



WORKS

Republic, and Marcias Nguema's Equatorial Guinea.) This charter sought to nudge Africa's legal systems away from their heavy colonial influences; it was somewhat influenced by African tradition with its emphasis (relative to Western traditions) on the individual as part of a group and the correlation of rights with duties. However, the Charter falls far short of prescribing new laws that could guarantee the rights, liberty and economic well-being of the majority of the people.

For instance, Article 13 of the Charter guarantees as follows the right to participate in government: "every citizen shall have the right to freely participate in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law." In analyzing this proviso, we can see that the accommodating clause, "in accordance with the provisions of the law," strips the article of any meaningful human rights content. Equally, "the right to freely participate" is vague and meaningless and is of no consequence. The objective interpretation of the clause is that one is "free" only to the extent specified in the applicable national laws. Kotey argues that against the background of the African experience of one-party states, military dictatorships, and "revolutionary" autocracies, to offer the African people the right to participate in the governance of their countries within the parameters established by national law is to offer nothing at all.

In sum, African legal systems remain an impediment to the development of anarchism in Africa. The extant body of laws is capitalist inspired and is designed to perpetuate the status quo and the state system. In most parts of Africa, military dictatorships and civilian autocracies have introduced decrees and statutes that prohibit workers from organizing themselves into unions. In some countries, in fact, strikes and other forms of workers' actions are absolutely prohibited. To the extent that it sees nothing fundamentally wrong with the state system in Africa, The African Charter cannot address the issue of class antagonisms and oppression on the African continent.

And at the same time, as long as Africans continue to support the Western/colonialist-inspired legal system — and, importantly, to accept its underlying philosophies and rationale — African legal systems will remain an important obstacle to both human freedom and the development of anarchism in Africa.

The Military Class and the Status Quo

As discontent continues to heighten and the possibility of revolutionary action increases, the African military continues to act to maintain the status quo. Roger Murray explains military intervention as an attempt to prevent the radicalization of the people and revolutionary situations. Underlying this is the fact that the military is a central component of the national ruling class in all African countries

