

BOOK REVIEW

Nat Rubner. *The African Charter on Human and Peoples' Rights, Volume 2: The Political Process*. Woodbridge: James Currey, 2023. 526 pp. Notes. Index. \$140.00. Hardback. ISBN: 9781847013545.

In the second of a two-volume set, Nat Rubner continues his extraordinarily well-documented account of the origins and drafting of the African Charter on Human and Peoples' Rights (ACHPR). Adopted in 1981 by the Organization of African Unity (OAU), the Charter went into effect in 1986. It is widely heralded as one of three charter-based regional human rights systems (with Europe and the Americas being the other two), as well as the first non-Western declaration of human rights.

In Volume 1, Rubner sets the stage by interrogating the political, intellectual, and cultural foundations of the African human rights system. Specifically, he lays out debates within newly independent African states about the meaning of colonialism and postcolonialism not just for politics, but also for literature, religion, identity (*negritude*), education, and language. The volume concludes that, far from being a simple corollary to the Universal Declaration of Human Rights, the ACHPR emerged from a *rejection* by African states of Western so-called universalism and a desire for content driven by the needs and realities of Africa.

Volume 2 turns to the political process by which the Charter was drafted. Given the previous volume's conclusion that the African human rights system was a "reproach" rather than an endorsement of universal human rights, Rubner begins by introducing a puzzle. In an African political environment that was fundamentally opposed to external interference in African affairs, who or what might kickstart the political process that resulted in the adoption the ACHPR? Here, Rubner's answer runs counter to other arguments that focus on the role of Western governments, the United Nations, and nongovernmental organizations (NGOs), whose influence he largely discounts – with the important exception of the International Commission of Jurists (ICJ). Rather, a core group of African individuals, along with the ICJ, led a process that conceptualized human rights as an *African* project whereby a human rights charter would come from the OAU and would reflect African values rather than Western ideas and precedents (187).

The book is divided into three parts. Part One ("The Outsiders") documents the limited and sometimes counterproductive influence of external actors (i.e., Western governments, the UN, and NGOs) in addressing specific human rights abuses within Africa and in spurring the creation of an African human rights system. Contrary to arguments that spotlight the influence of these external actors, Rubner offers extensive evidence that in dealing with the West on human rights issues, African states "were hardly the weak party" (2). In


bilateral relations, at the United Nations, and in dealing with NGOs, African states advocated fiercely for the principle of noninterference by external actors, as well as for a conception of human rights that was rooted in African needs and priorities. Most centrally, this meant a notion of human rights that was inextricably linked to economic development.

Part Two of the book (“The Insiders”) turns to the political processes that resulted in “Decision 115”—that is, the decision at the 1979 OAU meeting of African Heads of State and Government to begin drafting an African human rights charter. Rubner gives center stage to the efforts of specific African statesmen including Kéba M’baye (Senegal), Edem Kodjo (Togo), and Léopold Senghor (Senegal), as well as to contributions of Niall MacDermot, Secretary General of the ICJ. Part Three (“The Text”) analyzes various drafts of the ACHPR, reports of drafting meetings, and interview data to track specific debates that ultimately shaped the final content of the Charter.

Throughout the book, Rubner also highlights a range of issues and events within Africa that impacted the drafting process. For example, discussions related to the ACHPR coincided with egregious human rights violations on the continent (most notably in Uganda by Idi Amin; Central African Republic by Jean-Bédél Bokassa; and Equatorial Guinea by Francisco Macías Nguema). The 1979 decision to draft an African human rights charter allowed African leaders to signal the “revulsion and the shame that many felt, but to express that shame within the family” (234). At the same time, Rubner documents the debates and decisions that ultimately resulted in a document that had “no teeth” (379)—and even suggests that “the neutering of the ACHPR was an essential element of facilitating acceptance” (382).

But Rubner’s book persuades us that an ACHPR with “no teeth” is not the whole story. Equally important is the *idea* of the Charter itself, which was viewed by African leaders as an opportunity to rectify the exclusion of Africa from the drafting of the Universal Declaration of Human Rights and to demonstrate the “African” view on human rights (383). In other words, the ACHPR should not be interpreted in a vacuum, but rather in its broader context as a “judgement on the political theory of universal human rights in the second half of the twentieth century” (381).

On the role of the ACHPR in contemporary human rights debates, Rubner remains explicitly agnostic, arguing correctly that this critically important question is beyond the scope of an investigation into the origins of the charter. In that investigation, Rubner’s book is a resounding success. This is quite simply a superb exploration of the political processes that drove the creation of the African human rights system.

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