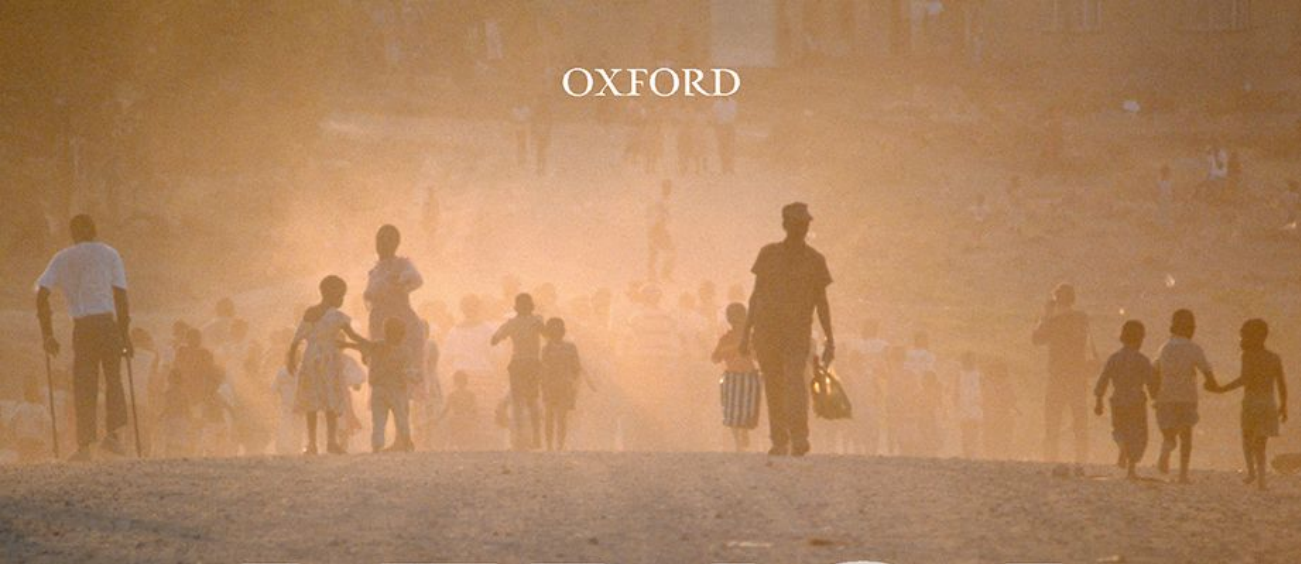


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# AFRICA

## AND THE SHAPING OF INTERNATIONAL HUMAN RIGHTS

DERRICK M. NAULT

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# Introduction

Shortly before the end of apartheid, Nelson Mandela, on 26 June, 1990, delivered an address before the US Congress in Washington, DC in which he discussed the aspirations of black South Africans. Seeking American support in ending white minority rule, he spoke of his movement's struggle to 'ensure that the rights of every individual', regardless of 'race, colour, creed or sex', were protected under a new democratic constitution and bill of rights. 'To deny people their human rights', he asserted, 'is to challenge their very humanity.'[1]

The banning of apartheid in 1991 was heralded worldwide as a major human rights triumph. In 1993, Mandela and Frederik Willem de Klerk, the white president of South Africa, were jointly awarded the Nobel Peace Prize for peacefully ending what once was called 'the worst racist system that contemporary times have known'[2] and 'laying the foundations for a new democratic South Africa.'[3] In April 1994, South Africans of all races and backgrounds participated in multiparty elections that ended with Mandela being chosen as the nation's new president. 'The dramatic rebirth of the South African state,' comments Makau Mutua, was 'arguably the most historic event in the human rights movement since its emergence [in the 1940s].'[4]

For a brief time in world history, black South Africans' strivings for equal rights had captured the world's attention and inspired hope for the future. Once South Africa's anti-apartheid struggle achieved its aims, however, the international community returned to more familiar narratives of Africa as a cursed continent. Indicative of the mood of 'Afro-pessimism' that prevailed by the turn of the century, the *Economist* magazine in May 2000 published 'Hopeless Africa,' a special issue that claimed Africans were forever doomed to suffer under totalitarian governments 'for reasons buried in their cultures.'[5] More recently, the trials of former dictators Hissen Habré[6] and Charles Taylor,[7] attempts to bring Omar al-Bashir before the International Criminal Court (ICC) to face genocide charges,[8] and various states' use of torture, restrictions on freedom of speech, and arbitrary arrests of civilians imply that human rights are an alien concept in Africa.[9]

But despite Africa's reputation as a region where human rights are trampled with impunity, this book argues that the continent has been pivotal for helping shape contemporary human rights norms and practices. At first glance, such a thesis sounds counterintuitive. Having spawned such dictators as Idi Amin and tragedies like the Rwandan Genocide, Africa should rank among the last places to

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seek insights on human rights and their evolution. And yet, as we shall see, from the colonial era to the present, the continent's peoples—as critics, agitators, violators, and victims—have drawn attention to and prompted novel ways of thinking about human rights through their encounters with the world at large.

## Defining Human Rights

Before making this argument, it is first necessary to define human rights. The United Nations (UN), currently comprised of 193 member-states, describes human rights as

> those rights which are inherent in our nature and without which we cannot function as human beings. Human rights and fundamental freedoms allow us to fully develop and use our human qualities, our intelligence, our talents and our conscience and to satisfy our spiritual and other needs. They are based on mankind's increasing demand for a life in which the inherent dignity and worth of each human being will receive respect and attention.[10]

The UN further affirms that human rights are 'inalienable' and 'universal' in scope and must be respected regardless of a person's 'nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. We are entitled to our human rights without discrimination. These rights are interrelated, interdependent and indivisible.'[11]

Meant to enable all members of the human family to live in peace and dignity, human rights are enshrined at the UN in three key documents known collectively as the International Bill of Human Rights—the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The UDHR (1948), containing thirty articles, recognizes that 'the inherent dignity and . . . equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.' Intended as 'a common standard of achievement for all peoples and all nations,' it affirms 'the equal rights of men and women' and promotes 'social progress and better standards of life in larger freedom.'[12] Theo R. G. van Banning notes: 'The Universal Declaration was a major step forward in the enhancement of human rights. It contained a catalogue on human rights and included both civil rights and social rights which were presented as interdependent.'[13]

Importantly, the UDHR is a declaration of principles only and imposes no legal obligations on signatories. However, the ICCPR and ICESCR, which expand on

the rights covered in the UDHR, 'constitute the first all-embracing and legally binding international treaties in the field of human rights.'[14]

The ICCPR (1966, entering force on 23 March, 1976) emphasizes 'negative rights', human rights 'requiring only that States refrain from rights violating behavior.'[15] Among the rights listed in the Covenant are the right to life, the right to freedom from torture, the right not to be enslaved, the right to liberty and security of the person, the right to freedom of movement, the right to freedom of opinion, the right to peaceful assembly, the right to freedom of association, and the right to equality before the law.[16] At present, 172 nations have ratified the ICCPR, obligating them to uphold and preserve the basic human rights of the Covenant.[17]

The ICESCR (1966, entering force on 3 January, 1976) refers to 'positive rights.' Such rights, unlike negative rights, necessitate 'action and expenditure by states.'[18] These rights include the right to equal pay, the right to work, the right to just working conditions, the right to strike, the right to an adequate standard of living, the right to education, the right to take part in cultural life, the right to social security, the right to gender equality, and the right to optimal physical and mental health. According to the terms of the ICESCR, each State Party is obliged to uphold the rights in the treaty to the maximum of its abilities in accordance with its available resources. One hundred and seventy nations have ratified the ICESR to date.[19]

In addition to the ICCPR and ICESCR, the UN's human rights system is based on a wide range of other international treaties. These include: the Convention Related to the Status of Refugees (1951), International Convention on the Elimination of All Forms of Racial Discrimination (1965), Convention on the Elimination of All Forms of Discrimination against Women (1979), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), Convention on the Rights of the Child (1989), International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (1990), Convention on the Rights of Persons with Disabilities (2006), and International Convention for the Protection of All Persons from Enforced Disappearance (2006).[20]

International humanitarian law (IHL) differs from the human rights laws encoded in the conventions just mentioned but nonetheless serves to uphold human rights worldwide. The Geneva Conventions (1864, 1949), a major pillar of IHL, offer protections to combatants, civilians, and medical personnel during times of war. The Hague Conventions of 1899 and 1907, a second pillar, include prohibitions against the use of poisonous gases and exploding bullets, attacks on undefended towns, collective punishments, and rape. Two years after the Nuremberg Trials of 1945–46, the Genocide Convention (1948) made genocide a punishable crime. As violations of IHL codes entail major human rights

infractions, a comprehensive human rights history must refer to key IHL conventions as well as the operations of the ICC, founded in 2002 to prosecute perpetrators of war crimes, crimes against humanity, genocide, and crimes of aggression.

To further clarify what is meant by *human rights* it is helpful to distinguish 'rights' from 'human rights'. According to intellectual historian Samuel Moyn, *rights* consist of domestic protections for citizens within nation-states while *human rights* are universal and international in orientation. Human rights thus imply more than 'a politics of citizenship at home', requiring one to engage with 'a politics of suffering abroad'.[21] Moyn suggests that by differentiating the two terms as such historians can better periodize when and where human rights emerged as a concept. The key to this question, for Moyn, hinges on when rights were refashioned into human rights to challenge the nation-state 'from above and outside rather than serve as its foundation.'[22] He asserts that this shift took place in the 1970s 'seemingly from nowhere.'[23] The present study adopts an alternative view, suggesting that the transition occurred during the nineteenth century.[24]

## Human Rights: Origins and Evolution

Since human rights history first appeared as a field of study in the 1990s, the question of *when* human rights originated has garnered researchers' attention. 'Most students of human rights,' states Burns H. Weston, 'trace the origins of the concept to ancient Greece and Rome.'[25] Peter N. Stearns moves the timeline forward hundreds of years, stating: '[T]he 18th-century origins of modern human rights seem pretty clear, so we will not be lingering on this issue too lovingly.'[26] Another standard approach begins human rights history with the founding of the UN in 1945.[27] Samuel Moyn's emphasis on human rights' popularization in the 1970s represents one of the more heterodox schools of thought on the subject.[28]

A common thread uniting most approaches to human rights history is an emphasis on Western civilization, political figures, or intellectuals as the main impetus behind human rights thought. Jack Donnelly asserts: 'I want to emphasize that the "Western" origins of human rights ideas and practices is a simple historical fact.'[29] Lynn Hunt posits that human rights were 'invented' in eighteenth century Western Europe and America during an age of revolutionary and intellectual ferment.[30] Adamantia Pollis and Peter Schwab express similar views, but maintain that human rights have 'limited applicability' in non-Western contexts.[31] Marina Svensson agrees that human rights are of Western vintage but stresses their 'universal applicability.'[32]

Various authors have attempted to correct such Eurocentric perspectives by incorporating non-Western contributions and influences into their writings.

Micheline Ishay mentions such diverse sources as Hammurabi's Code, Confucian writings, ancient Indian texts, and Buddhist principles as important non-Western precursors of human rights.[33] Paul Lauren, finding common ground among peoples and cultures from all regions of the globe, argues that human rights 'did not result from a single society, political system, culture, geographical region, or manner.'[34] Mary Ann Glendon in this fashion describes the UDHR as a document in which the framers 'achieved a distinctive synthesis of previous thinking about rights and duties' by 'canvassing sources from North and South, East and West.'[35]

One promising line of inquiry explores how nations of the Global South have shaped our contemporary international human rights system. Roland Burke examines the political impact of the Third World on human rights at the UN in the first two decades of the organization's history, proposing that Third World member states were the main catalyst behind the signing of the International Covenants, the establishment of a right to individual petition, and a shift toward greater emphasis on the universality of human rights.[36] Steven L. B. Jensen likewise stresses how decolonization 'made a crack in the world' from which 'the issue of human rights emerged and over time achieved global prominence.'[37] He suggests that the 1960s witnessed major innovations in human rights due to Third World political pressure,[38] citing Jamaica and Liberia as leading change agents at the time.[39]

Given the continent's association with the slave trade, colonialism, and decolonization, as well as ongoing struggles with poverty and totalitarian rule, one might expect Africa to be well-represented among books on human rights history. Yet only four monographs have been written to date on the subject—Bonny Ibhawoh's *Imperialism and Human Rights: Colonial Discourses of Rights and Liberties in African History* (Albany: State University of New York Press, 2007); Jenny S. Martinez's *The Slave Trade and the Origins of International Human Rights Law* (Oxford: Oxford University Press, 2011); Fabian Klose's *Human Rights in the Shadow of Colonial Violence: The Wars of Independence in Kenya and Algeria* (Philadelphia: University of Pennsylvania Press, 2013); and Bonny Ibhawoh's *Human Rights in Africa* (Cambridge: Cambridge University Press, 2018).

These works have all advanced our understanding of Africa's place in human rights history. Ibhawoh's first book examines how Africans employed human rights-like discourses within colonial society to challenge British rule or serve personal political and economic agendas. Jenny S. Martinez discusses anti-slavery tribunals and their significance for today's human rights courts. Klose shows how criticisms of British and French abuses during colonial wars of the 1950s and 60s led to improvements in the UN's human rights instruments. Lastly, Ibhawoh's *Human Rights in Africa* 'explore[s] the place of Africa in the global history of human rights' and 'broadly map[s] the development of human rights as idea, discourse, and struggle in Africa.'[40]

Although adopting different approaches, Ibhawoh, Martinez, and Klose each reveal that human rights do not have solely Western origins and that Africans have interacted with external actors in such a way as to shape the course of human rights history. More research is needed, however, to properly assess Africa's impact on the evolution of human rights, and other approaches still have the potential to yield further insights on the subject. In this regard, the following account, beginning with the depredations of a Belgian monarch in nineteenth-century central Africa and ending with the efforts of the International Criminal Court to try African perpetrators of human rights crimes, aims to demonstrate how African events, personalities, groups, and nations have influenced the trajectory of human rights history in unexpected, intriguing, and, ultimately, critical ways, in the end enlarging and universalizing a major discourse of our time.

## The Structure of the Book

A popular 'Western civilization' textbook claims that, though under attack by critics and 'radical Muslims,' the Western tradition is 'the driving force behind what is now a global quest for social justice and human rights.'[41] If human rights exist today to benefit the world's peoples, the book suggests, it is largely because they were 'initiated during the Enlightenment, advanced by the French Revolution, and embodied in liberalism.'[42] That such views have yet to be reconsidered after the publication of eight editions of the text reveals how deeply discourses crediting the West with pioneering human rights values are entrenched in institutions of higher learning in the US and other developed nations.

This book challenges the notion that human rights are a Western innovation that has been gifted to peoples of non-Western nations. While it in no way dismisses the West's genuine contributions to human rights, it questions the notion that human rights ideals emerged in exclusively Western settings and then emanated outward to the developing world. Moreover, it argues that if Africa has influenced how we perceive and enforce human rights today, it has often done so in the face of staunch opposition from powerful Western nations. Indeed, as will be shown, Africans in many cases were forced to wrest human rights from hegemonic Western powers; human rights were hardly bequeathed in a gesture of noblesse oblige. If human rights exist today for the world's benefit, a significant debt is owed to the peoples of the 'non-Western' world and their struggles for independence and equality. Africa in this respect has had a far greater impact on human rights than Western civilization texts will usually admit.

The following account is not intended to be celebratory in nature, like early Afro-centric histories lauding African 'initiative' or 'resistance.'[43] It does acknowledge African champions of human rights, like Nelson Mandela, as might be expected, yet also examines the role of African violators and victims in shaping

international human rights. In certain instances, such as during independence struggles in the 1950s and 60s, African leaders have actively advanced human rights; in others, such as with Africans indicted, prosecuted, and convicted by the International Criminal Court, they have, paradoxically, served human rights unwillingly by strengthening anti-impunity values. Further complicating matters, Africans have worked with or been supported by non-African allies who have promoted human rights in Africa, some of whom have hailed from European nations oppressing the continent's peoples. Any history of Africa and human rights must acknowledge and assess the significance of such assistance.

This work agrees with historian Paul Lauren that the story of human rights is 'one of considerable complexity' that defies simple characterization.[44] Human rights have not unfolded in a predictable, linear or orderly fashion. In hindsight, it may appear that previous advances in human rights were inevitable and events could not have turned out otherwise. Yet, as Lauren observes, 'There is no such thing as an "unbroken chain" or straight line of progress. Instead, there are twists and turns, fits and starts, false starts, advances and setbacks, progressive movement and detours, complexities and paradoxes, all heavily influenced by domestic and international politics.'[45] Just as previous developments in human rights could not be foreseen so too is the future of human rights not preordained or guaranteed, even if we can make educated guesses as to what may transpire.

The book is divided into five chapters. Chapter One, which explores the colonial roots of human rights, suggests that ideas resembling modern human rights first emerged in the 1890s in response to atrocities in the Congo Free State. It shows that as reports of horrific abuses of Africans under Belgian King Leopold II's rule circulated worldwide, a shocked international community, using language and concepts resembling contemporary human rights discourses, was stirred to challenge violations of Africans' rights, propose ways to prevent future infractions, and demand punishments for perpetrators of mass atrocities. While these nineteenth-century visions of human rights did not immediately lead to an international system of human rights protection, the chapter suggests that they nonetheless represented an important precedent for contemporary human rights norms and institutions.

Chapter Two, building on the insights of the German American political theorist Hannah Arendt, examines the African colonial origins of Nazi atrocities that led to the issuing of such documents as the Nuremberg Principles and Genocide Convention. It shows that Nazi racial beliefs, hardly a product of the 1930s or 40s, emerged from nineteenth-century theories of race and progress that were tested and refined in Africa. It further demonstrates that the concentration camp as an instrument of dehumanization and death was first perfected in southern Africa and later inspired Nazi proponents of genocide. As to why colonial Africa's significance for World War II atrocities has largely gone unrecognized, the chapter discusses key events and social processes that gave rise to obfuscations and omissions in global historical memory.

Chapter Three proposes that former Ethiopian Emperor Haile Selassie I, a figure rarely mentioned in histories of human rights, made significant contributions in the realm of human rights diplomacy in the 1930s. Following Fascist Italy's invasion of his nation in 1935, he persistently lobbied the League of Nations to uphold Ethiopia's right to self-determination and punish Italy's use of chemical weapons and other violations of the Geneva Protocol and Hague Conventions, raising international awareness of Italian war crimes in Africa. As will also be shown, he adroitly drew attention to the shortcomings of the League's Covenant, providing vital lessons for the founding of the United Nations. While he was deposed in the 1970s due to numerous failures as a leader, for almost three decades, it is argued, he enthralled the international community and prompted rethinking on Europe's relations with its African colonies that had long-term significance for human rights.

Chapter Four assesses Africa's contributions to 'third generation' rights—'solidarity' or 'group rights' that emerged in tandem with decolonization after World War II.[46] It traces the genealogy of three such human rights incorporated into the United Nation's mandate from the 1950s to 1980s—the right to self-determination, the right to racial non-discrimination, and the right to development—arguing that African political lobbying proved decisive for the recognition and codification of these interrelated rights at the UN. Through writings and speeches critical of colonialism, racism, and global inequality; cultivating alliances with non-African Third World nations; and making the UN a more inclusive and representative international body, African leaders, it is shown, helped redefine human rights at the UN in ways that continue to reverberate in our own era.

Chapter Five discusses the operations of The Hague-based International Criminal Court (ICC), which aims 'to end impunity' by punishing the gravest crimes known to humankind—crimes against humanity, genocide, war crimes, and crimes of aggression. Despite its promise, the court has been criticized for its overemphasis on African situations. This chapter assesses African criticisms of the ICC and their accuracy, suggesting that, although they are not always without merit, the court exists as it does today due to African requests for assistance as well as the early and ongoing support of African member states. The chapter also considers the past, present, and possible future impact of the ICC on human rights and international justice in Africa, suggesting that notable progress is being made in both inter-related areas. It argues that, as with previous eras, Africans have exerted an important yet largely unrecognized influence on human rights, in this case vis-à-vis the ICC.

The book concludes with some final thoughts on human rights in Africa and Africa's place in human rights history.

# 1

# The Congo Free State, Atrocity Tales, and Human Rights History

In August 1908, Gustave Stinglhamber, a young military officer who had served in the Congo Free State and was now an aide to Belgium's King Leopold II, walked to the colonial office in Brussels next to the Royal Palace to meet a friend. It was a typical summer day in the capital, though Leopold's assistants and government employees had been busily preparing for the 15 November transfer of the Congo from the King to the Belgian government, which would thereafter assume ownership and control of the colony.

Upon entering the room where his friend was waiting, Stinglhamber decided to sit on a radiator to chat. To his shock, it was scalding hot. The two men asked a passing janitor for an explanation. They thereupon discovered the source of the heat—Leopold had instructed his officials to incinerate the entire Congo Free State archives in the building's furnaces. So many papers had been collected for this task that it allegedly took eight days to complete. As the archives burned at Brussels, Leopold had also sent word to the Congo to destroy any remaining records that could be found abroad. Leopold later informed Stinglhamber that although he was willing to hand over his colony, he did not wish the world to know what he had done there.[1]

What Leopold had in fact done during his thirteen-year reign in central Africa is now well-established, despite his attempts at concealment. He had amassed a huge fortune from rubber exports to meet growing global demand, an achievement made possible through collection quotas his agents enforced on Africans through extreme forms of violence that included the amputation of hands and feet, floggings, kidnappings, rape, and the destruction of villages. Leopold's massive financial windfall had come at an immense human cost. Given what had transpired in the Free State, it is not surprising the Belgian king wanted to hide all traces of his rule and hope all would be forgotten.

To be sure, the international furore surrounding the Congo Free State has been discussed at length by a wide range of scholars.[2] Yet the long-term significance of the Congo Free State controversy for human rights has been largely bypassed by human rights historians, who have tended to focus on events in Western settings and other eras.[3] As an example, Samuel Moyn suggests that various initiatives during the US presidency of Jimmy Carter in the 1970s commenced our human

*Africa and the Shaping of International Human Rights*. Derrick M. Nault, Oxford University Press (2020).
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rights era.[4] As will be shown in this chapter, the story of human rights began not in the late twentieth century but one century earlier; moreover, it did so a world away from any US centre of influence—in central Africa, in response to a crisis of colonial rule. The catalyst for change in this regard was a specific episode from early African colonial history: the international controversy arising from Leopold II's rule over the Congo Free State in the years 1885–1908.

The depredations of a monarch of a middle power nation in a remote region of Africa proved significant for human rights for one key reason. In inspiring international outrage and concern, events in the Congo prompted new forms of thinking about rights beyond domestic contexts that traversed political boundaries and envisioned humanity as a totality in which all individuals deserved the same entitlements—regardless of race, background, or locality. Within this newly emerging human rights consciousness, empathy was not reserved only for those within one's own community or nation-state; it came to embrace others in distant lands who were imagined yet never actually encountered. Such others were envisioned mainly through stories and photographic images that reached a global audience via an increasingly international mass media. Panhuman empathy alone, of course, is not the same as human rights. What was also significant was how empathizers appealed to legal frameworks to protect the vulnerable and punish transgressors. By referring to existing laws and proposing new legal codes and institutions, international observers thought in ways remarkably akin to human rights activists of our own era.

To illustrate the process of human rights' emergence in the nineteenth century the following chapter employs a concept known as the 'atrocity tale'. According to communications scholars David Bromley, Anson D. Shupe Jr, and Joseph C. Ventimiglia, an *atrocity* is 'an event which is viewed as a flagrant violation of a fundamental cultural value' while an *atrocity tale* is:

> a presentation of that event (real or imaginary) in such a way so as to (a) evoke moral outrage by specifying and detailing the value violations, (b) authorize, implicitly or explicitly, punitive sanctions, and (c) mobilize control efforts against the alleged perpetrators.[5]

Works thus far on atrocity tales have generally focused on narratives created for deceptive purposes. Bromley, Shupe Jr, and Ventimiglia, for example, examine how outsiders have demonized religious minorities through such frames for reasons of social control,[6] while Scott A. Bonn and Michael F. Welch link them to 'moral panics' promoting US aggression abroad.[7] The case of the Congo Free State indicates that atrocity tales can also serve a progressive function when their purpose is to expose, punish, and prevent value violations related to human rights.[8]

## Background to the Congo Controversy

The tragic saga of the Congo Free State commenced with King Leopold II, who after assuming the throne in 1865 and scouring the world for unclaimed territory, concluded that the Congo was one of few remaining regions he might acquire as a colonial possession. To gather more information on the Congo and develop a colonization plan, he assembled renowned geographers for a conference at Brussels on 12 September, 1876.[9] Leopold opened the gathering by urging the world's nations to work together for 'humanity' to bring 'civilization' and 'progress' to central Africa.[10] Delegates established the International Association for the Exploration and Civilization of Central Africa (also known as the International African Association) with these aims in mind. Leopold was appointed Chair of the organization.[11]

In September 1877, Leopold read of the exploits of the famous Welsh-born explorer Henry Morton Stanley, who was about to embark on a journey down the Lualaba River in the eastern Congo region. Leopold saw in Stanley the type of rugged, enterprising individual he needed to establish a foothold in central Africa before Great Britain, or another European state, annexed the territory. He decided to enlist Stanley's assistance in signing treaties, establishing military posts, and seeking out economic opportunities in the Congo River Basin. So as not to draw attention to his colonization plans and stir up opposition in London or elsewhere, Leopold schemed to make it appear that he was sponsoring Stanley's explorations for scientific and humanitarian purposes under the guise of the International African Association.[12]

Between 1879 and 1884, Stanley signed some 450 treaties with African chiefs on behalf of the Brussels-based organization. The chiefs had little understanding of the treaties as they were written in English, riddled with complex legal terminology, and contained alien concepts such as private property. The result was that they signed away their sovereignty and rights to the territory's natural resources, which became the property of the association. They had also by affixing their X's to the treaty agreed to provide labour to the association when needed for expeditions and public works projects. Lastly, Leopold's association was granted control over waterways and roads throughout the region.[13]

On 22 April, 1884, Leopold achieved a major breakthrough as the United States, followed by France and Germany, recognized the flag of the International African Association as that of a friendly government.[14] At the Berlin Conference of 1884–85, through shrewd diplomacy and false promises of free trade and humanitarian works, Leopold next convinced the European powers to recognize the authority of his own International Association of the Congo (IAC). Shortly after achieving this aim and claiming his new possession, Leopold named his colony the 'Congo Free State', dissolved the IAC, appointed himself the

King-Sovereign, and divided his territory into two areas: 'uninhabited lands', in which he was granted the rights to all resources, and lands for concessionary companies, in which he owned substantial shares.[15]

Initially, the Congo Free State seemed to possess few exploitable resources aside from ivory. The cost of maintaining the colony thus continually rose above available annual revenues, forcing Leopold to draw on his own personal funds to defray administrative costs. Although he managed to secure a loan of 25 million francs from the Belgian government, the King-Sovereign veered toward bankruptcy into the early 1890s. The invention of the pneumatic tire by John Boyd Dunlop in 1888, however, spared Leopold from financial ruin as rubber soon replaced ivory as the Congo Free State's main export.[16] Thanks to the rubber boom of the early 1890s, Leopold and his business partners were able to extract huge profits from the colony. Outsiders soon learned of the abuses these financial gains entailed, pressuring Leopold to sign over ownership of his personal fiefdom to Belgium in 1908. By that time, between 8 and 10 million Congolese had perished in one of the worst crimes of humanity of the nineteenth and twentieth centuries,[17] the acts of which were documented and exposed through a wide array of atrocity tale texts.

## Atrocity Tale Texts

For convenience's sake, atrocity tale texts concerning Leopold's Congo can be classified into five types: (1) protest letters, (2) literary works, (3) reports, (4) African testimonies, and (5) photographic texts. The following section is not exhaustive but describes some key texts and their themes. This is followed by an examination of the psychological impact of atrocity tales and a discussion of how feelings and outlooks were translated into early human rights concepts.

### Protest Letters: 'To His Serene Majesty'

Protest letters were texts sent to public figures and the media to expose the exploitative economic system in the Congo and ultimately influence public opinion and official policy. The first major letter of importance—entitled 'Open Letter to His Serene Majesty Leopold II'[18]—was written by George Washington Williams, an African American journalist, pastor, historian, lawyer, and civil war veteran.[19]

Intrigued by stories of Leopold's alleged philanthropic works and impressed by Leopold when he had interviewed him in person at the Royal Palace in Brussels in 1889,[20] Williams resolved to visit the Congo Free State and witness first-hand

the benefits of European rule the king spoke of in central Africa. He had long envisaged sending young black Americans to Africa to teach its peoples skills that would aid their economic and cultural development and thought the colony might be an ideal location for such a scheme.[21] After securing £100 in funding from Collis P. Huntington, president of the Southern Pacific Railroad, he ventured to the Congo in the spring of 1890.[22]

On his way to the Congo, Williams, concerned about how Belgian authorities had tried to dissuade him when he had sought permission for his tour and witnessing signs of European misdeeds toward Africans at various ports, began to entertain doubts about Leopold and his civilizing mission.[23] His fears were quickly confirmed after his arrival. Four months into his trip, on 18 July, 1890, after disembarking from the steamer SS Gaboon at Stanley Falls, Williams, unable to contain his anger over the appalling treatment of Africans in the colony, penned his 'Open Letter' to Leopold.[24]

Written 'in plain and respectful language,'[25] as Williams himself put it, the letter protested how Congolese were swindled of their lands and brutalized by agents of the Congo Free State, including Henry Morton Stanley. Disillusioned by the stories of trickery he learned of concerning Stanley and scenes of abuse he had personally witnessed or heard of under Leopold, Williams, after calmly beginning his letter, lashed out at the Belgian king for allowing kidnappings, coerced labour, torture, and wanton murder to be inflicted on the region's peoples. According to Williams, all the Africans he consulted complained of ill-treatment. They had come to despise Leopold's government as it had 'sequestered their land, burned their towns, stolen their property, enslaved their women and children, and committed other crimes too numerous to mention in detail.'[26]

Among the most shocking atrocities Williams recorded was of Belgian officers shooting an African for sport:

> In one war two Belgian Army officers saw, from the deck of their steamer, a native in a canoe some distance away. He was not a combatant and was ignorant of the conflict in progress upon the shore, some distance away. The officers made a wager of £5 that they could hit the native with their rifles. Three shots were fired and the native fell dead, pierced through the head, and the trade canoe was transformed into a funeral barge and floated silently down the river.[27]

Williams also documented numerous abuses linked to slave trading. Despite the monarch's promise to rid the colony of the practice, Africans continued to be bought and sold as previous, revealing the Congo Free State's government to be 'impotent.' To carry out his directives, Leopold had established fifty outposts that were manned by 'mercenary slave-soldiers from the East Coast' who sustained themselves by plundering food supplies from neighbouring communities. When

the latter refused to comply, a white-led expeditionary force of black soldiers was sent by headquarters to the area to burn the offending villages' huts to the ground.[28]

Williams heaped scorn upon the Congo Free States' grossly unjust and biased legal system. In his view, the courts were 'abortive, unjust, partial, and delinquent,' while the colony's laws were 'a dead letter and a fraud.' To illustrate his point that Africans were not afforded proper legal protections, he recounted how he had witnessed 'an officer of the Belgian Army pleading the cause of a white man of low degree who had been guilty of beating and stabbing a black man, and urging race distinctions and prejudices as good and sufficient reasons why his client should be adjudged innocent.' He had further heard of prisoners being detained for up to a whole year without being brought before a court and Europeans being excused for crimes that had been blamed on Africans who had been falsely accused and subjected to harsh punishments.[29]

Williams' letter, like others concerning the Congo that found their way to the international media and Western governments, conveyed both horror and indignation. It was written to expose the discordance between Leopold's affectation of humanitarian concern for Africans impoverished by the slave trade and bereft of the benefits of 'civilization,' and the reality of his role in exploiting and failing to advance the very people he purported to be aiding. Williams also contrasted the peaceful and content African in his letter with the rapacious and cruel European, inverting accepted beliefs concerning the 'civilized' and 'uncivilized.' His appeal to justice was not merely a call to uphold international moral standards, but also to adhere to the General Act of the Conference of Berlin,[30] the treaty signed by Leopold and other European leaders on 26 February, 1885 that included promises to 'watch over the preservation of the native tribes, and to care for the improvement of the conditions of their moral and material well-being.'[31]

Concluding that Leopold would have to 'answer at the bar of Public Sentiment' for his 'crimes,' Williams sent copies of his letter to the British Secretary of State for Foreign Affairs, the US Secretary of State, and newspapers and magazines throughout Britain and the United States, commencing the international debate over the Congo Free State.[32] The fact that Williams was not white likely limited the impact of his letter. His early death in 1891 also ensured his role in spearheading the campaign against Leopold was downplayed, if not forgotten, and that others would be credited with first exposing Leopold's atrocities. But at least at the time it was circulated, Williams' protest letter 'had torn Leopold's cloak of philanthropy, leaving a general sense that all was not well in the Congo.'[33] Reflecting on the long-term significance of the document, Adam Hochschild has aptly called it 'a milestone in the history of human rights and of investigative journalism.'[34]

## Literary Works: Conrad and Twain

Around the same time that Williams was in the Congo, the Polish writer Joseph Conrad, intrigued by the mysteries of central Africa since he was a young boy, ventured to the region, securing work aboard the steamship *Roi des Belges*. The disturbing scenes he witnessed in his six-month visit in 1890 served as the inspiration for his story *Heart of Darkness*, which first appeared in serial form in 1899 in *Blackwoods Magazine* and was published as a novella in 1903.[35]

*Heart of Darkness* tells the story of Mr Kurtz, a deranged and cruel ivory trade post commander for 'the Company,' and Charles Marlow, captain of the steamship *Nellie*, assigned the task of bringing Kurtz back to civilization. Marlow, the protagonist and narrator, symbolizes the curious observer of life and human nature. A seeker of truth and adventure, he vacillates between admiration and revulsion of Kurtz. Marlow believes in civilization and its virtues, while Kurtz reveals the depravity to which humans may sink in an environment in which their primal drives reign supreme, unconstrained by society's rules and mores.

While Kurtz was once an upright and well-educated Englishman with humanitarian intentions, the novella shows how his lust for riches and power left him devoid of compassion and a moral conscience. Among his many cruel acts, Kurtz decapitated enemies, placed their heads on posts around his bungalow, and forced Africans to crawl on all fours in his presence. Kurtz dies before Marlow exclaiming 'The horror! The horror!' but when Marlow later meets the deceased's fiancée in England, he falsely claims her betrothed passed away whispering her name, covering up Kurtz's atrocities and moral deterioration.[36]

Phillips Verner Bradford and Harvey Blume comment as follows on the significance of Kurtz as a character:

> In the character of Kurtz, Conrad posted a warning sign. A renegade trader, Kurtz had stepped far beyond the reaches of even extraordinary avarice. He had crossed into a territory of corruption from which there was no return, making a sacrifice of his own humanity in exchange for complete power over a native population. In the end, his bloated form and vast power were reduced to a voice and a monologue of pointless, persuasive eloquence.[37]

Although *Heart of Darkness* does not actually mention Leopold by name, it nonetheless indirectly condemns him and his agents through Kurtz and other characters who pillage the continent and treat Africans in a cruel, inhumane fashion.

The American writer Mark Twain joined the Congo reform movement later than Conrad but was more deeply committed to the cause, regularly delivering