010: 59), the dominant narrative and discourse from the West regarding Darfur and the call for humanitarian intervention "show that the depoliticizing language of humanitarian intervention serves a wider function; 'humanitarian intervention' is not an antidote to international power relations, but its latest product".
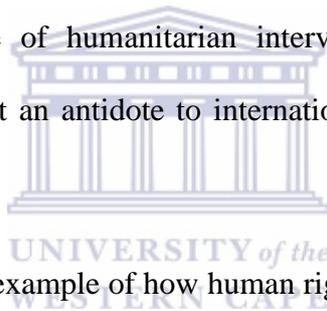
In using the case of Darfur as an example of how human rights discourse has created tensions and major disagreements between postcolonial Africa and the global North, this research paper points out that the promotion of collective myths and claims, the Western dominated narrative of the nature of the conflict, the response then deemed necessary, and characterisation of the conflict as 'genocide' failed the test of reality (Mamdani, 2009 and Hassan, 2010). As a dominant discourse, the human rights narrative of the 'international community' was occupied by the West, pushing Africa's efforts and perspectives on what the necessary measures that need to be taken regarding the crisis to the periphery are. It is from this that Hassan (2010: 2) argues that, this Western discourse "unjustifiably pushed the world community to adopt particular stands and policies that impeded the process of serious negotiations over Darfur". The call by the Save Darfur Coalition for military intervention by Western countries (especially the United Sates) and the referral of the Darfur case to the

International Criminal Court (ICC) and the ultimate indictment of the Sudanese President, Omar Al Bashir, fuelled major tensions, not only between Sudan and the global community but between Africa (specifically the African Union/ AU) and the West. A major contestation derives from the fact that the AU's opinion and efforts counted little for human rights activists and the West at large, in terms of the international discourse around the crisis.

Accordingly, therefore, a core part of this debate regarding human rights discourse is the growing tension among states, the academy, and the field of international relations. It is from this that Hoover (2012: 233) observed that:

> No one writing about human rights ignores this tension, but the most important question we face in judging the value of human rights is how to understand this tension and the divisions it creates.

The questions posed through the above observation are central to the objectives of this research project. Within the framework and institutional policies of postcolonial Africa, there have been many objections to the nature and practice of human rights, in and towards the continent. Key to these objections has been the of case whether we should see human rights as the imposition of the West and its cultural values (Mutua 2002), or in terms of a capitalist ideology serving the interests of neo-liberal elites (Evans 2011), or as an expression of exceptional sovereign power at the domestic and global levels (Douzinas 2000).

Following this line of debate, this research project seeks to investigate the extent to which humanitarian discourse in global politics has informed postcolonial Africa's understanding of human rights. Setting the tone within the existing context of humanitarian discourse, this research observes that due to the influence of language as a source of power within the sphere of international politics, human rights discourse as perpetuated by the hegemonic West has created, informed, and set out both policy and practice of human rights towards, generally, the developing world and, specifically, postcolonial Africa. As a result of this, postcolonial

Africa's understanding, in reverse, has been influenced by this humanitarian discourse. Whether this understanding is a positive or a negative one is not the task that this research project aims to take, rather it seeks to reinforce the argument offered by both critics and sceptics of human rights who maintain that human rights propagate a universal and singular human identity in a fragmented political world. Critics proceed to argue that this fragmented political world has been understood and accepted by the West as ideal in effect as it is in intent due to the fact that it guarantees the defence of the oppressed and voiceless through the notion of human rights (Hopgood, 2000:7). As such human rights discourse in the global community has been conducted in an even wider context of power politics, economic history, and changing humanitarian frames. For Barnett (2011: 29-32) this has taken place through three periods: the ages of imperial humanitarianism (1800–1945); neo-humanitarianism (1945–1989); and liberal humanitarianism (1989–present).

> In each age particular constellations of the 'forces of destruction, production, and compassion' shaped the purpose and activities of humanitarianism, which ultimately led to a global governance of humanity (Paulmann 2013: 221).

Background of the Study

Contemporary challenges to human rights maintain that the current global system's account of human rights impoverishes our understanding of politics. According to Williams (2010: 64), this renders the politics of human rights as a morality play between saviours, victims, and savages, which obscures the pervasive hierarchy and force that upholds human rights. In relation to human rights discourse, critics have argued that the notion of human rights (through its promotion and advocacy by the West) has increasingly become a critical legitimising instrument for contemporary imperialism. Scholars of this phenomenon have observed that the notion of human rights, and its imperial modes of intervention –

humanitarian war and humanitarian aid – relies heavily upon the production of subjects in need – in need of rights, in need of democracy, in need of rescue by the hegemonic West (Williams, 2010: 64). Emerging from this is a growing scepticism from Postcolonial Africa regarding the role of human rights and human rights discourse in both structure and functioning of the global system. This scepticism acknowledges and maintains that human rights are encouraged and enforced by the West in the postcolonial world.

It emerges that postcolonial[1] critique of human rights becomes an important feature in the study of human rights discourse through its claim that colonialism is on-going and pervasive. The postcolonial critique of the current global system broadly, and more specifically to 'humanitarian discourse', illustrates the effects of colonialism on the colonised states. It argues that "these effects still shape the world today as modern societies are still influenced by their colonial history and subjected to the power structures that were set up at that time" (Desia, 2013: 8). For Moyn (2010: 19):

> the complicated history of how the political values today protected as 'human rights' arose shows they bear no essential relationship either to each other or to the universalistic belief that all men (and, more recently, women) are part of the same group.

Indeed, this observation resembles the perception that the colonial rulers held over the 'natives'.

It is essential to note that human rights discourse has had a major impact on both the governance and the functioning of the global system. Human rights have enabled the West to view itself as ethical, in terms of its internal behaviour and its foreign policy, via their use and dissemination in the international community of human rights discourse (Barkawi and

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[1] Postcolonial Perspectives on human rights in this researcher paper seeks to enter the debate on the significance of human rights discourse in shaping international politics. It problematises the existing selective, arbitrary and punitive application of international human rights law towards the developing world. It seeks to challenge the underlying global narrative about what the nature of African issues and what is necessary to address them. The point made is that, contemporary human rights discourse facilitated the reinforcement of colonial tendencies towards Africa in what has been coined as a neo-colonial agenda of the West.

Laffey 2006:335, Chandler, 2002:221). It is worth appreciating the fact that postcolonial thinkers have indicated the growing suspicions that

> dominant countries, especially the United States and its coalition partners, are using humanitarian pretexts to pursue otherwise unacceptable geopolitical goals and to evade the non-intervention norm and legal prohibitions on the use of international force (Donnelly, 1993: 609).

Human rights critics further point out a series of salient ethical and political complexities involved in the contemporary human rights movement that took place after the Cold War. Key to this is an observation of two periods that have influenced human rights discourse in global politics. The post-Cold War and post 9/ 11 period (first through democratisation and the latter through 'War on Terror') have had major effects on postcolonial Africa's understanding of human rights in global politics. Indeed, Nair (2006: 25-28) maintains that "universals such as human rights discourse construct[s] the international relations between states by affecting how they view and interact with each other". Hence, it is argued that this discourse has shaped both the governance and the functioning of the global system. It is within this global system and under these circumstances that not only state actors in Africa today, but also scholars, have warned about this dominant human rights discourse in its social and historical context, and as such highlighted the ways in which human rights continue to be discursively constructed and naturalised by the powerful hegemony of West towards postcolonial Africa (Mamdani, 2010; Branch, 2011).

Within the debate on human rights and their 'political' nature in the African context, a major argument being offered is that there is a need for a sharper anti-imperialist critique of political humanitarianism. This is advocated (mostly by postcolonial scholars/ anti-imperialist critics) in order to challenge the existing nature of human rights as an excuse for the exercise of power in international relations in the form of interventions into the 'developing,' largely formerly colonised, world (Agamben, 1998: 125). In the case of this research paper, such an

'anti-imperialist critique' is concentrated on the Darfur conflict, with much emphasis on the 'Save Darfur Coalition' (SDC) campaign that emerged in late 2003. This campaign was aimed at getting the United States to intervene in Darfur under the premise of 'humanitarian intervention'. As one scholar has observed the work of this coalition, he argues that:

> although advocacy has been useful in raising the profile of the Darfur conflict, the oversimplification of the conflict, exaggeration of the atrocities, and misuse of the term genocide has actually had a detrimental effect on the peace process (Haeri, 2008: 33).

Accordingly, Gustafson (2010: 1) maintains that while the conflict in Darfur has been devastating for the Darfuri people, "the war has become one of the most misunderstood conflicts in recent history". He argues that "analysts and activists have oversimplified the causes of the war, slighting its historical and systemic causes". This, this paper maintains, has been motivated by the need for intervention under the notion of the 'protection of human rights' from human rights activists. At the centre of this has been the assumption that Western society, its institutions, values, social practices, and culture represent the embodiment of civilised modernity, as such an appeal to it (in this case the United Sates) for intervention is vital. It is from this that Mutua (2001: 204) points out that the "West as the 'saviours' of the innocent 'victims' of the evil (non-Western) state with its savage repression and authoritarianism is seen as a both a natural and desirable occurrence, when it can indeed happen".

The subtext to this is that non-Western, non-liberal societies require outside intervention, at various times, to bring them up to the level of Western societies with regards to democracy and human rights. Therefore, in the case of the conflict in Darfur, many scholars and critics have argued that public commentators ignored important changes in the scale and nature of the violence in Darfur, causing important misperceptions among the public and in the policy community, with the aim to get the attention of Western countries, especially the US, in order to initiate military intervention. It is from this that the case of Darfur is seen as a highly politicised one, and so is its international campaign (Mamdani, 2007). Hence, it is essential

to see the role of the 'Save Darfur Coalition' in line with this growing humanitarian discourse that has been critical in setting, enforcing, and informing relations between the West and postcolonial Africa. Influenced by a narrative of good versus evil with little attention to historical, regional, and political complexities, Mamdani (2007: 7) argues that the description of the conflict in Darfur as 'genocide' arises less from an understanding of the situation in Sudan than from the political dynamics in the US and other Western countries. From this, this research project maintains that the Darfur case informs us of this continued human rights discourse, where the dynamics have been uneven, imperial, and hegemonic.

Research Problem

Setting itself within the existing context of human rights discourse and the politics of human rights in global politics, this research project has observed tensions and political questions that are vital towards comprehending postcolonial Africa's understanding of the notion of human rights. Critical literature on human rights and the global system maintains that human rights have enabled the West to view itself as ethical in terms of its internal behaviour, and its foreign policy, via their use and dissemination in the international community of human rights discourse (Barkawi; Laffey 2006:335. Chandler 2002:221). Yet for this research project it remains essential to observe that within this evolving nature of humanitarian discourse in the post-Cold War era, the notion of human rights cannot realistically be said to exist only to protect the weak from abuse, as they are increasingly politicised and co-opted as an instrument through which the politics of power is advanced between the West and Postcolonial Africa. Policy and intellectual debates on the conflict in Darfur has set the aforementioned observation. Hassan (2010: 11) argues that international discourse on Darfur reflects the contemporary setting of the role of human rights in global politics. He argues that it "reflects the truth of imperialistic greed and international rivalry in the region after the end

of the cold era. Further, in one aspect, the conflict inherits the clash between Islam and the West and evolving western awareness towards issues [in the Middle East/Muslim world] after September the eleventh" (Hassan, 2010: 11). Having pointed out so far that the post-Cold War and the post 9/11 represents a major shift in human rights discourse, the case of Darfur is an example of this phenomenon.

The crisis in Darfur began in February 2003. This was a period when the Sudanese government had begun peace negotiations to resolve the civil war with the South. Two rebel movements, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM), attacked government targets in central Darfur and demanded representation in central governance. After a ceasefire mediated by Chadian President, Idriss Déby, between the government and rebel groups fell apart in December 2003, the government forces responded by conducting ground counter insurgency manoeuvres as well as aerial attacks in suspected rebel strongholds (Maru, 2007: 5). The United Nations has described Sudan's western Darfur region as one of the world's worst humanitarian crises, with more than 2.3 million people displaced, most of them living in squalid camps in Darfur and neighbouring Chad (Thomas Reuters Foundation, 2014). The Sudanese government is widely accused of arming militias drawn from Arab tribes who have used scorched-earth tactics against the rebels' communities. Khartoum has denied the accusations. On September 9, 2004, United States (US) Secretary of State, Colin Powell, labelled the Darfur conflict a "genocide" and called it the worst humanitarian crisis of the 21st century. In March 2005, the U.N. Security Council passed Resolution 1593, which referred the situation in Darfur to the International Criminal Court (ICC) (Maru, 2007: 5). In March 2009, the ICC issued an arrest warrant to Sudanese President, Omar al-Bashir, for genocide in Darfur. It was the first time the ICC issued an arrest warrant for a sitting head of state. Challenging the gaps between narratives and practices in the call for intervention in Darfur, Mamdani (2009) has argued

that the conflict is a multidimensional one, with ethnic, tribal, cultural, political, and economic aspects. He argues that having ignored such vital aspects of the conflict, the Save Darfur Movement adopted an analysis and a conclusion of the nature of the conflict in Darfur with the aim of influencing Western governments and their citizens. Hence, the use of phrases such as 'genocide' or 'worst humanitarian crisis' in the 21st century was essential in order to capture Western attention. For this research paper then, analysing the Darfur case and the call for intervention within the debate of human rights discourse is important. The importance of the Darfur crisis within the role of human rights discourse in global politics comes from the fact that human rights advocates in the West (especially the Save Darfur movement) adopted a discourse that reinforces the hegemonic use of the human rights language. Indeed, such an approach taken by human rights activists and their respective organisations simplifies the conditions behind humanitarian situation and therefore reproduces narratives that perpetuate global inequalities (Daley, 2013). Daley (2013: 382) further points out that:
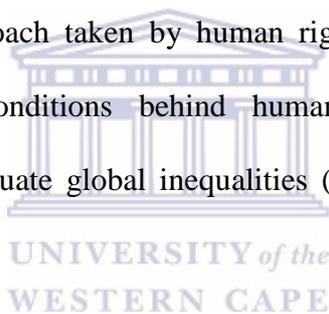
> the SDC ignored the complex history of Sudan, simplified the issues to racial and religious binaries of Arab Muslim perpetrators and black Christian victims" and that "through the media and an advertising blitz, SDC reported fictional mortality data to support its claim of genocide in Darfur in its call for military intervention.

Therefore, the case of Darfur and other cases, as examined by critics of human rights discourse, informs us of the fact that contemporary imperial interventions are couched in humanitarian terms. It shows that through the narrative of good versus evil, with little attention to historical, regional, and political complexities, a dominant human rights discourse is created where the West is trusted with the ability to act towards postcolonial Africa under the pretext of the protection of human rights. Such acts, scholars have observed, can be regarded as attitudes of Western hegemony. This paper maintains that within the evolving nature of humanitarian discourse in the post-Cold War era, the notion of human rights cannot realistically be said to exist only to protect the weak from abuse, as they are increasingly

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politicised and co-opted as an instrument through which the politics of power is advanced between the West and Postcolonial Africa.

Research Question

To what extent has contemporary human rights discourse contributed to postcolonial Africa's perception regarding human rights role within the global community?

Significance of the Study

Humanitarian discourse, with all its forms in the last few decades (more especially the post-Cold War era) towards the Third World, has been a heavily debated topic. Falling under the banner of human rights and their protection, it has been signaled as pivotal, if not necessary, towards halting gross systematic violations of these rights. Yet, it has also faced a myriad of criticism. Indeed, observers in relation to humanitarian intervention have pointed not only to its biased application towards non-Western countries, but also to potential imperialistic tendencies carried out by the West towards the global South. While defenders of humanitarian intervention have often highlighted the introduction of the Responsibility to Protect (R2P) within the human rights debate, critics have maintained their position and have gone further by accusing R2P of simply being another 'slogan' employed by Western nations to justify self-interested interventions in their continued bid to propagate liberal ideals and maintain the international status quo (Mahdavi, 2015: 7). Indeed, the introduction of R2P within the human rights paradigm sought to challenge the power that the state had under the general United Nations (UN) Conventions of the post-1945 period. With R2P, the global community was granted the responsibility to act whenever a state fails to protect the rights of citizens. This meant even by forceful means, the international community can carry its mandate (Mahdavi, 2015: 7-9).

The point on potential imperialistic tendencies carried out by the West towards the global South within human rights discourse has been a central motivation for this research project. That is, to investigate and highlight the underlying arguments provided by advocates, commentators, and human rights activist in the call for action by the West. These, this paper argues, have been significant in shifting postcolonial Africa's perspective towards the notion of human rights in contemporary global politics. It is from this that this debate seeks to caution us against taking humanitarian discourse as we see it. As such, it encourages both advocates of human rights, scholars, and other participators to look at what is commonly termed *The Politics of Human Rights* in the international system. This research seeks to contribute towards the debate on human rights discourse and its influence in global politics, with specific attention to contemporary Africa using the case of Darfur as an exemplifying case. In interrogating the claim that the motives behind contemporary human rights movements are at times exploitative and imperialistic in nature and that the new norm of intervention that has developed in the post-Cold War era can be used to govern and arrange how the global system works, this research seeks to highlight political questions and tensions that have emerged. These, in fact, contributed towards Africa's discomfort and skepticism regarding humanitarian discourse. Academics, state actors, and policy makers have argued that human rights are informed and influenced by the dynamics in the international system. Hence, this paper maintains, they should be viewed operating within the terrain of the dominant West.

As the literature points out, this humanitarian discourse pushes a liberal agenda influenced by the West to the postcolonial world by emphasising the importance of 'universal human rights' and the right to both implement and practice interventionist policies towards the Third World. Critics argue that these interventionist policies and practices are carried out by external forces who fail to recognise and acknowledge the voice of postcolonial states, hence

the complexities with the conflict in Darfur. It is from this that a major observation by postcolonial scholars and critics of human rights in Africa maintains that in global politics, "human rights become complicit in strengthening the power of the powerful and the perpetuation of Western hegemonic structures of colonial power in the postcolonial world" (Moyn, 2010: 227). As such, it is vital to note that, looking at how humanitarian discourse has influenced postcolonial Africa's understanding of human rights, this research paper places a significant emphasis in bringing to the surface the underlying political questions and tensions in this debate. Conversely, this research contributes to making linkages between the contemporary human rights movement as influenced by the West and how this has affected the understandings and perspectives of postcolonial Africa towards human rights.

In relation to the case of Darfur (as an exemplifying case for this research), this research project maintains that as the issues of tackling crimes against humanity in other regions (example, Africa and the Middle-East) have increasingly become the subject of global attention, this has become more politically acceptable for US citizens. American discourse on race in Darfur and Sudan has positioned Americans as 'powerful saviours' located at the apex of the hierarchy of humanity (Mamdani, 2011). As such, for both critics of the human rights movement and its continued dominant discourse of human rights language, the 'Save Darfur' campaign is seen as being bound up in a neoliberal[2] agenda that is advanced by Western Powers. Importantly therefore, within this debate this research project observes that humanitarian discourse can serve to undermine the potentiality of an emancipatory transformation of the state, thus embedding the neoliberal vision as morally acceptable and

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[2] The concepts of neoliberalism in this research paper is defined with its growing influence in human rights discourse. It is observed that since end of Cold War, there has been a shift in political relations between North and South, and that within that shift human rights discourse is now inseparable. Advocated by the Western states (especially the United States and European countries) neoliberalism has influenced the international discourse on international human rights law; its morality and has become a means to an end of globalizing neoliberal democracy.

marginalising other forms of opposition politics which have become an integral part of Africa's postcolonial state.

From this debate, this research project shall contribute towards making vital observation of the issues that have forced the tensions between Africa and the West regarding the notion of human rights. Indeed, the growing discomfort among Africans with regards to the role of human rights has threatened the issues that the 1948 Universal Declaration of Human Rights sought to address. It is from this that a robust voice from a postcolonial perspective is vital. As Brown (2014:22) articulates:

> Postcolonial human rights theory has a role to play, in pointing out not only the position of those who have been marginalised or excluded by traditional approaches, but also the acknowledgement and formalisation of rights outside of the Euro-American sphere of influence.

Methodology

The investigation into this topic and the debate on the politics of human rights and humanitarian discourse relies mostly on secondary data. In essence, this paper adopts a qualitative research method, mainly using the existing literature such as books, journal articles, newspaper articles, media reports, and internet sources. Qualitative research uses meanings, concepts, and definitions to assess and understand certain cases through words, images, and description. As a method adopted in this research project, qualitative method will allow the research to approach texts by uncovering the underlying messages or arguments (Desia, 2013: 7). As indicated in the research question, a major concern for this research project has to do with the existing use of human rights language (as such human rights discourse) between the West and Postcolonial Africa (whether written, spoken, or practiced through policy implementation in international politics).

As an investigation into 'humanitarian discourse' in international politics, this research project has been influenced by Critical Discourse Analysis (CDA) and its application to the study of human rights language. CDA has been perceived as an appropriate tool for drawing attention to the inseparable character of relationships between language, power and politics (Szczepanik, 2015: 14).

As an influence to this research paper in terms of understanding 'discourse' within the human rights debate, it vital that we unpack what CDA is and to what extant does it fit in within the study of human rights in global politics. Discourse analysis is a method for studying the political meanings that inform written and spoken text. The traditional understanding of discourse analysis maintains that, this form of analysis helps us to understand and critically analyse language as a source of power, most especially within the sphere of politics. According to Dijk (1997: 1) "discourse is often associated with the use of language or public speeches that influence our way of thinking as they are mostly used in our everyday life". Within the sphere of international politics discourse, it has been argued that language (neoliberal language or human rights language) as a discourse has become increasingly important, both in academic debate and political decision making. This, in part, has been apparent at the level of institution and policy making. Djajic (2006: 3) maintains that in the contemporary, we live in the human rights era. He argues that "the frequent yet undefined use of legal concepts of human rights has enabled states to use, misuse and abuse human rights rhetoric" (Djajic, 2006: 3). In this case therefore, discourse analysis adopts the view of language as 'both a social force and a kind of political behaviour', as expressed by Corcoran (1979).

It is worth pointing out that the objective of this research paper is to examine, in a critical manner, the way in which human rights operate in global politics, with special focus on the

discourses of external interventions, influence of the Global North towards the Global South affairs and the nature of International Human Rights Law. Essentially, this research paper adopts some aspects of CDA due to the fact that it seeks to critically engaging a number of debates that have been and continue to dominate the debate amongst postcolonial scholars on global human rights regimes and Africa. Szczepanik (2015: 14) maintains that CDA:

> may serve as an analytical tool for the study of the human rights rhetoric and its most prominent concepts (i.e. 'democratisation' or 'international community') through the critical examination of political decisions, legal regulations and agendas of national and supranational political actors that take human rights as a point of reference.

Indeed, the arguments that this research paper seeks to critically reflect on, both those who advocate for human rights in Africa and those who challenge the role of human rights can be explored more with the use of CDA as an approach. Examining the notion of human rights from through this approach could reveal the politicized nature of human rights and the "hidden relations of domination of Western-centric, neo-colonial and anachronic character entangled in the human rights regime" (Szczepanik, 2015: 14).

An analysis of human rights as a discourse allows for an investigation of how political relationships are reflected through language, as language becomes the medium through which human rights are appropriated in rhetoric.

Discourse Analysis' influence in this research paper is essential, in that, it allows for a comprehensive attempt towards theorising the interconnected nature of discourse, power, ideology, and social and political phenomena as pointed out in paragraph of this section. As such, this research paper aims to shed light on the linguistic-discursive dimension of social action and would seek to reveal how the functions of language influence the way power is constructed and maintained in global politics through human rights discourse. Furthermore, it tries to investigate and understand power abuse or domination through human rights discourse, especially in the international system. This paper will pay attention to this claim to

understand the extent to which this domination influences postcolonial Africa's understanding of human rights and its role. Indeed, the 'critical' aspect of discourse analysis seeks to challenge the view of language as an essentially transparent and neutral medium.

Researchers mostly use a process which involves carefully reading a specific text and employing a series of analytical questions into a specific subject matter. As Dijk (1997) points out, these texts "are read as instances of wider discourses, moments in a pattern of meaning production where language has become relatively stable". CDA's useful technique for analysing specific uses of language and its way of understanding the relationship between discourse, power, and politics makes it a very useful method to analyse and critic the International Relations language/ or any continued rhetoric.

A critical analysis of literature/ arguments that have dominated the human rights debate therefore will be central methodological approach of this research paper. With this approach, this paper will seek to investigate the linguistic-discursive dimension of social action in international politics through the notion of human rights (Djajic, 2006: 6). This will help this research paper to make informed arguments and conclusions about the power abuse or domination of the West towards Postcolonial Africa through humanitarian discourse, especially in the international system (as articulated by Dijk, 1997). Indeed, the 'critical' aspect of analysis shall seek to challenge the view that the notion of human rights enjoys a language that is essentially transparent and neutral medium. By seeking to critical engage with a number of debates that have been/ are taking place amongst postcolonial scholars on global human rights discourse and Africa, this paper will aim at raising the major tensions and political question when it comes to postcolonial Africa's understanding of human rights.

Therefore, it important to note, in conclusion, for analysing specific uses of language or talk, and a way of understanding the relationship between discourse, power, and politics, makes it

a very useful method to analyse and critique the International Relations language/ or any continued rhetoric.

Limitations

The aim of this research project is to examine human rights discourse and its influence in international politics, especially between the West and postcolonial Africa. It seeks to argue that through human rights discourse, there are different perceptions, practices, and understandings of the notion of human rights between the two poles. Essentially, this research project uses a postcolonial perspective. It is important to note that this research project regards both (West and Postcolonial Africa) as conforming to a notion of 'humanitarianism' that has emerged rapidly in the post-Cold War era. As an important part of critical thinking, this research paper acknowledges the fact that it does not intend to belittle the essential role human rights and humanitarian intervention play in both preventing and halting gross violations of human rights. Furthermore, this research project does not aim to focus on the debate of the legality of human rights as such, but it takes up issues such as the continued involvement of the West on the internal affairs of Africa's postcolonial state and thereby imposing its neo-liberal agenda, such as good governance, democratization, liberalism and the 'War on Terror' rhetoric, with little attention and recognition of the role this plays in global politics.

As an analysis of human rights and humanitarian discourse in the post-Cold War era, this research will be restricted to a specific timeline, namely the collapse of the Soviet Union in 1991 to the present. With these limitations set, the vast majority of the literature and material to be used in the analysis of this important notion will have a clear correlation to the topic of human rights discourse/ humanitarian discourse and its development in the Post-Cold War era. They also share a common trait in their underlying theme of imperialism or post-

colonialism and hegemonic tendencies of the West regarding the promotion, practice, and implementation of human rights towards postcolonial Africa.

Chapter Outline

Chapter One: Introduction, provides an introduction on the debate and a brief introduction on the Darfur crisis. The main body of this research project will be divided into four chapters.

Chapter Two: Literature Review, gives a review of the literature regarding the debate on humanitarian discourse and the politics of human rights. This chapter also provides a theoretical framework, wherein the prominence of postcolonial thinking is central.   In **Chapter Three: Human Rights, Discourse and Power: The Case of Darfur**, the focus will be on the perspective of postcolonial Africa vs the West regarding human rights. Having conducted the review of the literature in chapter two, this chapter looks at the notion of Human Rights in World Politics and how this has portrayed the West as the Global Protector of Human Rights. Central to this is an examination of human rights as discourse and power, as such, an analysis of humanitarian discourse and postcolonial Africa's narratives within that grand debate.

Chapter Four: Human Rights, Discourse and Power: The Case of Darfur, analyses whether humanitarian discourse is shaping relations between Africa and the West in the global system, and if so how? Having conducted an investigation to this evolving nature of human rights, the chapter proceeds to analyse and examine the tension and political questions that have emerged from this.

Chapter Five: Summary, Conclusion and Recommandations, provides a summary of the main arguments presented in chapter four, and highlights the fact that the growing tensions

between the West and postcolonial Africa, with regards to human rights, cannot serve to fulfil the very issues that this notion was founded upon. As such therefore, an inclusion of the voice from postcolonial states would serve for a meaningful interrogation of the goals and methods of the human rights regime as it operates contemporary, therefore broadening our understanding of the various perspective on the notion of human rights.

Chapter Two

Literature Review

It is vital to observe that Darfur, as a central exemplary case for this research in critically analysing the debate on contemporary humanitarian discourse, provides good examples and reasons on how the notion of human rights has changed in the post-Cold War era both in policy and in practice. A critical question that has been posed by the literature towards human rights is whether they can be seen in their traditionally imagined 'quest to create a better world for all' or a new neoliberal agenda advocated and pushed by the West to have control over the global South/ developing world. This chapter seeks to build from the previous chapter, where a key argument introduced was the discomfort among scholars and policy makers with regards to the development and application of human rights discourse. Through the existing literature, this chapter will look at how human rights discourse has influenced the relationship and the understanding of human rights between North and South, more so within postcolonial Africa. Using postcolonial theory's understanding of human rights, this chapter will highlight major criticisms that have been offered by postcolonial scholars towards contemporary human rights discourse.
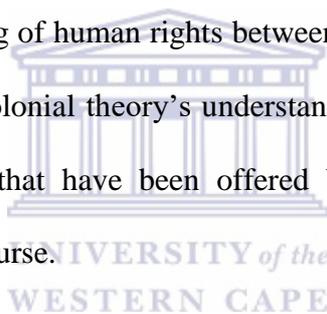
So far, the literature has offered major arguments for criticism and these have maintained that a critical analysis of contemporary human rights discourse offers a new turn in the study of human rights: a desire to link current trends in humanitarian movement and intervention to the long history of the practices in international politics (Grovogui 2004; Moyn, 2010 and Barnett, 2011). Therefore, integral to this is the need to critically reflect on the very nature and emergence of the notion of human rights. According to Catling (2012: 2), contrary to the popular shared idea about human rights, especially by its advocates and NGOs from Western countries, they "are not universal, self-evident truths, but are instead a socially constructed collection of norms that have been formed in a particular context for a specific purpose: the protection of the liberal conception of the self". This conception, the literature maintains, is

influenced by the West with its aim to both control and influence the policies and functions of the postcolonial state (especially in the African continent).

Ignatieff challenges the above shared perception about the link between human rights and the West. He maintains that critics need to look beyond the growing scepticism of the human rights project. He argues that looking at contemporary human rights movement as a sign of moral progress may seem Eurocentric (Ignatieff, 2000: 288). Yet the human rights instruments established after 1945:

> …were not a triumphant expression of European imperial self-confidence but a reflection on European nihilism and its consequences, at the end of a catastrophic world war in which European civilization very nearly destroyed itself (Ignatieff, 2000: 288).

Postcolonial critics like Mutua (2001), Grovogui (2013), Tharoor (2000) and Brown (2004) have argued that these instruments that were created after 1945 reflect the ethnocentric bias of the time. It is from this that in examining the notion of human rights discourse., post-colonialism aspires to participate in the creation of truths, "based on distinct modes of signification and forms of knowledge (or the manners of representations) that advance justice, peace, and political pluralism" (Grovogui, 2013: 249).

According to Forsythe (2000:3), the notion of human rights ensures the equality and autonomy of individuals and so seems to promise the fulfilment of the 'liberal prescription for the good society' in the global system. Ignatieff (2000: 149) observes that, human rights advocacy is valuable not due to the fact that it is founded on some transcendent truth or advances some ultimate principle. He further states that it is vital not because it is a comprehensive politics or clean of the danger of political manipulation or compromise, "but rather, simply because it is effective in limiting political violence and reducing misery" (Ignatieff, 2000: 149). Underpinning this understanding is the fact that human rights have been mapped onto disparate contexts because their universality is seen to make them

applicable to any particular situation in global politics (Forsythe 2000:219). Moyn (2012: 8) observes therefore that "human rights were born as an alternative to grand political mission, as a moral criticism of politics". The experience of extreme violence, radical evil, and atrocities has influenced a humanitarian movement (humanitarianism) in recent decades. Part of this humanitarianism movement has created conditions where "human rights have become so deeply entrenched in international politics that they are now seen as the teleological endpoint of politics, rather than a step that may be discarded as others were" (Moyn 2010:9). Hence for Mamdani (2015: 61), contemporary human rights movement takes Nuremberg as a template with which to define responsibility for mass violence.

Human Rights from a Postcolonial Perspective

For postcolonial critics, human rights in their current form are a newer concept than is generally understood, and such, despite the Universal Declaration of Human Rights (UDHR) provenance of 1948, it is only in recent decades that they have come to be so influential in the global community (Grovogui, 2006; Mutua, 2008 and Moyn, 2010). They challenge the notion that the global community shares the same belief that human rights are universal and, as such, are necessary to protect individuals from violence and abuse. Postcolonial scholars maintain that such an argument cannot be realist. According to Grovogui (2013: 249), one of the major questions that postcolonial theory seeks to ask towards the contemporary human rights discourse is "whether or not it has truly decolonized ideas about the human and ideas about rights which had been developed through centuries of colonial and capitalist domination".

In understanding the notion of human rights, postcolonial theory maintains that human rights are a cover for Western interventionism in the affairs of the developing world and that human rights are merely an instrument of Western political neo-colonialism. Advocates of human

rights have constantly challenged this perception. They have argued that there is a universal understanding that there are protections, privileges, and duties that apply to every human being and that these must be respected by any political authority legitimately exercising power over people (Hoover, 2013: 937). Indeed, the UDHR adopted in 1948 does put much emphasis of the need to hold governments into account regarding human rights but according to Rajagopal (2006: 767), the notion of human rights "has also turned out to be a core part of hegemonic international law, reinforcing pre-existing imperial tendencies in world politics".

It is from this that postcolonial critiques of the human rights seek to make claims about the influence of human rights—as ideology, institution, discourse—on the terrains of global politics. Furthermore, postcolonial theory argues for a need to frame 'counter-narratives' that may interrogate and challenge teleological concepts by revealing their history, and through this their politics and power structures (Chowdhry and Nair 2004:26). Such analysis also "opens a space in the political imaginary for different conceptions of progress, maybe even moving beyond the need to pursue it in its currently valued form" (Grovogui 2004:54). It is from this that postcolonial theory reminds us too that we must consider human rights and its discourse in specific locales and understand their effects on such details. Challenging the notion that UDHR declaration included a number of countries with a common vision for the future, Rajagopal (2006: 770) argued that this process greatly excluded the Third World countries. He points out that, the period "excluded many colonised peoples from access to full human rights, and postcolonial states maintain that it continues to do so today" (Rajagopal, 2006: 770). For example, African countries have continued to challenge the global structures, wherein the continent's voice remains oppressed by the West (Rajagopal, 2006: 767).

The claim to universal morality has created 'criteria for just Humanitarian Intervention' in other nation-states when they fail to respect human rights (Farer 2003:388), as such challenging sovereignty in a way supposedly no longer possible in the postcolonial world of states (Donnelly 1995:115). Accordingly, postcolonial critique of human rights brings our attention to the fact that peace-building as well as democratic expansionist project owes much of its legitimacy in the international community, specifically, to the use of human rights language to justify itself: "the best political system for the protection of human rights is assumed to be democracy, for example" (Howard-Hassmann 2005:1). For postcolonial Africa, it is vital to look at human rights in the global community as being conducted in an even wider context of power politics, economic history, and changing humanitarian frames. According to Barnett (2011: 29-32), this has taken place through three periods: the ages of imperial humanitarianism (1800–1945); neo-humanitarianism (1945–1989); and liberal humanitarianism (1989–present). Hence, in asking questions about the international order, international law, and morality, postcolonial questions constantly revolved around power and legitimacy in the global system (Grovogui, 2013: 249).

Therefore, a critical question that has been posed more often towards human rights is whether they (human rights) can be seen in their traditionally imagined "quest to create a better world for all" or have subsequently been employed for other means and intentions. Kinzer (2012: 2) observes that human right were "founded by idealists who wanted to make the world a better place, [but they have] in recent years become the vanguard of a new form of imperialism". He highlights that human rights have become a tool for the West:

> Wants to depose the government of a poor country with resources? Want to bash Muslims? Want to build support for American military interventions around the world? Want to undermine governments that are raising their people up from poverty because they don't conform to the tastes of upper west side intellectuals? Use human rights as your excuse! (Kinzer, 2012: 2).

This is the same observation that has been made by other critics of human rights discourse, more especially postcolonial scholars. A postcolonial critique of human rights argues that universal human rights are expressive of Western cultural particularity. It is only in recent decades that human rights have come to be so influential in the global community (Grovogui, 2006; Mutua, 2008 and Moyn, 2010). For postcolonial scholars, they should be viewed as an expression of Western interests. Furthermore, postcolonial critics argue that human rights are abstracts from differences of power through their formally egalitarian framework.

Human rights as a Western concept

Examining the notion of human rights, Brown (2014: 2) maintains that this notion came from the Euro-American historical experience, particularly through the French and American Revolutions. Therefore, there has been a growing observation from critics to see human rights as something that is fundamentally encouraged by the West in the postcolonial world (Brown, 2014: 2). Indeed, this line of argument goes on to point out that universal human rights are expressive of Western cultural particularity. Hence, the idea of rights as universally applicable is complex in that it fails to recognise the existing complexities between the North-South divide. It is from this that Langlois (2009: 19) argues that human rights therefore are inappropriate in application to other cultures. Claims based on universal human rights are therefore at risk of being a 'weapon of cultural hegemony,' (O'Byrne, 2003, 42).

Observing this humanitarian discourse in the contemporary global era, scholars have pointed out their deployment in the justification of neo-imperial interventions (Anderson, 2002; Mutua, 2002; Douzinas, 2007), their masking of a political power constituting subjects in need of political protection (Brown, 2004), and their hegemonic hold on our political imagination (Kennedy, 2002). They therefore point out that, while human rights advocates

may believe the human rights cause to be noble, in actual sense it remains a modern emissary of the "white man's burden".

Western origins of human rights and the incompatibility of its imposition are argued to prove human rights should not, and cannot, be universally applicable. It is from this that this argument against human rights highlights the fact that the West holds a powerful and an essential claim on both the function and practice of human rights in the global community. As such, critics maintain that the power to define reality is the privilege of only a certain number of countries in the Western world, and the United States holds a unique position in this respect. Accordingly, it is vital to note that the extension of the idea of human rights into the state and function of the international system (with its institutions) has occurred under the influence of Western hegemony (Mutua, 2001: 53).

Proponents and advocates of human rights, more especially from the Western countries have expressed discomfort with these observations of human rights as a global political tool for the West. They have argued that human rights discourse has become globally recognised as a response to injustice, it has become an approach in which the world thinks about this transition, the emergence, and spread of the idea of rights (Langlois, 2010; 12). Expanding from this, Langlois (2010: 12) points out that humanitarian discourse is important for the way in which we seek to justify and theorise human rights. For Wolfgang (2014: 118), in examining the notion of human rights as a Western concept, "the weaknesses of traditional foundations of human rights or the pluralism of world cultures, which is seen as incompatible with the idea of universal human rights becomes central". Indeed, human rights are political in that the type of justification given for them is determined by their political role or function in the global system and, in some sense, the global powers dynamics thereby reveal themselves as expressing Western interests (Mutua 2001: 204).

Humanitarian Discourse as Hegemonic Tool

The view that human rights are a western idea is part of an extended view that there is a colonial bias in the contemporary structure and practice of human rights. According to Belloni (2007: 453) the contemporary structure and practice sets out the global framework of humanitarian discourse in a way that it embodies the dominant West's views. As such, it can be defined to some extant as a "political, economic, and military interference in the domestic affairs of a state justified by a nascent transnational morality" (Belloni, 2007: 453). For Cech (2013: 26), humanitarian discourse is "one of the defining and most controversial features of the post-Cold War period" (Cech, 2013: 26). The major issue of the debate by postcolonial scholars and the critics of human rights discourse is that it has been determined by Western foreign policy goals rather than by the actual conditions required for principled humanitarian action. Hence, scholars observe that as the end of the Cold War resulted in the political disengagement of major powers from the geopolitical periphery, they left development and humanitarian actors as the sole representatives of the Western powers in the global South.

Further tackling the issues of human rights discourse as a hegemonic tool, Fitzpatrick and Darien-Smith (1999: 5) argue that this has become an 'instrument of occidental assertion', whereby the West judges the level of 'civilisation' in the developing world through its adherence to Western determined human rights standards. While some claim that human rights have emerged as a reaction to World War Two and the Holocaust and that they are a tool to prevent such actions reoccurring (Moyn 2010:8 and Müllerson 1997:117), critics have a contrasting view. They argue that liberal voices in the West use human rights discourse to re-imagine and understand the West reflexively, reaffirming its moral superiority (Chandler 2002:227, Grovogui 2004:53, Nair 2004:266).

From this observation, humanitarian discourse is argued as emerging from and reproducing the unequal power relationship between the West and the developing world. While proponents of the human rights discourse and advocates of human rights movement have constantly argued that the major and essential concern to advocate for human rights in the developing world relates to 'universal' liberty, dignity, and international law that recognises the individual, critics have pointed out that this essentially has to do with political, and not legal aspects, as the advocates of international justice have made out. According to Mutua (2008: 17), "human rights represent the attempted diffusion and further development at the international level of the liberal political tradition". He further articulates that this is informed by the fact that "the current universal and official human rights corpus is based on European values' (Matua, 2008: 17). Hence, in terms of influence, the international human rights law does not require western countries to change their behaviour; while (in principle) it requires massive changes in the behaviour of most non-western countries (Posner, 2014: 4).

The political and economic power imbalance between the North and the South has influenced the global system and human rights are at the centre of that relationship. African states have constantly voiced their discomfort with the global structure. They have maintained their call for the transformation of the UN and other international bodies in order:

> to address global inequities; the domineering, hypocritical, and self-serving approach of Western countries that chide and bully developing states; South-South co-operation and solidarity; and multilateralism and respect for international law in the conduct of international affairs (Nathan, 2011: 59).

From this, critics have concluded that humanitarian discourse, in its contemporary framework in the international system is used to protect the West, through criticism of the rest, to build Western sense of community and cohesion (Chandler 2002:226), although it is arguable how deliberate this effect is (Bell; Carens 2004:315). Hence, "in this way the West can see itself as a force for good in the world and its central ideologies go unquestioned in an assumption

of their universal goodness" (Barkawi; Laffey 2006:341). This justifies the protection of the postcolonial subject by a patriarchal Western gaze: imperial power is enacted in the well-meaning Western representation of the oppressed 'other' (Chowdhry; Mair 2006:16). Human rights claims and advocacies are mostly made on the behalf of this 'other', who lacks the capacity to act in their own 'best' interest, by well-meaning Western voices (Relis 2011:528).

Conversely, the 'other' is denied agency, responsibility, and potentially even humanity as they are infantilised by the perceived need to protect them (Hopgood 2000:22. Bell; Carens 2004:327). Such a perception and an understanding empower some elites while 'pacifying' the rest (Barnett; Duvall 2005:65). According to Chandler (2002:231), "speaking for the voiceless does not give them back their voice or induct them into a wider moral community", and "the continuing absence of subaltern voices in human rights discourse means that the 'other' is always spoken for and potentially over" (Relis 2011:528). As such, human rights become complicit in strengthening the power of the powerful and the perpetuation of Western hegemonic structures of colonial power in the postcolonial world (Moyn 2010: 227).

This understanding of human rights has, thus, for so long served as one of the vital bases of interaction among states in international relations. It has increasingly informed policy, and remains central to the international relations between states (Catling, 2012: 2). Due to the fact that human rights are widely understood as a universal baseline of existence that should be promoted and protected by all 'good' governments, they have prompted discomfort from the global South, the literature observes. As such, the debate on the 'politics of human rights' maintains that there are many contentious issues related to the issue of universal human rights and many ideological battlegrounds on the subject. Departing from an existing debate regarding the possible imperialistic nature humanitarian discourse, this research paper seeks to investigate whether the notion of human rights in its current form does resemble a Western

influence. This paper adopts postcolonial theory as an appropriate approach in conducting this research. As Brydon (2012: 1) articulates, postcolonial theory gives "some valuable critique of current human rights discourses and practices; some cautions about potential pitfalls; and some thinking about alternative approaches to imagining a justice that is yet to come". Therefore, a postcolonial critique will enable this dissertation to develop an analytical insight into the dominant human rights discourses, and other related critiques.

Despite the African states' own history of colonisation and of the drive for independence, the West has inserted itself and its experience into African human rights policies and practices. Behind the issue of African human rights, as pointed out by Mamdani (1990: 362), "there stand different and contradictory forces, both external and internal". From a postcolonial perspective, the most significant external force or example in the current setting of global politics is that of the United States. It is from this that for Africa, as elsewhere in the postcolonial states, human rights represent a site of contestation, whereby in some states the guarantee of rights may represent an attempt to avert revolution, and in others the battle for reform may represent the beginning of the revolution itself. Brown (2014: 19), articulate that postcolonial perspectives on human rights have created a much-needed debate regarding certain patterns of needs not addressed by the Universalist and individualist emphasis of Western-engendered human rights in the last four decades.

Conclusion

This chapter has highlighted that one of the major arguments put forward by critics of humanitarian discourse and academic is that human rights emerged and developed by the Western countries. As such, they remain Eurocentric and are therefore an expression of the West, especially the US. Even in the development after 1940s, the literature points out that human rights did not instantaneously become central to the international community policy

framework. It was only when the failures of alternative utopias, such as socialism came to the fore (Moyn 2010:8). Accordingly, therefore, the literature points out that the notion of human rights informs contemporary structure and practice of the global framework and thus embodies the dominant West's views and interests. It from this that postcolonial perspectives on human right challenges the claim to universality, exposing the hidden biases and presumptions of humanitarian discourse. Furthermore, the literature maintains that postcolonial theory draws attention to the intentional and unintentional effects of human rights as they inform interventions across the global North-South divide. Hence Slater (2007: 3) suggests that postcolonial analysis aims at challenging Western discourses of "progress, civilisation, modernisation, development, and globalisation" (164-5). The rise of human rights is at the centre of these Western discourses, as such they inform what Ignatieff (2002) calls "the dominant moral vocabulary in foreign affairs" today (cited in Schaffer & Smith: 1). Therefore, through developing a suspicion for regarding human rights discourse, postcolonial theory has pointed out that political and economic power imbalance between the North and the South has influenced the global system and human rights are at the centre of that relationship.

Chapter Three

Establishing Human Rights in a Global Setting

In chapter two, this research paper highlights some of the broader arguments against the notion of human rights in its current setting. Coming from a global perspective, postcolonial scholars such as Siba Grovogiu, Makau Mutua, and Shashi Tharoor criticise the current human rights discourse as posing a threat to the independence of the developing world political, social, and economic affairs. Furthermore, scholars such as Samuel Moyn (2010) and Balakrishnan Rajagopa (2006) have continued to highlight the historical development and advancement of human rights as both uneven and reflecting the different perspective shared by the North-South divide. Hence, chapter two offered an insight into the existing debates regarding contemporary human rights discourse. Indeed, Grovogui (2007: 1) puts it simply when he observes that, contemporary scepticism about the idea of human rights emerged from two distinct but often convergent source. He argues that one is a cultural relativism, which pose as a guardian of communal autonomy or authenticity, and secondly, the historical-philosophical rejection of the inherent and exclusive universality of Western conceptions of human rights.
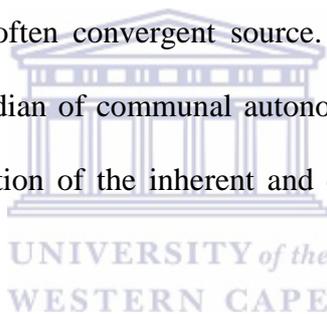
In advancing this research paper's argument, this chapter will address the dominant criticism and skepticism regarding human rights discourse towards postcolonial Africa, especially in the post-Cold War era. During this period, the Western countries have rephrased human rights into the developing South in relation to issues of democratisation, development, and the policies of the 'War on Terror'. Critics argue that the dominant idea, which portrays the West as the agent of human rights and humanitarian intervention in global politics, needs to be challenged. For Sen (2004: 316), this Western interventionist perspective and ideology has been advanced by the advocates of human rights. He argues, advocates of human rights have "frequently link(ed) the possibility and admissibility of human rights to Western political systems, social institutions, and constitutional orders or their likenesses" (Sen, 2004: 316). It is vital, then, to observe that there has been a growing attempt by postcolonial scholar to

provide counter-discourses and a critical analysis of the dominant theory and practice of human rights and correct some of its inherent flaws as advanced by the West.

Africa and the Politics of Human Rights

The debate around human rights discourse deals with many issues around the notion of human rights, from theory, policy into practice. The general overview in this debate rests on the differences among the North-South divide/ Western and non-Western societies. Contemporary skepticism of human rights in postcolonial Africa has been around the issue of cultural imperialism, use, and (mis)use of human rights for hegemonic goals and use of human rights institutions for the service of Western global political agendas. It is from this that Tharoor (1999/ 2000: 3) argues that, "the concept of human rights is really a cover for Western interventionism in the affairs of the developing world and that human rights are instruments of Western political neo-colonialism". Such arguments have been advanced in challenge of contemporary human rights discourse. Central to this challenge, the African continent has constantly voiced its discontent regarding the use of human rights institutions, doctrines, and treaties to target the continent (Nascimento and Simão, 2014: 1). According to Nascimento and Simão (2014: 1), the African continent has found itself at the periphery of global politics, with Western actors, both state and non-state, maintaining dominance.

The fundamental critique of human rights discourse from postcolonial Africa has been that, this global setting seems to fulfil the agenda of Western countries. According to Nascimento and Simão (2014: 1), this critique maintains that part of the reason why the legitimacy of human rights and democracy has been eroded is the instrumental use of these norms by western powers to justify the use of coercive means to maintain international dominance. In this context, postcolonial states argue that even the international institutions and human rights doctrines are created with an agenda to influence the affairs of the postcolonial state. It is

from this that African leaders continue to raise their voices for the inclusion and the recognition of Africa in broader global politics (Ndlovu-Gatsheni, 2007: 6). At the centre of these voices has been the claim of double standards in the authorisation of humanitarian interventions and the promotion of democracy through armed intervention (Bellamy, 2005: 32). In this case, the perception is that human rights have been used as instruments for hegemonic goals of the West (Bellamy, 2005: 32-35).

The discussion on human rights discourse as cultural imperialism in the literature has been framed as an extension of Western hegemony in the post-Cold War era. The understanding is that, through the discourse of human rights, the West, especially the United States, has adopted a foreign policy attitude that seeks to create universal human rights as espoused by Western values. According to Mutua (2002), there is a problem with the deployment of human rights in postcolonial states by global powers from the North. For Mutua (2002: 12), human rights are often deployed in a way that seems to fall within the historical continuum of the Eurocentric colonial project, in which actors are cast into superior and subordinate positions. Western countries often fail to recognise that the world has different societies, regions, and countries which bare different cultural values. By advancing its neoliberal agenda through human rights discourse, the North has faced many backlashes from postcolonial Africa. Kasambala (2014: 1) notes that even the work of non-governmental organisations (NGOs) and independent media across Africa is under threat because of the backlash from African leaders against the imposition of 'Western' ideas of human rights.

The dominant discourse advanced by Western human rights activists, scholars, and policy practitioners towards post-Cold War Africa is that of political violence that is seen as human rights crisis, with civilians as victims of human rights abuses (Branch, 2011: 19). According to Branch (2011: 19), this post-Cold War Africa is perceived by the West as being made up

of a weak state that is failing to protect its civilians, or criminal state that is unwilling to protect these civilians or preys upon them itself. Drawing from this, the dominant narrative, with regards to human rights discourse, has been that Western countries have an obligation to intervene in the affairs of this weak state in order to prevent human rights violations and tackle political violence. According to Grovogui (2007: 5), these perceptions have:

> provided Western states and their constituencies (this includes human rights activists) with the legitimacy and authority to authoritatively determine the extent of human rights violation and thus to define the form of intervention required in any context to rectify the conditions of abuses.

In the context of postcolonial Africa in the post-Cold War period, the discourse of human rights has become an increasingly contested terrain, as this research paper has highlighted in previous chapters. Grovogui (2007: 1) points out that in global politics, human rights discourse has become more attractive to activists and policy-makers. He points out that activists and policy makers view the discourse of human rights as a "deterrent against the proliferation of political violence" (Grovogui, 2007: 1). Grovogui further states that, this perception and practice by the Western activists and policy makers is often met with scepticism and criticism regarding the validity of the very idea of human rights (Grovogui, 2007: 1). Indeed, contemporary debate in postcolonial Africa resides around the necessity to question human rights doctrines and the human rights institutions. Postcolonial scholars are concerned about the very nature of human rights, its development, and practice in relation to the African continent, particularly in the post-Cold War era.

Keeping International Hegemony: Postcolonial Africa as a Terrain for Human Rights Discourse

The domination of the Western powers and the continued effort to ignore the voices from the Global South by advocates of human rights has reinforced and validated the view of human rights critics and sceptics. This has seen the promotion of human rights norms become unpopular and questionable in the post-Cold War era, especially in Africa. According to Nascimento and Simão (2014: 1):

> after a booming normative agenda, sponsoring a rule-based international order reached its apex in the immediate post-Cold War context, liberal principles of human rights and democracy have increasingly been under strong criticism and scepticism.

Critics have argued that contemporary human rights discourse raise the spectre of the return to an 'imperial' international law which legitimates the exercise of raw power by Western countries (Rajagopal, 2006: 768). This has influenced an increasingly common perception that international human rights law is a neoliberal phenomenon, more so in postcolonial Africa.

Postcolonial perspectives on human rights have maintained that human rights discourse is dominated by Western-grounded views, which have ignored or denigrated other rights, beliefs, and practices. This has been argued to dominate the human rights discourse in the post-Cold War era. Mutua (1996: 356) observes that the post-cold war era has "witnessed a highly topical subject of human rights in Africa among the western countries". He argues that, "this is due to the emphasis placed by these industrial democracies on the post-war formulation of human rights and the universalisation of its norms" (Mutua, 1996: 356). For Grovogui (2012: 7), the post-Cold War humanitarian law has given legitimacy to the Western countries "to kill the enemy of the human on behalf of humanity by insertion of a so-called responsibility to protect as 'right' of hegemonic powers to intervene alongside their will to dominate" (Grovogui, 2012: 7). Hence, from this, it is pivotal to note that the world has been shaped in such a way that the developing world remains influenced by the dominant North. Under this contemporary global setting, Mutua (1996: 357) observes that both the United

States and European Union have built human rights considerations into their foreign policy frameworks.

According to Richmond (2014: 1), while "human rights and general prosperity tend to be an aspiration for all, liberal peace/ neo-liberal state model has lost much of its attractiveness and even suitability". Postcolonial critics have maintained that the neoliberal agenda, advocated by powerful states, has ignored the issue of inequality in the global system. The fact of the matter is that human rights discourse has continued to be used towards postcolonial states in order to advocate development and democratisation. Consequently, the human rights movement has been caught up within this global hegemonic system. Hence, critics observe that both the human rights movement and humanitarian discourse "reflects the hegemonic values and the political, economic and geo-strategic needs of Western states" (Chandler, 2010: 139).
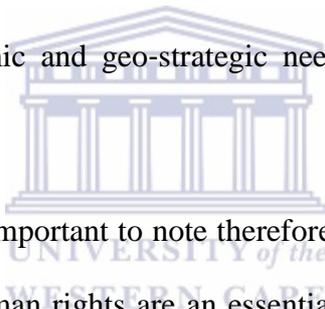
From the above discussion, it is important to note therefore that, as Sashi Tharoor eloquently puts it, "the issue of whether human rights are an essentially Western concept, ignoring the very different cultural, economic, and political realities of the other parts of the world cannot simply be dismissed" (Tharoor, 2000: 1). Despite the noble act of the West, in its contribution towards fighting human rights abuses in the developing world, the dominant Western human rights discourse is losing legitimacy. This relates mostly to postcolonial Africa. According to Pourzand (2012, 2), "this is due to the failure of human rights advocates to assess the repercussions of their call to Western powers to take immediate action against human rights violations". He argued that "all too often the response of Western powers is military intervention" (Pourzand, 2012: 2). Indeed, this is highlighted by Mamdani (2009: 15) when he argues that in the case of Darfur. The call for military intervention by the Save Darfur Campaign (SDC), particularly by a Western force reemphasised the dominant perception in

the global community that Africa can only be saved by the Western countries. In addressing these issues, Hopgood (2013: 16) maintains that "something significant must change about human rights discourse and practice for it to remain relevant as a means to reduce suffering and deliver justice".

So far, the dominant postcolonial critique of human rights discourse within Africa has been the view that human rights are an excuse for the exercise of power in the form of interventions in postcolonial states in the continent. This perception has largely focused on the fact that human rights discourse reflects diverse conceptions of liberal democracy and is Eurocentric in its origin and general orientation (Mutunga, 2015: 68). The focus for postcolonial critique according to Rajagopal (2012: 177) has been on modern international law. He argued that postcolonial scholars have been concerned with the charge that modern international law is a Eurocentric regime, which has helped to erect and defend a world of deep injustice characterised by violence, exploitation, and inequality (Rajagopal, 2012: 177). In postcolonial Africa, human rights discourse has created a new form of imperialism, where institutions like the ICC are seen as a Western imperial master exercising imperial power over African subjects (Tladi, 2009: 58). It emerges therefore that, these institutions created under the notion of human rights and international law "forces us to confront the question, whose international law is this new international law that has generated so much excitement" (Tladi, 2009: 58).

Postcolonial Africa has constantly challenged the global imbalance of power, more between North and South. African countries have always challenged human rights institutions, NGOs and even the UN. Relating to South Africa's reluctance to agree with the UN and Western countries on Sudan and Darfur, Nathan (2009: 58) argued that this is part of an anti-imperialist perception held by Pretoria. He argued that South Africa "regards the international

human rights arena as one of the sites of struggle between the North and the South". Nathan (2009: 5) highlights how South African diplomats in the UN see the current human rights discourse as a platform where developed and developing countries are locked in a 'Cold War' on the correct approach to human rights. From this it emerges that the notion of human rights towards postcolonial Africa has been welcomed by much controversy and criticism. In this area of human rights criticism, Shivji argued that "human rights talk constitutes one of the main elements in the ideological armoury of imperialism". Postcolonial scholars associate this with the legacy of the Cold War and its impact on the human rights discourse (Mutunga, 2015: 68).

Global Human Rights Structure: Understanding the Divisions between Africa and the West

According to Mamdani (2011), the United States has employed human rights discourse in support of its goals. He points out that, its armed interventions during the Cold War were based on the fight against the spread of communism (Mamdani, 2011). He argues that contemporary doctrines under the notion of human rights, such as the 'Responsivity to Protect' (R2P), have the functional purpose of enabling the West to intervene in African affairs whenever and wherever it suits its interests (Mamdani, 2011). Mamdani (2011: 3) points out that, "in the past decade, Western powers have created a political and legal infrastructure for intervention in otherwise independent countries". Central to such infrastructure are two institutions, the United Nations Security Council (UNSC) and the International Criminal Court (ICC) (Bellamy, 2015: 161). Postcolonial scholars have maintained then that these institutions, created by the West to fulfil its interests, work politically, that is, selectively. To that extent, neither works in the interest of creating a rule of law (Bellamy, 2015: 162).

The international human rights movement in the post-Cold War era has had a limited normative and institutional influence towards the developing world. There has been an emerging debate regarding the role of international human rights institutions and international justice structure. The ICC, Humanitarian Intervention, and the R2P have been the most criticised global structures that have emerged in the post-Cold War era and post 9/11 period. In a string of decisions from 2008-2016, the African Union (AU) Assembly has criticised some of the ICC's prosecutions and investigations. The AU has constantly challenged and questioned the role of the human rights regime. Through the global structure dominated by the West, postcolonial Africa has maintained that the notion of human rights continues to be a questionable notion in global politics. The AU's 2009 decision on ICC and the Sudanese President, Omar Hassan Al Bashir, stands to reaffirm this position. The decision taken by AU member states was that they would not cooperate with the ICC in the execution of the arrest warrant issued against President Al Bashir. According to Tladi (2009: 57- 58), "this decision raises a number of critical questions about the direction of international law and international law-making from both a normative and an institutional perspective". Tladi (2009: 58) points out that "from a purely institutional perspective, the decision raises questions about the relationship between the AU and the UN". Furthermore, it poses a question on the relationship between the AU and international organisations on broader international issues (Tladi, 2009: 58). Whilst on the other side, from a more normative perspective, the decision raises questions about the reality of a new value-based international law (Tladi, 2009: 58). According to Tladi (2009: 58) this value-based international law is centred on the protection of humanity and human rights. As such, a major challenge it faces is whether such a new international law can escape accusations of neo-imperialism (Tladi, 2009: 58). Indeed, postcolonial Africa has constantly challenged the notion of human rights as applied in the continent. The AU member states remain unconvinced by the so-called 'New World Order',

where all states are equal. For postcolonial states, the international human rights arena is a site of struggle between the North and the South. Viewed from this position, human rights discourse in postcolonial Africa's perspective is that of a post-imperial discourse that is dominated by the Western countries.

In building their argument and criticism, postcolonial scholars argue that contemporary human rights discourse is informed by neo-colonial and imperialist global hegemonic structure, where the West remains a dominant force to set the agenda. As Brown (2014, 18) points out, postcolonial criticism of human rights discourse in Africa maintains that the notion of human rights in the continent is informed by both the colonial and postcolonial period. He argued that, for postcolonial critics:

> post-war independence took place against the background of rivalry between the two-main former colonial powers, France and Britain, for continued access to the continent's resources, and of the entrance of the United States as it sought to block Soviet influence on the newly independent states (Brown, 2014: 18).

As such, at the centre of both these periods of history, the notion of human rights came to the centre stage of the relations between Africa and the global North. Therefore, human rights protection is seen by postcolonial scholars as a Western construct created in the past to justify colonialism and in the present to block development goals (Brown, 2014: 17).

As a foundation for chapter four, it is essential to engage postcolonial scholarship on human rights discourse in Africa in the post-Cold War era. The arguments put forth by critics and sceptics of international human rights discourse in the post-Cold War and post 9/11 are embedded within the dominant narrative of the conflict in Darfur. As stated in chapter one, this narrative has been dominated by Western countries, in particular the US. In relation to Darfur, Rohe (2010: 7) argues that this discourse "focused on mobilising advocacy campaigns, [and] led to years of hyped-up rhetoric and attention by Washington with regards to Darfur". It is this rhetoric that critics of contemporary human rights discourse in Africa

point out as presenting an imperial and neo-colonial tendency carried by the West towards the postcolonial state in Africa. Reho (2010: 7) argues that:

> much of US policy and many of the official statements regarding the Darfur crisis have been influenced by the widespread public awareness of the crisis thanks to the activism carried out by an influential and extensive coalition of US civil society organisations, especially since 2004.

According to Mamdani (2009, 23), "while the mobilization did have the salutary effect of raising awareness about an issue otherwise unknown to the majority of US citizens, its privileging of acting over knowing renders this less meaningful". It is from this that postcolonial critics maintain that contestation and resistance towards contemporary human rights discourse is vital and that there is a need to challenge the current human rights movement (Ndlovu-Gatsheni, 2007: 3).

Contemporary critics of the discourse of human rights in African postcolonial state, like Mahmood Mamdani (2009) and Adam Branch (2011), have argued that this has created a condition where the West sets the agenda of what is to be done with human rights challenges facing the postcolonial states in Africa. According to Branch (2009: 1), while there are differences between the case of Northern Uganda and Darfur, both these cases are crucial and can provide vital insight into the relation between Western intervention, human rights, the War on Terror, and the African state in contemporary global politics. This relationship is informed by the growing discourse where the West, particularly the US, is the one that can address human rights issues in postcolonial African state. Mamdani (2009) and Branch (2009) warn against this coercive interventionism discourse that characterises the West's approach to human rights issues in Africa. According to Branch (2009: 3), this new approach to human rights (some scholars term it as the New Humanitarian Order) has had detrimental consequences for democracy, self-determination, and peace in the postcolonial state.

The case of Northern Uganda and Darfur represent a certain aspect where the discourse of human rights has been adopted by the West in an attempt to enforce certain rules and policies towards the postcolonial state in Africa. Branch and Mamdani share the same sentiments in terms of the role of human rights in advancing the domination of the West over Africa through policy and practice. Their only difference is that, for Mamdani (2009), moral categories of human rights have been adopted by the West and deployed so as to reject postcolonial African state sovereignty in the name of human rights for Africans. He argues that this is either aimed at protecting those rights through military intervention (R2P) or enforcing them through legal intervention (ICC) (Mamdani, 2009). According to Mamdani (2009: 66) the dominant moral language of international politics, the US War on Terror, has been adopted by the West in its quest for the recolonisation of Africa.

For Branch (2009, 4), contemporary discourse of human rights does take the dimension that Mamdani is arguing, where there is a divide between Africa and the West. According to Branch (2009), the existing contestation in this divide is the continued interference and dominance of the West in African issues through the language of human rights and where human rights are put above postcolonial Africa's state sovereignty. Yet Branch (2009) points out that it is essential to also observe the fact that there is another dimension. He argues that here, the West claims to support state sovereignty, and in this case, state sovereignty is redefined as state capacity in the name of human rights (Branch, 2009: 5). Dividing Africa itself, Branch (2009: 5) points out that:

> those African states that are favoured by the West tend to be labelled human rights protectors, allies in the War on Terror, responsible, and thus deserving support, while those that are out of favour are labelled human rights violators, terrorist sponsors, failed, and meriting international coercion.

Hence for Branch (2009), unlike Darfur which is viewed as place of 'genocide', human rights violations and political violence, Uganda is a beneficiary of both the human rights discourse and the War on Terror.

According to Branch (2009: 4), the rebel group Lord's Resistance Army (LRA) are internationally perceived as human rights abusers and regarded as terrorists by the United States. The Ugandan government is portrayed as "the protector of its civilian population and a key ally in the War on Terror" (Branch, 2009: 4). As a result, Branch (2009: 4) argues that "the Ugandan state is not demonised as rogue or failed, as is Sudan, but is lauded for exercising its sovereignty responsibly, and thus deserving international assistance". For Branch (2009), it is essential to observe that human rights discourse serves two purposes, one where the West acts in an interventionist behaviour and perceives certain postcolonial countries in Africa as rogue and failed state that practice human rights abuses. The other where postcolonial states in Africa who are Western allies are perceived as responsible sovereign countries that are attacked by rebels and terror groups and therefore need international assistance. Acting under the dominant language of international community, the West has used the discourse of human rights to control and influence the state of affairs in postcolonial Africa, this is more prominent in the post-Cold War era.

In concluding his analysis, Branch (2009: 5) highlights the fact that there is a danger inherent in promoting state security capacity in the name of human rights or the War on Terror. He argues that through claiming these forms of absolute moral justification, "Western donors and African states refuse to be subject to criticism or accountability in terms of what the support is used for or what consequences it leads to" (Branch, 2009: 5). According to Branch (2009: 5), the postcolonial "African state's legitimacy is to be measured not democratically by its own people, but by its conformity to moral standards as judged by those Western states that

claim the title of the international community". He contends, therefore, that human rights and the War on Terror provide convenient covers for the US to pursue its political agenda in the region and for Uganda and other states to use external assistance to boost their powers of repression (Branch, 2009: 6).

Therefore, in attempting to analyse human rights discourse and its politics, it is vital to observe that postcolonial Africa's understanding and resistance to this reveals certain demands for the reconfiguration of global power relations between the West and Africa. According to Krenčeyová, (2013: 161), postcolonial Africa's discontent and criticism of human rights discourse should be understood through three different dimensions. The first one stresses the need for change in the global power relations as the condition not only for change of Africa's global role, but for the implementation of human rights themselves in Africa. The second one sees human rights as constructed instrument for this reversal of global power relations, where actors are equally in the international system. Postcolonial scholars maintained that this aspect has not materialised thus far. The third line of argumentation maintains that human rights themselves are weapons of the West, used to subjugate Africa as a global political actor in international affairs (Krenčeyová, 2013: 161). It is no wonder then, that there is a growing discontent about the notion of human rights in Africa, as applied and practiced by the West through institutions and doctrines which postcolonial scholars believe to be the key instrument of the West. Indeed, it is vital to observe Cobbah's assertion that

> Africans have not attempted in any real sense to articulate for the international human rights community an African sense of human dignity or perhaps human rights, one that flows from an African perspective on the self and one that perhaps the rest of the international community can also use (Cabbah, 1987: 310).

Conclusion

This chapter has dealt with human rights discourse as it relates to postcolonial Africa within the global system. It has pointed out that this discourse has created both controversies and

contestations regarding the understating of human rights between postcolonial Africa and the West. Critically, this chapter has pointed out that the concern for postcolonial scholar's rests on many strands, from challenging the notion of universal human rights to pointing out the political use of human rights by Western countries. Furthermore, as a terrain of much heated debate, postcolonial critics have argued that until international human rights and international law changes its course, it shall remain regarded as a neo-colonial and imperialist instrument set to influence the implementation of Western interests in Africa.

Building from this observation, the following chapter will deal with the case of Darfur as an example of how human rights discourse has been crucial in informing certain responses to political violence and human rights abuses in Africa. Crucial to this will be the analysis of the extent to which this discourse has resulted to the different understandings and perceptions regarding human rights, from a postcolonial Africa's point of view. As argued in previous chapters, this research paper's contention is that, while human rights remain an important aspect of contemporary international affairs, the discourse that informs it has remained uneven, treating the West as superior to others and allowing itself to be used as a tool for foreign policy objectives of the Western countries. From this, it emerges therefore that the response from postcolonial Africa has been a sceptical and critical perception of the notion of human rights and its objectives as scholars such as Mamdani, Branch, Mutua and Grovogui have pointed out.

Chapter Four

Human Rights, Discourse and Power: The Case of Darfur

Having worked through all these prominent arguments and criticisms against human rights discourse towards postcolonial Africa, this chapter seeks to use the case of the Darfur Crisis as an example of how Western actors continue to influence the global political agenda through the notion of human rights. In chapter one, this research paper highlighted Critical Discourse Analysis and Postcolonial perspectives of human rights as essential methodological approaches in examining the research question. This chapter seeks to look at the case of Darfur as an example of how the global human rights discourse and international justice is influenced by the magnitude of Western hegemony. Furthermore, is seeks to show that this dominant discourse has affect how human rights, as a notion and practice, is perceived by Africa currently. Indeed, through the case of Darfur, this chapter shall point out how this discourse has resulted to scepticism and criticism of global human rights institutions like the UN and ICC.

According to Mamdani (2009: 276), the collapse of the Soviet Union brought about a new "systematic shift" in international politics. Mamdani (2009: 276) notes that such a shift signalled "an international humanitarian order that promises to hold state sovereignty accountable to international 'human rights' standards". He points out that there is nothing entirely new to this international humanitarian order; rather, "it draws on the history of modern western colonialism" (Mamdani, 2009: 276). Conversely, previous chapters highlighted the importance of Critical Discourse Analysis and Postcolonial perspectives on human rights as the fundamental instruments of analysing the case of Darfur in relation to the continued human rights discourse towards the African continent. Essentially, the central argument, thus far, has been that human rights discourse in the post-Cold War era has been

informed by hegemonic application and is driven by the power of dominant Western states and international institutions.

Darfur is Sudan's largest region, situated on its western border with Libya, Chad, and the Central African Republic. The region has been engulfed in a deadly conflict since 2003, when the Sudan Liberation Movement (SLM) and Justice and Equality Movement (JEM) rebel groups began fighting the central government of Sudan. The conflict, which began in February 2003, is also one of the most complex conflicts in the world. Darfur has suffered from three overlapping circles of conflict. First and foremost, there is the six-year-old war between the Darfur rebel movements and the government, which is part of the breakdown between Sudan's centre in Khartoum, which controls wealth and political power and the marginalised peripheries. Secondly, there are localised conflicts, primarily centred on land tensions between sedentary and nomadic tribes. Finally, the Darfur conflict has triggered a proxy war that Chad and Sudan are fighting by hosting and supporting the other's rebel groups. International interests have added to the difficulty in resolving the conflict (International Media Support, 2009).

The 2003 crisis started when the SLA (Sudan Liberation Army) and JEM (Justice and Equality Movement), launched raids against Sudanese government installations in the region. According to the International Media Support Report (2009), these rebel groups argued that they wanted greater representation for Darfur in peace talks between North and South Sudan. Accoring to the International Media Report, these groups represent primarily agrarian farmers who are mostly non-Arab black African Muslims from several different tribes (International Media Support, 2009). In response, the government mounted both a conventional military response (mostly in the form of aerial bombardment) and the mobilisation of local militias, drawn mainly from herder populations which have come to be known as the Janjaweed

(International Media Support, 2009). The word, an Arabic colloquialism, means "a man with a gun on a horse." Janjaweed militiamen are primarily members of nomadic "Arab" tribes who've long been at odds with Darfur's settled "African" farmers, who are darker-skinned (Koerner, 2005). There have been claims by international observers, international aid workers, and victims that the Janjaweed are enjoying the assistance of the Sudanese government, but the Khartoum government has strongly denied offering any support to the Janjaweed.

The United Nations (UN) and other humanitarian organisations have described the crisis in Darfur as one of the world's worst humanitarian crisis. In its 2005 Report, the UN said that the conflict revolves around "tribal feuds resulting from desertification, the availability of modern weapons, and the … deep layers relating to identity, governance, and the emergence of armed rebel movements which enjoy popular support amongst certain tribes" (UN Report, 2005). The report argued that these issues are playing a major role in shaping the Darfur crisis. As such, securing lasting peace in the region has been elusive, with many involved in intervention efforts differing in theirs on the nature of the conflict and what is an appropriate course of action that needs to be taken.

As indicated in chapter one, the importance of the Darfur crisis within the general debate, that this research paper advances, comes from the fact that human rights activists in the West (especially the Save Darfur Movement) adopted a discourse that reinforces the hegemonic use of the human rights language. According to Hassan (2010: 20):

> Western discourse – and in particular American discourse – promote[d] a collection of myths and claims that fail the test of reality. It encourages theories such as ethnic cleansing, forced migration and racial divisions between Arabs and Africans, which is a form of propaganda warfare in all its forms and shapes.

Indeed, more often, human rights activists who are aware of the Western countries reliance on the language of rights for global action, try to figure out ways to lay claim to the same

ideals of dignity and protection of vulnerable developing world citizens. Hence for Abdul (2012: 2), human rights activists on the Darfur crisis were very ambitious in this. He argues that they used the genocide narrative due to its power to compel Western governments to intervene. "Once they have taken on this narrative, they have no choice but to demand regime change" (Abdul, 2012: 2). The call for military intervention by the Save Darfur Movement and the backlash it faced from postcolonial scholars and African states is critical in understanding the role of human rights discourse towards postcolonial Africa.

Mamdani on Darfur

In his book, *Saviors and Survivors Darfur, Politics, and the War on Terror* (2009), Mahmood Mamdani provides a robust and provocative debate on the call for intervention in Darfur. He sets his sight on the role of the human rights organisation, the Save Darfur Coalition and criticises its analysis of the nature of the conflict and what necessary measures must be taken and by whom. Mamdani's main concerns, regarding how the global community sees Darfur conflict, are to do with the Arabs (outsiders) versus the Africans (indigenous) analysis as the main driver of the conflict (Mamdani, 2009: 34). According to Mamdani (2009, 39) the global discourse on Darfur maintains that what makes the conflict different from other conflicts in postcolonial Africa is race, with the conflict there pitting 'Arabs' against 'black Africans'. He criticises this, and argues that this not the case, rather to roots of the conflict are colonial, political, and economic (Mamdani, 2009: 39). Essentially, the effects of drought conditions at the time (2003) were filtered through colonially crafted institutions (Mamdani, 2009: 14). The Darfur crisis took place along two axes, "each pit tribes looking for land (a homeland) against those with land" (Mamdani, 2009: 14). According to Mamdani (2009: 14), "the difference was that whereas the adversary tribes along the north-south axis were usually 'Arab' and 'non-Arab,' those along the south-south axis were 'Arab' on both sides".

Therefore, what the Save Darfur movement did, together with the Western media. had the effect of obscuring the South-South axis in the conflict so as to present the violence as genocide unleashed by "Arab" perpetrators against 'African' victims (Mamdani, 2009: 14). It is from this that Biddolph (2016: 6) sees the work of Save Darfur Coalition, and the general discourse of human rights through this international discourse of 'Arab' perpetrators against 'African' victims, as reducing the Darfur population into suffering victims in need of Western assistance and intervention. Indeed, such an attempt to get the attention of the West has created a lot of scepticism and discomfort among postcolonial states in Africa, regarding the relationship between human rights discourse and Western hegemony.

Mamdani (2009) points out that, the approach adopted by the Save Darfur movement and Western media became detached and unaccountable. Its aim to attract the attention of the US resulted in its ignorance of the nature of the conflict and the necessary response needed. It is from that Mamdani (2009) argues that the AU had a better approach and understanding of what needed to be done. He argues that the AU had a "moral fervor with a political vision" (Mamdani, 2009: 39). According to Mamdani (2009: 39), the "African Union did not see its work in Darfur as a purely humanitarian intervention from the outside but as one guided by humanitarian *and* political objectives". Hence, he criticises the global discourse on Darfur crisis, arguing that it under-acknowledged and disapproved the role of Africa and African institutions in responding to the crisis (Mamdani, 2009). Comparing the work of Save Darfur Coalition and to that of the AU, Mamdani (2009: 39), maintains that the AU was able to radically reduce deaths from political violence through its humanitarian and political approach, but the contribution of International Non-governmental Organisations (INGOs) has been globally celebrated, while the work of the African Union has been almost universally derided (Mamdani, 2009: 38). Mamdani (2009) appreciates how the AU responded with the knowledge and tools it had, which are moral condemnation, political engagement, and human

resources on the ground. African states and the AU were engaged in negotiating a ceasefire, demanding an end to the atrocities and sending a mission of ceasefire monitors (Abdul, 2012). This is in contrast to what the Save Darfur movement advocated for, as such it undermined the vision of postcolonial Africa and reemphasised the shared perception that, it is only the 'West' that can intervene on issues of human rights. It is from this that Mamdani (2009: 334) warns of this emphasis on big powers as the enforcers of rights internationally, which points out that it is increasingly being twinned with an emphasis on the same big powers as enforcers of justice internationally. Therefore, the tension between Western countries and postcolonial Africa is well informed within this discourse. The ultimate result is then the formation an uneven relationship and disagreements between North and South on what are necessary solutions to conflicts in Africa. This game of global politics leaves behind vulnerable populations in danger of encountering more political violence and human rights abuses.
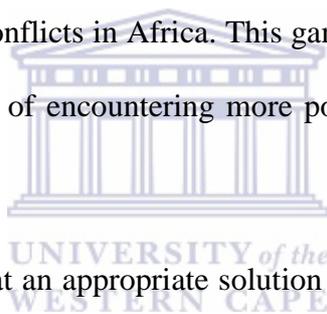
For Mamdani, in order to arrive at an appropriate solution for the crisis in Darfur, the global community needed to recognise the importance of politics. He argues that African states took a much more robust stand than they have been credited for achieving (Mamdani, 2009). According to Mamdani (2009), if the work of the Save Darfur movement had ignored the simplified lens of good and evil in the Darfur crisis and looked at it from the lens of politics, it would have had significance. According to Abdul (2012), the labels 'genocide' and 'criminal' are tools in the political lexicon and not the anchor for analysis. He argues that, internationally, the entire narrative of "Darfur" has been framed within a depoliticised 'good' vs 'evil' (Abdul, 2012). Essentially, this narrative is part of the global human rights discourse which has become instrumental in dividing the world into the 'humanity that suffers' and the 'humanity that saves'. Thus, I'Anson and Pfeifer (2013: 49) warn that through this simplification that ignores the role of Africa in global human rights discourse, "celebrities,

governments, and organisations that do not consider 'the actual wants, needs, and desires' of Africans perpetuate this narrative of a 'chaotic' Africa replete with victims in need of rescue by White saviours". Indeed, Biddolph (2016: 8) concludes that by simplifying and depoliticising issues in Africa through the discourse of human rights, the human rights regime reproduces and ensures order by reinforcing saviour/victim and North/South hierarchies. Darfur crisis has been the case, where the Save Darfur movement sought to appeal to the West and ignore if not undermined the role of African state and the African Union.

In challenging the dominant discourse on Darfur and what is crucial in addressing the conflict, Mamdani (2009) proposes a political reform. For him, Sudan should change the way it conducts its politics and this requires a political struggle and redefinition of the issues to creating a new dispensation for the whole of Sudan (Mamdani, 2009). According to Mamdani (2009), reforming Darfur politics is necessary due to the fact that the issue of justice does not exist in the abstract. "Justice exists within a political order and, unless the political framework allows it, justice cannot be done" (Mamdani, 2009: 325). He argues that it is only when the configuration of the political space is changed that justice will be served in Darfur and the wider Sudan (Mamdani, 2009).

In his criticism of the movement, Mamdani (2009) argues that Save Darfur Coalition's characterisation of the conflict and its call for international intervention is misplaced. He argues that SDC reported fictional mortality data to support its claim of genocide in Darfur in its call for military intervention (Mamdani, 2009: 34). By ignoring what was happening on the ground and the necessary intervention, the SDC produced a narrative that reduced suffering to immediate causes, exacerbated existing divisions within Darfur, and framed populations in ways which elicit the 'militarisation of Africa' by the Western world (Mamdani, 2009: 39 and Daley, 2013: 382). Furthermore, labelling Darfur crisis as

'genocide' was effective for activists as appealed to Western citizens who assume that their governments bare the responsibility to defend human rights (Mamdani, 2009: 34-39). Examining the role of human rights advocacy and the 'War on Terror' discourse, Jahren (2013: 27) points out that "members of the general public are in general sensitive to accounts of human rights abuses, and it would seem this typically evokes sympathy and support for the war [on Terror] effort".

For this paper, the unacknowledged and under-appreciated role of Africa and African institutions in responding to the crisis in Darfur reinforces the same sentiment regarding the politics of human rights and its discourse. While Western activists focused on the more appealing phrases such as 'worst human crisis', 'worst crime against humanity in the 21st century', and 'human tragedy', the reality on the ground was different. The importance of politics in resolving the crisis in Darfur has been critical due to multidimensional issues of the conflict, which include ethnic, tribal, cultural, political, and economic aspects, as highlighted above.

Essentially then, the Darfur crisis and its multitude of diplomatic initiatives from different organisations and states revealed a gap between narratives and practices as informed by the dominant Western human rights discourse in global politics (Abdul, 2012: 1). Used in this context in this research paper, the case reveals the underlying tensions between postcolonial Africa and the international community (especially the United States) regarding the role of human rights in post-Cold War and post 9/11 period. It emerges then that the promotion of this 'new humanitarianism' has divided the humanitarian community. According to Okeke (2011: 7), the 'New humanitarianism' is now overtly deployed as a foreign policy tool, especially by Western states. For Hassan (2010: 2), the Western discourse on the crisis in Darfur has been:

loaded with the intellectual and mythical bias which entered the world after the 11 September 2001 attacks in the United States, which unjustifiably pushed the world community to adopt particular stances and policies that have impeded the process of serious negotiations about Darfur.

Indeed, Mamdani (2009) observes that the United Nations and the African Union differed greatly in their interventionist approach. He argues that, "the African Union did not see its work in Darfur as a purely humanitarian intervention from the outside but as one guided by humanitarian and political objectives". Mamdani (2009: 39) points to Former President Thabo Mbeki's speech before the South African parliament, where he argued that the AU's 'strategic framework' in its intervention in Darfur was based on two considerations: "to protect the civilian population" and "to find an inclusive political solution". He maintains that, "the United Nations claimed to share the former objective but not quite the latter" (Mamdani, 2009: 39).

Darfur in Context of Global Human Rights Discourse: Humanitarian Intervention and the ICC

This paper has pointed out that the Responsibility to Protect, the International Criminal Court, and other United Nations institutions have been viewed as instruments of the West by African scholars, leaders, and policy makers. These structures have been major focus areas when it comes to postcolonial Africa's suspicions and scepticism regarding human rights discourse. Scholars such as Mamdani (2010) and Mutua (2002) have managed to critically reflect on the role of human rights movement as influenced by Western countries. These postcolonial scholars have offered arguments against Western human rights work and its impact on identities of colonised peoples in Africa and how the colonial regimes of the past are being recreated today through an imperialist "humanitarian" agenda, and how the politics and power of naming and acting continue to be a major factor in understanding global politics

(Mamdani, 2010: 54). Indeed, Western countries occupy a unique position due to their power and influence in global politics. Through this, the use of human rights discourse has become increasingly part of the rhetorical tool kit in other Western states, Western human rights activists, as well as INGO's (Jahren, 2013: 15).

Essentially, in recent years the discourse on human rights has often been at odds with the instruments and institutions that form Africa's human rights system (Kasambala, 2014: 1). According to Kasambala (2014: 1-2), postcolonial African states have invoked the principles of sovereignty and non-interference to prevent interventions in support of human rights. The tensions between African countries, the West, and global human rights institutions like the ICC and the UN have built up over the years. Human rights treaties have been viewed as instruments of Western neo-liberal and neo-colonial agenda. In the case of the ICC, Apiko and Aggad (2016: 1) argue that, "in a string of decisions from 2008-2016, the AU Assembly has criticised some of the ICC's prosecutions and investigations". A major highlight on these tensions and criticisms was the indictment of Sudanese President, Omar Al-Bashir, in 2009. For African states, the ICC's indictments of its leaders have been viewed as a reflection of neo-colonial rule under the guise of international justice, thereby posing a threat to Africa's sovereignty, peace, and stability (Apiko and Aggad, 2016: 6).

Former South African President and AU Mediator in Sudan, Thabo Mbeki summarised this narrative as follows:

> These charges against people - like Omar al-Bashir in Sudan or Uhuru Kenyatta in Kenya – they arise out of situations of conflict. Our first response as Africans is that here are Africans who are dying, so we need [to intervene] to end this conflict. Our first task is to stop the killing of these Africans. But the challenge that arises is when someone says that the issue of justice trumps the issue of peace (Al Jazeera, 2013).

This argument gives priority to peace, "while not dismissing the need to tackle impunity, (temporary) immunity should be guaranteed for key actors in order to secure their

engagement in peace negotiations" (Apiko and Aggad, 2016: 2). This has been the key stumbling block regarding intervention in Darfur between the West and Africa respectively. Hence Elsheikh (2015) has posed a question that, if after years of President Al Basshir's indictment, the situation in Darfur has only worsened and the international community is divided, what is important to pursue: retributive justice or peace and reconciliation? Can we have one without the other? Can we have either without understanding the historical context of the conflict? Indeed, these are the critical areas that have made human rights institutions such as the UN, ICC and doctrines such as the Responsibility to Protect to be viewed as instruments of the West towards postcolonial Africa. As argued in this paper, the fact that the views and opinions of developing countries (in this case, the African continent) are always undermined within the human rights discourse is essential to how these human rights structures are perceived an understood by the global South.

Classifying Darfur: An analysis of the Western Discourse

So far in this Chapter it has been pointed out that Western countries, including global institutions charged with promoting human rights, have ignored criteria of universality and impartiality in their application of human rights concerns towards postcolonial African states. Furthermore, they simultaneously used human rights discourse in rhetoric, especially in the post-Cold War era. The Darfur crisis and indeed the call for intervention by the Save Darfur Coalition has been pointed out as an important example of how the West continues to employ human rights discourse in order to promote its agenda under the notion of human rights. Such foreign policy agenda differs from time to time. Indeed, in painting a clear picture of how human rights have become an instrument of international politics and its language, it is essential to borrow Szczepanik's (2015) analysis. She argues that, "respect and compliance with human rights has become a standard imposed on developing countries, a requirement of

successful post-conflict state building and political transformation" (Szczepanik, 2015: 15). Szczepanik (2015: 15) continues to argue that, "human rights have been increasingly evoked to justify political actions such as support of democratisation processes worldwide or external interference in the affairs of sovereign states for the sake of 'protection of human rights' of their populations. In addition to that, human rights have been used as practically synonymous with the concept of justice and applied even to events distant in space and time" (Szczepanik, 2015: 15).

As pointed thus far, the Save Darfur Coalition firmly advocated for the intervention – a military operation – in Darfur in order to save the civilians from political violence and 'genocide', appealing to the international community's responsibility to protect the population (R2P). Rohe (2010: 9) points out that the coalition first called upon the United States to use its influence to launch an intervention, activists later supported the creation of African Mission in Sudan (AMIS), then United Nations–African Union Mission in Darfur (UNAMID) and recently the indictment of Sudanese officials, including President al-Bashir, by the ICC (Rohe, 2010: 9- 10). While appealing at the face of the global community and human rights advocates, this action has been key to the criticism labelled towards the Save Darfur Coalition and the West at large. The Save Darfur movement viewed the Darfur crisis through race, ethnicity, religion, and other social identifications as sources of tension and political violence. As highlighted before, this was crucial for the movement in attracting a powerful reaction from American and Western audiences. As such, this pushed the agenda of military intervention and prompted a quick response from Western policy makers. Hence, Rohe (2010: 10) classifies this as a political response by Western policy makers to answer the call of their constituencies. She argues that this was a political response, formulated to meet the needs of US constituents, not necessarily those of the people of Darfur (Rohe, 2010: 10).

Like many critics of the Save Darfur movement, Mamdani (2009: 78) points to two closely linked issues regarding the call for intervention in Darfur: the analytical weakness of the Save Darfur campaign and the importance of reconceptualising the conflict in Darfur as political conflict rather than racial conflict. According to him, the central theme of the Save Darfur campaign is that the conflict is between racial identities of 'Arabs' vs 'Africans'. He rejects the depoliticisation, naturalisation and demonisation of a certain group as killers (Mamdani, 2009& Idris, 2012). Essentially then, observing a new form of contemporary human rights discourse towards Africa's postcolonial state, Mamdani (2009: 64) draws attention to the way in which the moral categories of human rights have been adopted by the West and deployed so as to reject African state sovereignty in the name of Africans' human rights. Moreover, another dominant moral language within human rights discourse, the 'War on Terror' rhetoric, is viewed by Mamdani as essential to the justification for intervention in Darfur by both human rights advocates and the West. El-Effendi (2012: 3) points out therefore that:

> this was a by-product of the success of 'depoliticising' the Darfur crisis, detaching it from any context, history or politics. It was simply a case of good against evil, echoing the rhetoric of the 'War on Terror', with which it was closely linked.

This is what this research paper highlights as the positive representation of one group and the negative representation of the other. Consequently, as CDA reveals, through human rights discourse, human rights activists in the West sought to target the alleged 'Arab' perpetrators of 'genocide' and protect the alleged 'African/ Christian' victims of 'genocide' in Darfur. It is 'depoliticised' analysis that prompted many sceptics of human rights discourse to point to its hidden agenda that is Western driven. As El-Effendi (2012: 3) argues, the campaign for intervention focused on the claim that 'perpetrators and victims in Darfur belong to two different racial groups, Arab and African, and that the Arab perpetrator is evil. Such an approach adopted by the coalition made the appeal to Western policy makers easy, as the 'Arabs' were already demonised by the 'War on Terror' moral language.

In his analysis, Mamdani (2009) sees the Darfur crisis as influenced by the historical and political context of Sudanese politics. For Mamdani (2009), the historical and political context of the Darfur crisis needs to be located in the pre-colonial, the colonial, and the postcolonial contexts of state building. According to him, the Darfur crisis should be understood in a political context, where there is a political contest over who belongs and who does not belong in the political community (Mamdani, 2009: 209). As such then, the only solution to Darfur can only be achieved by viewing the conflict as a political complex made up of local, regional, national and international conditions that have evolved through an historical process, of state formation (Mamdani, 2009: 10). Colonial history and the process of nation building left Darfur in a struggle over land rights and political power (Mamdani, 2009: 313). According to Mamdani (2009: 2420, "this is central to understanding the regional dimension of the Darfur conflict". After colonial rule had collapsed and Sudan had gained independency, the country's nationalists failed to understand the political realities in front of them, as such, they did not develop inclusive policies that transcended ethnic and tribal identities (Mamdani, 2009: 313). Consequently, "the Northern elites, with their traditional monopoly on power and wealth, dominated the new postcolonial state and projected their Arab and Muslim identity onto the postcolonial state" (Iris, 2009: 2). Iris (2009: 2), further articulates that:

> those from Southern and Western Sudan did not readily fit into the national story of Sudan as an Arab and Muslim nation, allowing the state to treat them not as citizens but as subjects vulnerable to state violence and cultural domination.

Therefore, by misrepresenting the facts and ignoring the context in favour of a simple and simplistic message, the Save Darfur movement appealed to the dominant discourse of human rights and the global perception that the West are the only agent that can bring justice, peace, and democracy. Hence, in his analysis, Mamdani (2009) cautions against the coercive interventionism that characterises the West's approach to Darfur.

In emphasising the role of the 'War on Terror' rhetoric and 'genocide' characterisation of the conflict, Mamdani draws our attention to the strategy used by both Western governments and institutions when seeking to intervene in the domestic affairs of African countries. Indeed, Jahren (2013) argues that there needs to be an investigation regarding how human rights discourse is used as a cover for geopolitical or strategic motivations in policy making in global politics. Jahren (2013) observes that from Western countries and human rights advocates in the West, there is an increasing pressure to proclaim human rights as a foreign policy goal, yet this may not always be compatible with the national security interest. Like Branch (2009), she argues that "the moral triage between rights and stability is being employed by Western states who proclaim human rights as their goal, while simultaneously aiding or investing in states with abysmal human rights records" (Jahren, 2013: 27). It is these valid observations that human rights advocates must pay attention to, as this paper maintains. The growing discomfort and scepticism regarding the notion of human rights discourse in global politics, especially towards postcolonial societies has devalued the importance of human rights. Human rights discourse, as advanced by the hegemonic West, has created tensions between postcolonial African governments and academics, with their Western counterparts. Western human rights activists and other non-state actors need to not advance a one-sided approach into a 'universally' claimed notion.

International Discourse on Darfur vs The African Perspective

Examining the position and the role of the UN in Darfur, Hassan (2010: 17) argues that the actions of the body are influenced by the West and by the US in particular. As pointed out in this paper, the dominate voices on Darfur are those of Western human rights groups. These have had an influence into the policy actions and responses of the West, including the UN. As Rohe (2010: 7& 9) points out, Western discourse regarding the Darfur crisis drew a lot of

attention from the US government. Thus, the role of this discourse has been central in guiding or moulding official policy of Western countries towards Darfur (Rohe, 2010: 9). As Hassan (2010: 11) points out, by virtue of stretching the truth when describing what happens in Darfur, the human rights groups made the West, and US in particular, lack a clear vision and coordination.

Relying on this discourse, which has emerged as a force to be reckoned in the post-Cold War era, humanitarian intervention (using the R2P doctrine) and the ICC have been use or (mis)used for Western hegemonic purposes (Mamdani, 2010 and Hassan, 2015). Hassan (2015: 162) argues that, "it is evident that the actions of the UN are influenced greatly by the lobbying of Western nations, especially the US" and, that "such influence has made humanitarian intervention an end in itself, rather than an alternative to the peaceful settlement of conflicts". This has been a central point of discomfort and scepticism regarding the role of human rights, ICC, and human rights discourse in general from postcolonial Africa. While having a great deal of importance in addressing global human rights violations and issues of impunity, these structures have gradually lost trust and legitimacy among African states.

The critical question is whether these structures can regain some of the legitimacy they have lost in Africa and elsewhere in the global South. One of the central arguments of this paper is that, contemporary human rights discourse has created a condition where the West is superior to postcolonial Africa. Accordingly, human rights advocates have adopted a narrative that appeals to this global structure, which is dominated by the West. As pointed out, the Western narrative in so far as human rights discourse is concerned, has changed after the Cold War, where multiple Western statements signalled the end of a struggle with the Eastern Bloc and the return of the new Western burden of spreading principles of humanitarian intervention and responsibility to protect (De Waal, 2000 and Dean, 2005). This has led to the

characterisation of the current Western narrative as dominated by hegemonic agendas. Hassa (2015: 161) points out that this agenda has been promoted through the fight against terrorism and guarding the US's supply line of coal, metals, and other resources, amidst the growing presence of China. As then, this agenda has found its way as a top priority in the US.

It is from this, that criticism has been labelled against the analysis and narratives offered by global human rights activists, especially the Save Darfur Coalition regarding the nature of the conflict in Darfur and the necessary response to it. The dominant Western discourse, and in particular American discourse, has sought to promote a collection of myths and claims that fail the test of reality on the ground (Hassan, 2010: 2). As pointed out, the literature on the conflict in Darfur has promoted particular perspectives such as ethnic cleansing, forced migration, and racial divisions between Arabs and Africans and this has been as serving a case of propaganda warfare in all its forms and shape by critics of global demission on Darfur (Mamdani, 2009 and Hassan, 2010). It is from this international discourse that critics have analysed this as a strategy adopted by Western human rights activists in their bid to influence their governments to respond to human rights violations committed by Africa's postcolonial states. According to Argenal (2016: 29), "human rights discourse often uses narratives and the lived experiences of those who have suffered human rights violations. Often times these stories are told through Western organisations meant for Western readers". It is vital to note that, in the case of Darfur, the target readers were Western governments and their citizens.

In the global discourse on human rights discourse, the narratives are often told portraying the victims of human rights violations and calling for the international community (powerful states like the US) to take action. "While this can be empowering and necessary for the victims facing these atrocities, rarely do Western human rights pay attention to the voices from Africa (Argenal, 2016: 29). As such, Weissman (2004: 264) has argued that there is a

"misuse" of the human rights discourse and that this has often led to a tendency by Western governments and human rights activists to discredit value systems of non-Western countries as a means of their interventions. The work of the Save Darfur Coalition amounted to the US adopting the same position as the movement, which was labelling the conflict as mass ethnic cleansing. According to Hassan (2010: 13), "the US congress issued legislation labelling the events as a mass ethnic cleansing war in order to justify US military intervention".

African states challenged the global discourse on Darfur. The understanding of what the issues are, and what are necessary actions that must be taken, differed with those of the US and the UN. The AU emphasis was on the importance of solving African issues through African perspectives, reiterating the need for relying on the AU as framework to formulate a system of collective security (Hassan, 2010: 12). The global community, more especially Western powers who continue to occupy strategic structure in global politics, need to move on from the politics of emancipation (Neocosmos, 2011). The global community should focus human rights discourse on categories such as "justice, equality and freedom in which an Idea of equality is constructed, not as a future goal but as a practice in the present" (Neocosmos, 2011: 4). It is vital to question the neoliberal underpinnings of global politics and exposed globalisation as a new form of imperialism (Shivji, 2007: 44). As pointed out in this chapter, this an important aspect of the critique of international human rights discourse by postcolonial scholars.

In contrast to the critics, supporters of the international discourse on Darfur crisis and activism conducted by the Save Darfur Coalition (SDC) have argued that the work of this movement should be viewed as a model of global citizen engagement, concerned by the suffering of their fellows. According to El-Effendi, (2012: 10) "its achievements were due to the thousands of ordinary American citizens who wanted to have a positive effect on the lives

of ordinary citizens in Darfur". Through its mass mobilisation campaigns, it managed to achieve most of the goals it set itself: UN authorisation for peace keepers, the appointment of a US special envoy for Sudan, referring the genocide accusations to the International Criminal Court (ICC), and legislation passed against the lifting of sanctions on the Sudanese government (El-Effendi, 2012: 10). The campaign went on to conduct a relatively successful disinvestment campaign against Sudan, in addition to pressurising China to limit its support for Khartoum (Hamilton, 2011: 45).

It is vital to mention that serious atrocities have been committed in Darfur and that the issue of human rights is crucial in analysing Darfur. The work of the SDC, while raising eyebrows in its approach, did bring to attention the situation in Darfur. It is pivotal to point out also that in this analysis, this research does not dispute the fact that human rights violations occurred in Darfur. Rather, it seeks to bring in to attention as an exemplifier, how the West approaches postcolonial Africa through human rights rhetoric with a different agenda. Such an agenda, it is maintained, has had challenging effects on the promotion and protection of human rights in the continent, in that postcolonial Africa is critical and sceptical of the hidden hegemonic and neo-colonial agendas that are advanced by both Western countries and human rights advocates, like SDC alike. Hence, in concluding his analysis on what the SDC and the call for intervention in Darfur by the West failed to understand, El-Effendi (2012: 13) argues that, "where the Western activists went wrong was in neglecting that the interests of the victims of the conflict would best be served by peace and reconciliation".

Conclusion

The case of Darfur as discussed in this chapter has shown how Western NGOs have played a major role in expanding and consolidating neoliberal hegemony in the global context. At times, this has been argued to be based on moral and humanitarian considerations. "Because

many NGOs do provide much needed services, because their motives are often honourable, because they employ capable and often progressive staff, there has been a reluctance amongst many to discuss critically the objective impact of their work as distinct from the subjective motives behind their work" (Shivji, 2007: X). Yet this chapter has highlighted that Western NGOs and human rights activist are at the centre of the dominant human rights discourse, and they often employ methods that seek to limit the views of postcolonial Africa and advance the agenda of the West within global politics. Through challenging this dominant discourse, the case of Darfur shows how this has contributed to the growing anti-imperialist and hegemonic perception of human rights in global politics by postcolonial Africa. Throughout this paper, a constant argument has been made that human rights discourse, as dominated by the West, has faced practical and intellectual resistance within the African continent (Shivji, 2007 and Hassan, 2010).

Essentially, this chapter has set out that, beyond the perceived hegemonic interference into African affairs by powerful Western countries through human rights discourse, the international justice system has proved to be controversial. Contemporary human rights discourse and international justice framework have left growing discontent by Africans towards international human rights institutions. As pointed out through the case of Darfur, postcolonial critics have been vocal on the challenges presented by the Al Bashir indictment and the method used by the Save Darfur. Indeed, these approaches are at the centre of contemporary global human rights discourse towards Africa. They are influenced by the agenda set by Western countries, especially the US. According to Murithi (2013: 6), on Darfur, there is a stand-off between the AU and the UN Security Council, with the UNSC declining to issue a formal communication to the AU on its request for the Al Bashir indictment to be deferred. He points out that:

> Such dismissive attitudes do not augur well for a mutually acceptable resolution of the impasse between the AU and the UN Security Council, which in effect also drags in the ICC and makes it appear complicit in not responding to the AU's request (Murithi, 2013: 6).

In terms of the debate on Darfur, postcolonial Africa has argued that the ICC indictment as inappropriate mechanism to be used to solve the Darfur conflict, as such it has bared fruitless outcomes in meandering relations between the ICC, the West, and Africa. This is due to the fact that individuals and leaders indicted by the Court are the very same people that are called upon to engage in a peace negotiation process that will lead to the signing of an agreement and ensure its implementation (Murithi, 2013: 3). Accoring to Murithi (2013: 3), the situation in Darfur falls within this position, and as pointed out in this paper, President Al Bashir indictment by the ICC proved to be controversial.

African states have perceived the ICC as a "double standard that applies only towards nations of the Global South and particularly African countries, only contributing to even greater political instability and eventually more violence" (Elsheikh, 2015: 3). Conversely, the call for humanitarian intervention (through R2P) and the role of the ICC in Darfur fall under the growing opposition to the idea of contemporary international criminal justice by Africa. This opposition, as shown, thus far views the "way in which the ICC is seen to be operating and doing the bidding of the powerful states in the UN Security Council" (Smith, 2016: 8). Indeed, the indictment of Al Bashir by the ICC started with the US Secretary of State, Colin Powell, confirming to US Congress that the State Department has "concluded that this was ethnic cleansing in Darfur, for which the Sudanese government and its allies among Arab tribes in Darfur are responsible" (Hassan, 2010: 13). Therefore, the US responded to this international discourse, as advanced by the Save Darfur Coalition, and supported this by referring the file on the Darfur issue to the International Criminal Court (ICC) (Hassan, 2010: 13).

According to Smith (2016: 8), the "response by African states to what they perceive to be initiatives that advance Western interests and unfairly target African states has been to create alternative institutions". She argues that in 2014, "it was proposed that the African Court of Justice and Human Rights create a third chamber that will fulfil a similar function to the ICC. This is similar to the creation of the AU's peace and security architecture that, to a large extent, mirrors that of the UN" (Smith, 2016: 8). However, these proposals are still met by important shortcomings, such as the political will of the member states and the acute financial resources gap that continues to confront the AU (Besada, 2010: 47). Therefore, while the relationship between the ICC and Africa continues to be tenuous, "it is important for Africa Union, African governments, the Security Council and the Court to fight against impunity and to make peace as well. They must also ensure that perpetrators should not shield themselves from the ICC prosecution by using the strained relationship" (Enyew, 2015: 25). Murithi (2013: 9) argues that, the challenges faced by the African continent in terms of the ongoing violence and human rights violations makes AU's policy of non-cooperation with the ICC undermine prospects for the development of international justice, particularly on the African continent. Hence, through underlying this important debate on contemporary human rights discourse and its effects towards postcolonial Africa perception on human rights in global politics, this paper maintains that there is an essential role that international justice still has to play in addressing Africa's challenges. What is necessary is for what Smith (2016: 11) has called an "extensive engagement with broader debates around, for example, the effectiveness of the use of force in protecting civilians, the relationship between peace and justice and the efficacy of mediation and other non-coercive forms of conflict resolution such as preventive diplomacy".

Summary, Conclusion and Recommendations

Postcolonial Africa has been faced with high levels of political violence. These conflicts have been often associated with social, political, and economic conditions that originate from the legacy of both colonialism and postcolonial state's failure to keep up the democracy, peace, and the rule of law. Furthermore, the postcolonial state has been faced by weak governance, authoritarian rule, and a constant emergence of rebellion against the states. Accordingly, Carey (2002: 59) points out that most states in postcolonial Africa (including the Middle-East) have recorded poor human rights records since their independence. The response to this has been a call by the 'international community' for the protection of human rights and individual liberties by the postcolonial state. This has transcended into a major agenda within multilateral organisations such as the United Nations, where peace and security in Africa remains a major topic. Central to this agenda has been the use of human rights discourse as a driver for policy formulation and implementation within the international relations setting. This drive has been dominated by Western countries, specifically the United states and Europe. As such, the notion of human rights has emerged as a contested terrain in the past decade. Observing this contestation through human rights discourse, Szczepanik (2015: 21) argues that human rights language has thus far served as a tool to drive "asymmetrical relations between the actors of international politics entangled in the powerful discourse of human rights that conceals actual political interests".

It is from this that, postcolonial Africa has accused the West of drawing on human rights discourse to justify policies towards Africa which are neo-colonial, neo-liberal, and imperialist. African states have maintained that human rights have become a powerful tool by which the West has imposed itself in the affairs of Africa. The discourse of human rights has

therefore faced much intellectual debate and criticism from postcolonial scholars. Such a debate and criticism has been centred at the notion that human rights have become the voice of moral imperialism, just as ruthless and just as self-deceived as the colonial hubris of the past decades (Ignatieff, 2001: 102).

This research paper has articulated the tension between postcolonial Africa and the West regarding the role of human rights discourse in global politics. Both from policy makers and postcolonial scholars, there has been a shared sentiment that contemporary human rights discourse has been dominated by Western countries and has informed their foreign policy frameworks. Postcolonial perspective on human rights and its critical understanding of human rights applied in the analysis of the call for intervention in Darfur so far in this paper reveals the politicised nature of human rights discourse and hidden relations of domination of Western-centric, neo-liberal and neo-colonial tendency. Chandler (2010: 150) has observed that
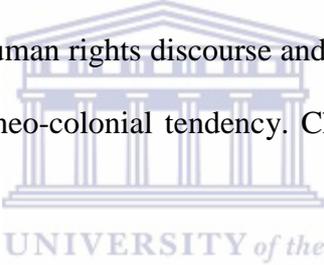
> whether the intention is to (mis)use human rights ideologically or to genuinely do good in the world, the outcome is the same: ultimately, greater decision-making power and authority accrue to the states that have the capacity to take on the responsibilities of deciding and enforcing.

It is these features, (deciding and enforcing) that has created divisions between North and South about the notion of human rights in global politics. Its role has created major tensions and as such has failed to deliver a common and shared understanding of the value of human rights in international politics.

Therefore, the aim and objective of this research paper has been to bring forth the contesting arguments that have been raised regarding the role of the notion of human rights discourse in contemporary global politics. Using the case of Darfur as an example, this research paper sought to examine whether human rights discourse is at the centre of disagreements and understanding of what the notion of human rights is or is not. It noted that, within the

evolving nature of humanitarian discourse in the post-Cold War era, the notion of human rights cannot be argued to exist only to protect the weak from abuse. Through the adoption of a critical reflection on contemporary human rights discourse and postcolonial perspective on human rights as theoretical framework, this paper has observed that human rights are increasingly politicised and co-opted as an instrument through which the 'politics of power' is advanced between the West and postcolonial Africa. It is from this that the central question of this research paper has been: To what extent has contemporary human rights discourse impacted on postcolonial Africa's perspective on human rights? This paper has sought to show that measures of international justice, through the human rights discourse, seem to be affected by the magnitude of Western hegemony. The case of Darfur, as used in this paper, shows that international human rights discourse in its current form allows for the catering of the interests of human rights organisations and Western countries as they continue to occupy a unique position in global politics.
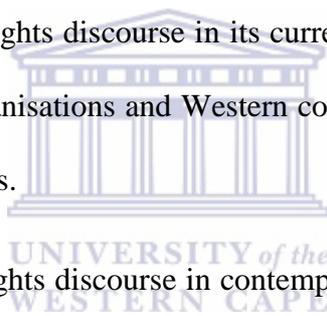
In analysing the role of human rights discourse in contemporary global politics, this research paper focused on analysing the relationship between discourse and power in the global system as informed by the notion of human rights. In terms of Discourse Analysis, Janks (1998, 195) has articulated that a major focus for this approach in so far as human rights are concerned is to "explain the relationship between language, ideology and power by analysing discourse in its material form". This research paper then focused on critical arguments on human rights from postcolonial scholars in order to unmask the power relations that are embedded (often concealed) within the interaction of North and South. Such interactions through the global structures like the UN, the ICC, and other human rights institutions have been crucial in examining the role of human rights discourse in informing the current structure of global politics. This was aimed at exposing the workings of how human rights language is used to position those in the postcolonial states by influencing their state of

affairs and creating their position in global politics. For Szczepanik (2015: 13) then, "the idea of possible applicability of critical discourse analysis to the study of the human rights language draws on the inseparable character of relationships between language, power and politics". Hence, throughout this research it has emerged that the notion of human rights has been prominent in international politics in the past few decades. The literature review highlighted the fact that questions of democratisation, post conflict reconstruction, and neo-liberal values have been measured against the attainment of human rights. This has been more prominent towards the postcolonial state, especially in Africa.

The language of human rights has constantly been applied to legitimise political actions such as external interventions for regime change as well as to counteract cultural practices if they violate the rights of individual persons or reflect gender inequalities. Therefore, this research paper pointed out in chapter three and four that, human rights discourse has been at the centre of legitimising these actions taken and dominated by the West. Revealing hidden power relations in international politics, this research paper has highlighted the fact that, the continued influence of Western countries through human rights discourse, has created tensions between North and South regarding the role of human rights in global politics.

In terms of postcolonial perspective on human rights discourse, this paper has pointed out that the concerned derives from both unethical and dysfunctional practices of human rights discourse to maintain hegemonic concepts of international order, international morality, and international law. Mahdavi (2015, 9) argues that postcolonial perspective on human rights suggests that "liberal and neoliberal institutionalist discourses often appear as rationalization of hegemony disguised as universal humanism". As discussed in this paper, postcolonial criticism of the current human rights discourse points to the adoption of statutes and doctrines under the language of human rights, and argued that it can be associate with the aim to

intervene in postcolonial societies without consent. Responsibility to Protect as one of these doctrines, which promotes humanitarian intervention is in practice, "a paradigm shift in the discourse of global ethics and global justice" (Mahdavi, 2015: 11). It unveils how the international order, morality, and law has been influenced by the historical experience and development of global politics as it functioned during colonialism.

Essentially then, this research paper has observed that human rights discourse is at the centre of politicisation of human rights as a foreign policy tool used by the West towards its aim to influence the affairs of postcolonial Africa, whether social, economical or political. It also emerges that human rights discourse presents neo-colonial tendencies by Western countries and that these tendencies have real-life implications for policies adopted by the West towards Africa. From this observation, this paper has argued that contemporary human rights discourse in global politics has affected postcolonial Africa's perception regarding the notion and the practice of human rights. Through an analysis of the dominant discourse around Darfur, this research sought to point out that the work of the Save Darfur Coalition played closer to the Western discourse regarding conflict and human rights in Africa. Through the emphasis of 'genocide', 'ethnic cleansing' and 'Arabs' vs 'Africans' narrative, human rights discourse around the Darfur crisis set its agenda within the dominant Western understanding of postcolonial Africa and what the 'West' needs to do. As (Callum, 2015: 24) points out in relation to this international discourse through the media, there seems to be an overwhelming focus on negative events in the South. According to Callum (2015: 24), this focus "maintains the colonial binaries of our civilisation and their backwardness and creates a homogeneous 'Africa' in the public's imagination". As dealt with in this paper, through oversimplifying the nature of the Darfur conflict, Western human rights discourse contributed to neo-colonial attitudes. For instance, international discourse on Darfur took complexities of the conflict and reduced them into apolitical spectacles, "while the over-arching material causes of

impoverishment linked to international politics and policies remain largely in the background" (Bryceson & Bank, 2001: 5). Embedded in this was the dominance of global neoliberal agenda that focuses on the hegemony of Western voices as advanced by human rights discourse. The compassion, evoked by media images, is revealed to be patronising, narcissistic, and mostly concerned with Western sensory and moral gratification. Hence this paper has shown that human rights claims often appear to enforce the power of dominant Western states and international institutions while asserting the need to empower the poor and excluded.

African states have voiced concerns with the continued alienation in a process where the use of human rights discourse gives power to the idea that the Western world is the only one capable of defining its meaning and practice of human rights. Postcolonial Africa's understanding of human rights then maintains that current discourses of human rights have grown historically and should be analysed within both the history of relations between Africa and the West and present power structures of global politics. This research paper has pointed out that such concerns and scepticism regarding human rights global politics has caused them to lose legitimacy in the Global South (more so in postcolonial Africa). Emerging from the debates on the politics of human rights discourse, human rights critics point out that contemporary, doctrines and institutions under the notion of human rights such as the 'Responsibility to Protect' (R2P) and the International Criminal Court (ICC) have the functional purpose of enabling the West to intervene in African affairs whenever and wherever it suits its interests (Mahdavi, 2015: 11).

 In relation to the case of Darfur, as critics have pointed out, there seem to be similarities in the way in which advocates of human rights approach crises in postcolonial Africa and how they should be addressed. The debate on human rights discourse points out that, human rights

advocates and activists have failed to assess the repercussions of their call to Western powers to take immediate action against human rights violations in Africa. Referring to the case of Darfur, Mohammed Abdul argues that the multitude of diplomatic initiatives from different organisations and states revealed a gap between narratives and practices regarding the crisis in Darfur. He points out that human rights activists used the genocide to compel western governments to intervene through military means. Indeed, this has been the central argument advanced by this research paper, in so far as the Darfur case is concerned. Taken as an example of contemporary human rights discourse, the human rights advocacy for the intervention in Darfur by Western powers reaffirms the growing under-acknowledgement and unappreciated role of postcolonial Africa and its institutions in responding to political violence in the continent.

The tension between the West and postcolonial Africa has established challenges when it comes to the understanding and practice of human rights in the continent. The notion of Africa's emancipation from Western control and influence through human rights discourse has emerged as the core part of postcolonial Africa's engagement with the global North and human rights in particular. According to Dembinski and Reinold (2011: 09), in this new anti-imperialist and South-South solidarity among developing countries, especially in Africa, there is a new identity and agency that is used as a rallying device to put up a united African front against Western domination. The challenge to this Western domination within the global human rights discourse has been lamented towards all conventions that are founded under the banner of human rights. Dembinski and Renold (2011: 9-10) argue that, "on this view, the creation of Africa's security architecture is, among other things, an attempt to balance the hegemony of the West and has significant implications for the African approach to R2P". Indeed, this paper maintains that this can be observed towards every human rights convention that seeks to limit the role of regional states to that of an observer and extend the

interventionist hand of the West. The general African tendency towards rejecting hegemonic interference explains, for instance, why various African governments tend to ignore calls by the UN, UNSC, and the ICC for humanitarian intervention in situations where there are violations, the case of Darfur and the lack of common view from the AU and other global structures speaks to this, as this paper has pointed out.

However, it must be pointed out that the primary intention of the human rights regime is to the lives of suffering populations. Importantly, the disagreements presented this paper are by no mean underestimation of the seriousness of the human violations occurring across the African continent. Indeed, it is by no means a disregard for human suffering through the repeated violations of human rights in Darfur. The aim has been to point out how global human rights activists and institutions are playing the politics of human rights along with the Western countries, especially the US. Indeed, a number of African countries still remain conflict-prone, hence the impasse between Africa and the global community presents an opportunity for authoritarian regimes and human rights violators to remain in the cover of anti-imperialist sentiments. It is from this that, while bearing positive aspects, criticism of human rights discourse, at times, is met by negative aspects when impunity and human rights violation remain at the centre of postcolonial Africa's politics. Hence Murithi (2013: 9) points out that, "there is an urgent need to reorient the AU and ICC relationship". Both organisations need to recognise that while they are fulfilling different functions – delivering international justice, in the case of the ICC, and looking out for the political interests of African governments, in the case of the AU – they need to find a way to ensure that the administration of justice complements efforts to promote political reconciliation.

It is vital to appreciate the fact that the discourse of human rights has become an attractive language for activists and policy makers, as they view it as an essential deterrent against the

proliferation of political violence, especially in postcolonial Africa (Grovogui, 2007: 1). Nevertheless, the role of global politics has found its way into the domain of the human rights regime, where the notion of human rights is adopted by Western countries as a foreign policy tool. The establishment of global institutions that deal primarily with human rights has been driven by the same structure that put the interests of the powerful countries on top, this paper has pointed out. Indeed, in relation to the ICC, Mamdani (2009: 325) argues that "it is the relationship between law and politics—including the politicization of the ICC—that poses a wider issue, one of greatest concern to African governments and peoples". The issue of right intention in particular has emerged as a major source of disagreement, with Western countries, time and again, being suspected of ulterior motives when intervening abroad. Geopolitical developments post-9/11 only reinforced developing countries' worries that doctrines such as the Responsibility to Protect could be abused for the pursuit of the national interests of the powerful (Dembinski and Reinold, 2011: 9). Using the case of Darfur in advancing the argument put forward, this paper pointed out that the Save Darfur movement's engagement with the crisis through the general international discourse suggests that it forms part of an emerging discourse that reflects existing global inequalities and perpetuates African exceptionalism (Daley, 2013: 389-390). In this instance, Africa is portrayed as being in need of Western intervention in order to address its problems.

In essence, the work of this research paper has sought to show that contemporary global human rights discourse is at the centre of the reproduction of global inequalities that continue to place postcolonial Africa at the receiving end of human rights intervention and charity. As a response to this, Africa has established an attitude of warding off calls for Western intervention into its affairs. Global institutions, that are vital to the quest for human rights have had difficulties in arriving to a common understanding with postcolonial Africa with regards to the role of human rights in global politics. Hence, the right to intervene in conflict

issues erupting in the continent belongs to the AU, and only to the AU (Dembinski and Reinold, 2011: 9). Africa has developed a very different interpretation of the conventions adopted under the notion of human rights. According Dembinski and Reinold (2011: 9), when it comes to issues of human rights violations, the primary duty-bearers are nation-states themselves; but if the former fail to live up to their responsibility, responsibility devolves to the AU and any global intervention needs to be endorsed by the AU on common grounds.

While challenging the existing discourse of human rights and its role in global politics by postcolonial Africa is necessary and vital in the transformation of the international system, it is essential to acknowledge that, there has been a continuous violation of human rights by African countries. As such, the work of INGOs, human rights activist, and other relevant civil society actors in the field of human rights is necessary if not crucial. Looking at the role of celebrity humanitarianism in Africa, Biddolph (2016: 8) argues that it "represents a fundamental goal to change the lives of those suffering". She points out that, "sincere desires and attempts to change the lives of vulnerable populations remains the primary motivation of humanitarian governance" (Biddolph, 2016: 8). Yet she warns that, "too often, celebrities become mediators or agents of the Western world as they engage with distant strangers of the Global South". Indeed, with the case of Darfur, it would seem that the approach adopted by the Save Darfur Coalition resembles this analysis. But it is vital too, as pointed in chapter four, to point out that serious atrocities have been committed in Darfur and that the work of the SDC, while raising eyebrows in its approach, did bring to attention the situation in Darfur.

The aim then, in its simplest form, has been to show that by analysing the role of contemporary discourse on human rights, we can scrutinise the existing anti-political and simplified representation of suffering that reduces the image of postcolonial Africa as that of a continent in need of Western interventions. Furthermore, to illustrate how this contributes

towards the reproduction of hierarchies between the West and postcolonial Africa. Through the case of Darfur, this research paper has shown that the saviour and victim narrative in human rights discourse has not only served as a major basis for the call for Western intervention in Africa but it has also been central to the views and understanding of postcolonial perspectives on human rights, which constantly challenge the global discourse and sees it as the reinforcement of neo-colonial tendencies by the West.

To conclude, this research paper argues that if continued in its current pace, the global human rights discourse will have little room in postcolonial Africa's politics and continental affairs. Ultimately, the increasing difference in understanding the nature and the role of human rights in global politics between postcolonial Africa and the West will serve little, if not none, towards the attainment and protection of human rights for African people. Therefore, there is a need to reinvent human rights in a way that recognises both North and South. As the Rwandan President Paul Kagame recently pointed out in lecture at Yale University which focused on the importance of 'Value -based Solidarity for the Pursuit of International Peace, Security and Prosperity': "Viewing and involving Africa and developing countries as equal partners in the strive for peace, security and prosperity would give rise to dependable and effective international cooperation" (New Times, 2016). As Biddolpj (2016) points out, as a moral imperative to alleviate the suffering of others, what is necessary for the human rights discourse and humanitarian governance is a reflection on the forms of power and politics that are present in all forms of social/ global interactions. She argues that, "humanitarian governance can become critical of its own actions and work to improve the ways in which assistance is delivered" (Biddolph, 2016: 9).

It is important to examine the role of human rights discourse in global politics, more so towards postcolonial Africa. This is due to the fact that, apart from its moral imperative to

alleviate the suffering of others, the rhetoric of human rights has become widespread in the post-cold War period. There have been claims that Western powers have created a political and legal infrastructure for intervention in otherwise independent countries under the banner of human rights (Mamdani, 2011). Such claims have left a robust debate regarding the nature of human rights, whether they can be perceived as neo-colonialist agenda that seeks to influence and control of postcolonial state to the West. As an important contributor to this debate, this research paper has highlighted that there are existing political tensions between postcolonial Africa and Western powers. Central to these political tensions is the claim that Western power is being exercised under the disguise of 'human rights protection'. According Szczepanik (2015: 21), "power relations underlie the attempts to apply human rights framework to historical context where remote historical events are (selectively) recognised as 'genocides' and 'crime against humanity'". As the case of Darfur illustrates, certain phrases under the notion of human rights violation are at times adopted so as to appeal to the West for attention by global human rights activists. Hence, as a significant contribution to the debate, this paper has highlighted the need to reveal the hidden power relations between North-South divide as informed by human rights discourse.

In moving forward, this research proposes an interrogation of the politics of human rights in global politics, both through discourse and practice. The scepticism levelled against humanitarian discourse cannot be ignored or shoved away as an 'anti-imperialist' rhetoric. As Brown (2014: 22) points out, postcolonial perspectives on human rights discourse provide an opportunity to ask relevant questions regarding their role in global politics and how through human rights policies and institutions, the Western agenda is advanced. Indeed, in a case of international human rights discourse towards postcolonial Africa, Enyew (2012: 129) points out that, "the peace versus justice issue has become a source of tenuous relationship between Africa and the ICC". Taken under the broader debate on human rights discourse, the

international law system has been perceived by postcolonial Africa as prioritising prosecution, selecting cases, creating a dichotomy between peace and justice, and the influence of Western hegemonic state like the US. Thus, in relation to the ICC, Enyew (2012: 127) points out that "many African leaders are currently unhappy with the functioning of the Court as it has merely focused on Africa, and for it has not shared the concerns of African countries". This is key to the question of global equality and fair representation within global structures.

Notwithstanding all these relationship complexities between North and South in human rights discourse and international justice, there is a need for dialogue, conducted in a mutual respective way by both postcolonial Africa and the West. The existing political tensions cannot be solved through this continuing difference in human rights perspectives between the two poles. As Murithi (2013: 9) points out:
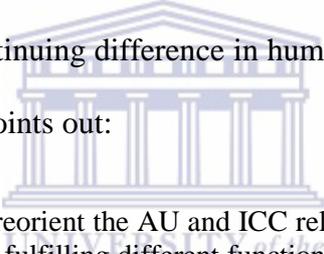
> …there is an urgent need to reorient the AU and ICC relationship. Both organisations need to recognise that while they are fulfilling different functions – delivering international justice, in the case of the ICC, and looking out for the political interests of African governments, in the case of the AU – they need to find a way to ensure that the administration of justice complements efforts to promote political reconciliation.

Furthermore, Enyew (2012: 126) has pointed out that, "it is important for the African Union, African governments, the Security Council and the ICC to fight against impunity and to make peace as well. They must also ensure that perpetrators should not shield themselves from the ICC prosecution by using the strained relationship". The West occupies a strategic position in global politics, it should not continue to utilise this position for its foreign policy interests, rather, it should appreciate Africa's efforts to solve its own problems.

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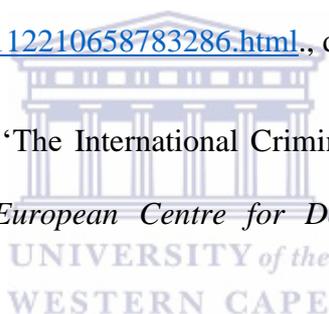
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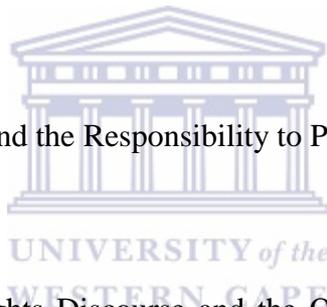
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