

The Siege of Human Rights in Geographical and Existential Peripheries

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Abstract: On December 10, 1948, the drafters issued the Universal Declaration of Human Rights. The belief of every human being's inherent dignity and inalienable human rights encapsulates the intuition of this historical and universal declaration. Today, however, human dignity and inalienable human rights are grossly violated in geographical and existential peripheries by the same institution assigned the noble mission of protecting and promoting them. From this perspective, using the qualitative approach, this paper addresses the betrayal of the original intuition behind the Universal Declaration of Human Rights. My analysis will proceed in four steps. First, I provide a first-hand account of the hardships I consider the siege of human rights. Second, I identify the categories of human rights shamelessly violated. Third, I discuss some causal factors that encourage this siege. Fourth and lastly, I envisage perspectives that can halt the siege of human rights in geographical and existential peripheries.

Keywords: Human Rights, Siege, Geographical and Existential Peripheries, Social Mobilization, Direct Action, Democratic Republic of the Congo.

I. Introduction

This paper addresses the betrayal of the original intuition behind the Universal Declaration of Human Rights (UDHR) on December 10, 1948.¹ The belief of every human being's inherent dignity and inalienable human rights encapsulates this intuition. Today, however, human dignity and inalienable human rights are grossly violated by the same institution that has been assigned the noble mission of protecting and promoting them.

Using the qualitative approach,² this paper addresses the betrayal of the original intuition behind the Universal Declaration of Human Rights. My analysis will proceed in four steps. First, I provide a first-hand account of the hardships I consider the siege of human rights. Second, I identify the categories of human rights shamelessly violated. Third, I discuss some causal factors that encourage this siege. Fourth and lastly, I envisage perspectives that can halt the siege of human rights in geographical and existential peripheries.

¹ I initially presented this paper at a conference at Eurasia's 5th World Conference on Arts, Humanities, Social Sciences, and Education in Vienna, Austria on May 13, 2024. I am grateful for the responses to my presentation. One response found timely Martin Luther King's approach of nonviolent direct action for protecting human rights. The other response recognized the relevance of *Debout Congolais* – the Congolese national anthem as an operative strategy of nonviolent direct action in the rural areas of the Democratic Republic of the Congo.

² As Paul N'DA explains, "In the qualitative approach to investigation, the researcher starts from a concrete situation comprising a specifically interesting phenomenon and aims to understand the phenomenon and not to demonstrate, prove or control anything. He wants to give meaning to the phenomenon through or beyond observation, description, interpretation, and appreciation of the environment and the phenomenon as they present themselves. The research intention (goal, objective) is to recognize, name, discover, describe the variables and relationships discovered, and, thereby, to understand a complex and poorly understood human or social reality." He further notes that "In qualitative research, the researcher starts from experience (his own or that of others), identifies typical situations of a phenomenon to be studied, analyzes them to understand them (produce the meanings), and if possible draws the constituent concepts and formulates a grounded theory." [Paul N'DA, *Recherche et méthodologie en sciences sociales et humaines : Réussir sa thèse, son mémoire de master ou professionnel, et son article* (Paris: L'Harmattan, 2015), p. 22].

II. The Siege of Human Rights in a Geographical And Existential Periphery

I begin this analysis by delineating the meaning of a geographical and existential periphery. On the one hand, a geographical periphery is an environment of a human community that lives on the margin or without modern technology including, electricity, running water, cell phones, television, and internet. On the other hand, an existential periphery expresses the experience of communities or individuals who undergo untold marginalization or multi-layered vulnerability. The characteristics of both geographical and existential peripheries are the daily experience of the population of the Sankuru region located in the central Democratic Republic of the Congo (DRC) in central Africa.³ In what follows, I focus on one aspect of the experiences of this population. I evoke two instances.

In the recent past, the local government and patrol officers imagined a form of tax. In French, they called it, “*Attestation des pièces perdus*”, that is, “Certificate of lost documents.” They usually referred to it by its acronym APP. They collected this certificate from taxi motorcyclists every two weeks. The agents imposed this certificate on both those who had driving documents and the ones who lacked them.

Local government and patrol officers targeted this means of transportation because the Sankuru region lacks cars and public transportation such as buses and trains. In other words, riding a motorcycle is now the most available transportation to the population. It has become a convenient and quick way of traveling. It has liberated people from walking long distances with heavy packages on their heads or backs. The desire to travel with a certain ease means that people choose to travel in a group of four people per motorcycle.

Unfortunately, the coercion to regularly pay the certificate of lost documents constrained this improvement of the means of transportation. Under these circumstances, taxi motorcyclists had only two options. They stayed home to avoid arrest by patrol officers in case they were unable to pay the certificate or they raised the price of the transportation. Travelers with insufficient funds had to return to the old and painful way of going on a trip. They had to walk again.

The certificate of lost documents has thus been a heavy burden laid on both the taxi motorcyclists and travelers. Whereas it was detrimental to them, the expensive tax benefited the local authorities and patrol officers according to their ranks. In any case, the certificate of lost documents has been a hellish hindrance to free movement in the villages and towns of the Sankuru region.

In addition to the loopback to collect funds from the certificates of lost documents, the erection of barricades on the roads to collect other taxes is another strategy of the Sankuru local government. In this context, at one station, a traveler has to stop at four offices *Agence Nationale de Renseignements* (National Intelligence Agency), *Direction Générale des Migrations* (Bureau of Immigration Services), *Péage* (payment of a toll), and *Service National Routier* (National Road Service). In principle, these different services have good objectives. However, in practice, they are instruments of extorsions and predation. For example, during my round trip from April 3 to 5, 2024, I counted five stations of the above offices within a distance of one hundred and fifty kilometers. The irony is that not far from those stations, the road was in very bad shape. In addition, the population complained that criminals wreak havoc. People wondered where the funds collected daily went.

Most shockingly, the proliferation of the barricades of those stations in all directions of the Sankuru region made traveling impossible. Without much money, free traveling became a crime. Even if a traveler had all the required documents including, the identification card, he or she cannot cross a barricade without bribing. As a result, some travelers found themselves empty-handed halfway through their journey. They then faced a hellish dilemma: they could not continue the trip or return without any money. This frustrating situation led people to violate the Sunday rest. They chose to travel on Sunday because it was the only day of the week when tax collectors lifted barricades on the roads. People wondered what will happen to travelers if officers demand ransom even on Sunday.

In itself, this narrative arouses a rightful indignation. It helps those who hear it to perceive the nature of the above practices. They criminalized the natural experience of traveling. Moreover, local government and its offices transformed peaceful areas into something similar to war zones. The ensuing analysis shows how both the loopback for the certificate of lost documents and the barricades on the road constituted gross violations of inalienable human rights. This interpretation will determine the scope of the corrosive effect of the above practices.

3 Readers will find ample details about the daily existential experience of the Sankuru population by reading my recent article: Raphael Okitafumba Lokola, “Statism Debunked: Analysis of Self-aid Groups as Vehicle of Rural Development,” *Global Journal of Arts and Social Sciences*, volume 6, Issue 1 (March 2024): pp. 1-6. DOI: <https://doi.org/10.36266/GJASS/194>.

III. Interpretation of the Siege of Human Rights in a Geographical and Existential Periphery

The present discussion views the doctrine of human rights as a modern normative moral approach that promotes human dignity and human flourishing.⁴

In light of the “canonization” of this approach by religious traditions⁵ and legal systems⁶ on the one hand, and many objections raised against it on the other hand⁷, my account focuses on assessing the experience of people in the geographical and existential periphery in the Sankuru region from the perspective of basic rights. As Henry Shue observes,

Rights are basic in the sense used here only if enjoyment of them is essential to the enjoyment of all other rights. This is what is distinctive about a basic right. When a right is genuinely basic, any attempt to enjoy any other right by sacrificing the basic right would be quite literally self-defeating, cutting the ground from beneath itself. Therefore, if a right is basic, other, non-basic rights may be sacrificed, if necessary, in order to secure the basic right. But the protection of a basic right may not be sacrificed in order to secure the enjoyment of a non-basic right. It may not be sacrificed because it cannot be sacrificed successfully. If the right sacrificed is indeed basic, then no right for which it might be sacrificed can actually be enjoyed in the absence of the basic right. The sacrifice would have proven self-defeating.⁸

4 For example, Michael Freeman argues that “Human rights must be a special kind of right. They are often contrasted with *legal* rights or *civil* rights that derive from the laws or customs of particular societies.” Michael Freeman, *Human Rights: An Interdisciplinary Approach* (Cambridge: Polity Press, 2002), p. 60. [Emphasis in the original]. For further details about human rights understood from the perspective of ethical theory, readers can read the following books: Abdullahi A. An-Na’im, Jerald D. Gort, Henry Jansen, Hendrik M. Vroom (eds.), *Human Rights and Religious Values: An Uneasy Relationship?* (Michigan: Eerdmans Publishing Company, 1995); Henry Shue, *Basic Rights: Subsistence, Affluence and U.S. Foreign Policy*, 2nd Edition (Princeton: Princeton University Press, 1996); John Witte, Jr. and M. Christian Green (eds.), *Religion and Human Rights: An Introduction* (Oxford: Oxford University Press, 2002); Jack Mahoney, *The Challenge of Human Rights: Origin, Development and Significance* (Massachusetts: Blackwell Publishing, 2007); Joseph Runzo, Nancy M. Martin and Arvind Sharma (eds.), *Human Rights and Responsibilities in the World Religions* (Oxford: Oneworld Publications, 2008); Jack Donnelly, *Universal Human Rights: Theory and Practice*, 3rd Edition (Ithaca: Cornell University Press, 2013).

5 After the Universal Declaration of Human Rights by the United Nations, many religious traditions found the language of human rights compatible with their doctrines and convictions. As a result, they adopted it. For more details, readers can peruse the following texts: John XXIII, *Pacem in Terris* – Encyclical Letter on establishing peace on truth, justice, charity, and liberty (Vatican: Libreria Editrice Vaticana, 1963); Abdullahi A. An-Na’im, Jerald D. Gort, Henry Jansen and Hendrik M. Vroom, eds., *Human Rights and Religious Values: An Uneasy Relationship?* (Grand Rapids: Eerdmans Publishing, 1995); Drew Christiansen, “Commentary on *Pacem in Terris* (Peace on Earth),” in Kenneth Himes (ed.), *Modern Catholic Social Teaching: Commentaries and Interpretations* (Washington, D.C.: Georgetown University Press, 2005), pp. 217-243; Joseph Runzo, Nancy M. Martin and Arvind Sharma (eds.), *Human Rights and Responsibilities in the World Religions* (Oxford: Oneworld Publications, 2008); John White, Jr. and M. Christian Green (eds.), *Religion and Human Rights: An Introduction* (New York: Oxford University Press, 2012).

6 According to Michael Freeman, “The Universal Declaration and the two covenants, together known as the International Bill of Rights, constitute the core international human rights law.” [Michael Freeman, *Human Rights: An Interdisciplinary Approach* (Cambridge: Polity Press, 2002), p. 45.

7 Among the main objections raised against the Universal Declaration of Human Rights and the doctrine of human rights in general, I point out the eurocentric approach, cultural and ideological imperialism, issues with the language of the generations of human rights, issues of conflict among rights, overemphasis on rights and neglect of duties. To learn more about these objections and others, readers can see the following books: Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*, 2nd edition (Princeton: Princeton University Press, 1996); Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House Trade Paperbacks, 2002); Michael Freeman, *Human Rights: An Interdisciplinary Approach* (Cambridge: Polity Press, 2002); Jack Mahoney, *The Challenge of Human Rights: Origin, Development, and Significance* (Massachusetts: Blackwell Publishing, 2007); Jack Donnelly, *Universal Human Rights in the Theory and Practice*, 3rd edition (Ithaca: Corneille University Press, 2013).

8 Shue, *Basic Rights*, p. 19.

The Archimedean point here consists in the fact that the enjoyment of what is called basic right is the *sine qua non* for life itself. Its denial ergo means the negation of life. Conversely, its nurturing allows the eudaemonistical character of life to unfold. On this account, Shue is right in saying that “basic rights, then, are everyone’s minimum reasonable demands upon the rest of humanity. They are the rational basis for justified demands the denial of which no self-respecting person can reasonably be expected to accept.”⁹ Stated differently, “basic rights are the morality of the depths. They specify the line beneath which no one is to be allowed to sink.”¹⁰ Here Shue establishes or constructs a robust approach to life. This approach becomes significantly intelligible when he asserts,

Basic rights are a shield for the defenseless against at least some of the more devastating and more common of life’s threats, which include [...] loss of security and loss of subsistence. Basic rights are a restraint upon economic and political forces that would otherwise be too strong to be resisted. They are social guarantees against actual and threatened deprivations of at least some basic needs. Basic rights are an attempt to give the powerless a veto over some of the forces that would otherwise harm them the most.¹¹

In addition to elucidating basic rights, Shue classifies them into three categories including security rights, subsistence rights, and liberty rights.¹² It is impossible within the compass of this paper to examine all the contours of these three basic rights. Instead, I want to use Shue’s discussion of liberty rights to show how the non-enjoyment of these rights constitutes the siege of human rights in the geographical and existential periphery like the Sankuru region in the DRC. Although he identifies two liberty rights, namely political participation and freedom of movement, my focus here is on the latter.¹³ According to Shue, “freedom of physical movement is the absence of arbitrary constraints upon parts of one’s body, such as ropes, chains, and straitjackets on one’s limbs, and the absence of arbitrary constraints upon movement from place to place of one’s whole body, such as imprisonment, house arrest, and pass-laws (as in South Africa), at least within regional boundaries.”¹⁴

The above narrative showed that the substance of the freedom of physical movement is far from being enjoyed in the Congolese context. In comparison with the frightening atmosphere of war when women cannot go to the farm out of fear of being kidnapped and raped, and young men hide to avoid being conscripted into different guerilla armies, the freedom of movement has been sacrificed at the altar of money in the Sankuru region. The local government and patrol officers have equated movement with money. In simple words, the aggressive extortions implied that without paying arbitrary taxes the free movement was not an option for the local population. However, because the State does not provide social services, people have to move around a town or from one village to another for economic exchange that generates some funds capable of attending to life’s basic needs such as subsistence, healthcare, clothing, and education.

From this perspective, the lockdown imposed by the predatory mentality of the local government was a terrible assault on the right to free movement. When the Sankuru population no longer enjoyed the freedom of movement, the options for the enjoyment of anything as rights became doomed.¹⁵

Put differently, when the Sankuru local government erected obstacles to prevent the population from freely moving around, it deprived its citizens of any “prospects of meaningful life and human flourishing.”¹⁶ This experience recalls how certain people besieged the walls of others in the past. Their objective was to asphyxiate them and conquer them.¹⁷ What is intriguing in the Congolese context is the fact that the local

9 Shue, *Basic Rights*, p. 19.

10 Shue, *Basic Rights*, p. 18.

11 Shue, *Basic Rights*, p. 18.

12 Shue, *Basic Rights*, p. 86-87.

13 In his analysis, Shue emphasizes that “freedom of physical movement, as well as the liberty of economic and political participation, are basic rights because the enjoyment of them is an integral part of the enjoyment of anything as a right.” [Shue, *Basic Rights*, p. 81-82]. He also states, “It is not possible to enjoy full rights to security or subsistence without also having rights to participate effectively in the control of security and subsistence.” [Shue, *Basic Rights*, p. 75].

14 Shue, *Basic Rights*, p. 78.

15 Shue, *Basic Rights*, p. 81-82.

16 Stacey M. Flyod-Thomas and Miguel A. De La Torre (eds.), *Beyond the Pale: Reading Ethics from the Margins* (Louisville: Westminster John Knox Press, 2011), p. xxiii.

17 From my perspective, the most evocative sieges are the Trojan War in the thirteen or twelve century BCE and the siege of Jerusalem by Babylon and Rome separately.

population is not the enemy of those who govern it. A covenant is supposed to bind them.¹⁸ Unfortunately, the local government of Sankuru has broken this covenant. For example, until recently, everybody in the region knew that the certificate of lost documents and other local taxes did not served the common good or rendered public services. They were creative strategies of extortion. The local government and patrol officers conceived them to draw dividends that they thought were being lost with the system of annual taxes. These predatory gymnastics worked at the expense of the flourishing of the population whose freedom of movement was gravely handicapped. In other words, the wanton violation of the human right to freedom of movement had a negative bearing on the daily life of the population of Sankuru. First, this wanton violation was a break of the shield for these already defenseless people. Second, it constituted their exposure to hostile economic and political forces. Third, it catalyzed the deprivation of their human basic needs. Lastly, it subjected these powerless people to harmful experiences in their lives.¹⁹ To use biblical words, the wanton violation of the human right to freedom of movement extorted and took away “from the people who [did not have], even what they have.”²⁰ The illustration of this statement is the experience of rest. Sunday is the only day of the week for possible rest because people work from early morning to late evening from Monday to Saturday. Recently, people disregarded the rest and traveled on Sunday because it was the sole day when tax collectors lift barricades on the roads.

In this context, the non-enjoyment of the freedom of movement deprived people of the enjoyment of “the right to freedom of thought, conscience, and religion as well as the right to manifest this religion or belief in teaching, practice, worship, and observance.”²¹ In brief, the violation of the basic right to freedom of movement creates immeasurable negative consequences in the daily existential experience of people.

The foregoing analysis has already identified the local government as the main violator of the basic human right to freedom of movement. In the ensuing section, I delve more deeply into the causal factors of this violation.

IV. Causal Factors of the Siege of Human Rights in a Geographical and Existential Periphery

The present analysis determines three main causal factors that have perpetuated the siege of human rights. They are the statist conception of human rights, the lack of civil society in the Sankuru region, and the geographical bias of human rights activists. The following analysis explains the manifestation of each of them.

4.1. The Statist Conception of Human Rights

As a boy, I heard that pedagogic wisdom suggests managing the chatter of a fiery student by choosing him as the leader of the class. This student is expected to maintain order in the classroom when the teacher goes out. Under these circumstances, it is possible that the teacher’s trust positively influences the attitude of the talkative student. Nonetheless, this student cannot deny himself. As a result, upon returning, the teacher can find the classroom in a raucous commotion led by the leader she left in charge.

This anecdote sheds light on the State’s *modus operandi*. As Jack Donnelly expresses it, “The State is the principal violator and essential protector of human rights.”²² The accuracy of this statement needs to be qualified by being put into context. Because of the influence of the statist paradigm that dominated political discourse and vision during the period of the conception of the UDHR, it was logical that the drafters of this valuable declaration granted the States the responsibility of safeguarding and promoting human rights within the boundaries of their territories. However, the urgency to overcome the abyss of the two world wars led the drafters to overlook the critical fact that it was the same institution of the State that dragged humanity into this abyss.

Like the talkative and fiery student who cannot deny himself, the State is incapable of renouncing its essence despite the trust put in it. I believe that Max Weber was insightfully right when he stated that “the specific means peculiar to it [the State], as to every political association, [is] namely the use of violence.”²³

18 I agree with Philip Selznick who recognizes the existence of a covenant between those who governed and those who are governed. See Philip Selznick, *The Moral Commonwealth: Social Theory and the Promise of Community* (Berkeley: University of California Press, 1994), p. 477-480.

19 Shue, *Basic Rights*, p. 18.

20 Matthew 13:12; Matthew 25:29.

21 See Article 18 of the Universal Declaration of Human Rights.

22 Jack Donnelly, *Universal Human Rights in Theory and Practice*, third edition (Ithaca: Cornell University Press, 2013), p. 33.

23 Max Weber, “Politics as Vocation,” in *From Max Weber: Essays in Sociology*, translated, edited, with an introduction by H. H. Gerth and C. Wright Mills (New York: Oxford University Press, 1946), p. 78.

Politics is a realm particular to the State and the latter utilizes violence to carry it out.²⁴ The sociological analysis of Johan Galtung indicates that the scope of violence encompasses misery, alienation, repression, and death.²⁵ From this perspective, it is not an exaggeration to argue that if the State understands itself as an institution that claims the monopoly of violence, it implies that the functioning of the State apparatus involves violence in its different forms. Similarly, the siege of basic human rights by the local government in the Sankuru region reflects the local population's experience of the different forms of violence including misery, alienation, repression, and death.

Put differently, the statist or State-centric conception of human rights²⁶ accounts for the way the State has become "the instrument of repression and domination" in the Sankuru region.²⁷ Although it is being challenged nowadays,²⁸ the traditional dogma of sovereignty that prohibits any interference in domestic affairs gives free rein to a State to grossly and wantonly violate basic human rights.²⁹

From the political perspective, the siege of human rights is absurd because the local government does not feel threatened to lose a certain portion of power.³⁰ The absolutization of money is the ultimate motive for this siege of human rights. The local government has defied money. Accordingly, it did everything and sought to maximize it at all costs.

From an ethical standpoint, tyranny describes best the local government's siege of human rights. According to Michael Walzer, "Tyranny is always specific in character: a particular boundary crossing, a particular violation of social meaning."³¹ The local government of the Sankuru region became tyrannical when it intensely used coercion to accumulate extortions instead of rendering social services to the population. In Walzer's words, "the use of political power to gain access to other goods is a tyrannical use. Thus, a description of tyranny is generalized: princes become tyrants, according to medieval writers, when they seize the property or invade the family of their subjects. In political life – but more widely, too – the dominance of goods makes for the domination of people."³² In other words, "the crucial sign of tyranny is a continual grabbing of things that do not come naturally, an unrelenting struggle to rule outside one's own company."³³ In the preceding discussion, I pointed out that the local government and patrol officers imposed the certificate of lost documents and they erected barricades on the roads to extort taxes because they wanted to draw dividends that they did not get with the system of annual taxes. This way of unnaturally making dirty money is tyrannical in Walzer's terms.

All things considered, Walzer's notion of tyranny further helps to perceive how the State is the primary cause of the siege of human rights in a Congolese geographical and existential periphery. The following subsection highlights another cause of this siege.

4.2. The Absence of Civil Society

The inoperative approach of the civil society in the Sankuru region is tantamount to its absence. In this milieu, the existence of civil society is purely and simply nominal. Perhaps, it is better to say that civil society exists for utilitarian and opportunistic reasons. Because of miserable distress, people join civil society for political positions and the pursuit of a better life. In other words, since the Congolese State has subjected people

24 Max Weber says, "Hence, 'politics' for us means striving to share power or striving to influence the distribution of power, either among states or among groups within a state." [Weber, "Politics as Vocation," p. 78].

25 Johan Galtung, "Cultural Violence," *Journal of Peace Research* 27, no. 3 (1990), p. 292.

26 Donnelly, *Universal Human Rights in Theory and Practice*, p. 32. Moreover, according to Donnelly, "In the contemporary world, [...] duties to protect, to provide, and to aid are assigned almost exclusively to states, creating the system of national implementation of internationally recognized human rights." [Donnelly, *Universal Human Rights in Theory and Practice*, p. 36].

27 Donnelly, *Universal Human Rights in Theory and Practice*, p. 33.

28 Jack Donnelly and Jack Mahoney affirm that the dogma of sovereignty can be challenged in the occurrence of genocide or the aggression of a State by another. These circumstances justify the right to humanitarian intervention. See Donnelly, *Universal Human Rights in Theory and Practice*, p. 261-262; Jack Mahoney, *The Challenge of Human Rights: Origin, Development, and Significance* (Malden: Blackwell Publishing, 2007), p. 183. It is worth noting Donnelly's contention that "Politics is still vital to the exercise of the right to humanitarian intervention." [Donnelly, *Universal Human Rights in Theory and Practice*, p. 272].

29 Donnelly, *Universal Human Rights in Theory and Practice*, p. 261; Mahoney, *The Challenge of Human Rights*, p. 185.

30 For Max Weber, "'politics' means striving to share power or striving to influence the distribution of power, either among states or among groups within a state." [Weber, "Politics as Vocation," p. 78].

31 Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), p. 28.

32 Walzer, *Spheres of Justice*, p. 19

33 Walzer, *Spheres of Justice*, p. 31.

to untold precariousness, the so-called leaders of civil society have sacrificed their vocation to serve the community.³⁴

Against such a distortion of the role of civil society, the sociological analysis of Alan Wolfe demonstrates the relevance of the mission of civil society. Wolfe recognizes the existence of three big institutions in modern human society. They are the State, the Market, and civil society.³⁵ From this perspective, he states that the mission of civil society consists in being an alternative to the *modus operandi* of the State and the Market.³⁶ According to him, unlike the laws of the State and the Market, civil society encourages self-control, the bonds of solidarity with others, respect for the rules of the community, and voluntary altruism.³⁷ Moreover, Wolfe also finds the relevance of civil society in the fact that it fosters moral agency.³⁸

If civil society had carried out this noble mission in the Sankuru region, basic human rights could not have been under siege. The momentum of a strong civil society, in this context, could have encouraged the bonds of solidarity with the victims of human rights violations. It could have also fostered moral agency to resist the predatory strategies of the local government to extort the sweat and blood of the poor population. An active civil society could have established a powerful program that teaches non-violent mechanisms of civil disobedience such as sit-ins, pickets or protest cordons, surprise strikes, and other similar forms of protest.³⁹ By helping the local people to recognize the iniquity of the certificate of lost documents and road barricades, civil society could have empowered and mobilized them to resist this iniquity and disobey its unjust laws. Unfortunately, this approach has not happened yet. As a result, human rights continue to be under siege.

In the ensuing subsection, I discuss the last option that could have challenged the siege of human rights in the Sankuru region.

4.3. The Geographical Bias of Human Rights Activists

In addition to the State-centric conception of human rights and the absence of civil society, the geographical bias of international activists of human rights constitutes the third and last causal factor of the siege of human rights that I have witnessed in a geographical and existential periphery of the DRC.

Nowadays, the international community under the auspices of the United Nations is learning the hard way the lesson that it was naive to entrust the essential protection and promotion of human rights to the State. That is why it supports a right to humanitarian intervention to balance the principle of sovereignty.⁴⁰

Under these circumstances, the victims of human rights violations thus hoped that international non-governmental organizations such as Amnesty International and Human Rights Watch, activists, and journalists would work in their geographical and existential peripheries to document the cluster of their hardships and raise public awareness to halt the abuses and the siege of their human rights. Unfortunately, they face the sad fact of the geographical bias by the above institutions or groups.

To be more concrete, I can say that, unlike anthropologists and ethnologists who choose to live with indigenous (native) people during their fieldwork, international activists of human rights gravely suffer from geographical bias. They do not visit geographical and existential peripheries like the Sankuru region where human rights are under siege. These activists live in the cities where they spend their time as if they were on long touristic vacations in a foreign land. They get big salaries that include colossal bonuses for risk. They live in air-conditioned hotels far away from peripheries where human lives are badly hurting by wanton and gross violations of human rights.⁴¹

34 I draw insight from the Congolese Catholic Bishops' damning assessment of the state of affairs in the Democratic Republic of the Congo. See Conférence Episcopale Nationale du Congo. “Le pays va très mal. Debout, Congolais!” Message de la 54ème assemblée plénière ordinaire des Evêques membres de la CENCO. Kinshasa, RDC: Editions du Secrétariat général de la CENCO. 2017.

35 Alan Wolfe, *Whose Keeper? Social Science and Moral Obligation* (Berkeley: The University of California Press, 1991), p. 7.

36 Wolfe, *Whose Keeper?* p. 13; 14.

37 Wolfe, *Whose Keeper?* p. 13.

38 Wolfe, *Whose Keeper?* p. 13.

39 Edward LeROY LONG Jr., *Facing Terrorism: Responding as Christians* (Louisville: Westminster John Knox Press, 2004), p. 15-17.

40 Donnelly, *Universal Human Rights in Theory and Practice*, p. 273; Jack Mahoney, *The Challenge of Human Rights*, p. 183.

41 I share the sentiment of many Congolese who have repeatedly decried the reprehensible attitudes of the United Nations Organization Stabilization Mission in the DR Congo (MONUSCO) and all the organizations that collaborate with it. Their mission is self-serving at the expense of the victims of war and human rights abuses in the DRC.

Consequently, this geographical bias thus betrays the lofty mission that many international non-governmental organizations, activists, and journalists assign themselves for the cause of the defense and promotion of human rights.

My foregoing description of the failure of the State, civil society, and the international community to defend and promote human rights in a geographical and existential periphery suggests an impasse. This state of affairs can trigger a sense of despair. However, my analysis cannot end with a note of defeatism. Thus, the last section intends to consider perspectives for emancipation from the siege of human rights.

V. Perspectives for the Emancipation from the Siege of Human Rights

A proverb of *Otetela* culture in the Sankuru region says, “*Heene lakole ko wee nde la poso*,” that is, “If there is nobody to peel fruit for you, then eat it with its skin.” This proverb discourages indolence and overdependence on other people or institutions for personal flourishing. Positively speaking, it prompts people to take personal initiatives and actions to promote their well-being.⁴²

The situation I just described showed that the State, the civil society, and the international activists have not defended the human rights of the local population in the Sankuru region. This failure challenges this population to take charge of its destiny. For example, Séverine Deneulin, Mathias Nebel, and Nicholas Sagovsky observe that “many of those who operate unjust institutions are not democratically accountable: bonds of solidarity and imperfect obligation must be cultivated to confront them. To overcome the ‘embedded collective action problem,’ committed activists within institutions seen to be unjust need to organize and work together for constructive change. They need to recruit ‘committed powerbrokers’ as agents of change.”⁴³

My approach concurs with this realistic and concrete perspective of Deneulin, Nebel, and Sagovsky. It does not suggest the dismantling of the State and its replacement by another form of government as advocated by doctrines like cosmopolitanism and communitarianism,⁴⁴ or even anarchism.⁴⁵ Instead of putting forward grandiose theories, I want to envisage a framework for helping the victims of the siege of human rights to halt this predicament. Differently put, I aim to show how local people can challenge the local government and get it to stop violating human rights with impunity. This framework has theoretical and practical levels. At the theoretical level, I emphasize the idea of complex equality in social life and the urgency of formation in human rights. At the practical level, I consider social mobilization and direct action. The ensuing paragraphs explain the way I understand this process of emancipation from the siege of human rights in a geographical and existential periphery.

To remedy the tyrannical attitude that perpetuates the siege of human rights, I espouse Walzer’s principle of complex equality. According to Walzer, the principle of complex equality “establishes a set of relationships such that domination is impossible. In formal terms, complex equality means that no citizen’s standing in one sphere or about one social good can be undercut by his standing in some other sphere, about some other good.”⁴⁶ In other words, the principle of complex equality prohibits a statesman from acting like a capitalist with a systematic drive to maximize profit. The mission of a statesman is to carry out social services on behalf of the community. He must be content with prerogatives linked to this mission and not search for advantages beyond their perimeters. That is why Walzer emphasizes that “Complex equality requires the defense of boundaries; it works by differentiating goods just as hierarchy works by differentiating people.”⁴⁷

Seen from my standpoint, this notion of complex equality thus plays a significant role in protecting the basic human rights of the local population. I thus make my own Walzer’s observation as a way of pinpointing the failure of the local government of the Sankuru region to focus on its sphere: “As there are, in principle at least, things that money can’t buy, so there are things that the representatives of sovereignty, the officials of the State, can’t do. Or better, in doing them, they exercise not political power properly speaking but mere force; they act nakedly, without authority.”⁴⁸ There are limits to the power of the government. Thus, when faced with

42 For ample explanation of this proverb, readers can read the following paper: Raphael Okitafumba Lokola, “Statism Debunked: Analysis of Self-aid Groups as Vehicle of Rural Development,” *Global Journal of Arts and Social Sciences*, volume 6, Issue 1 (March 2024): p. 3. DOI: <https://doi.org/10.36266/GJASS/194>.

43 Séverine Deneulin, Mathias Nebel and Nicholas Sagovsky, Introduction to *Transforming Unjust Structures: The Capability Approach* (The Netherlands: Springer, 2006), p. 6.

44 Mahoney, *The Challenge of Human Rights*, p. 181; 184.

45 See Raphael Okitafumba Lokola, “Statism Debunked: Analysis of Self-aid Groups as Vehicle of Rural Development,” *Global Journal of Arts and Social Sciences*, volume 6, Issue 1 (March 2024): p. 1-6. DOI: <https://doi.org/10.36266/GJASS/194>.

46 Walzer, *Spheres of Justice*, p. 315.

47 Walzer, *Spheres of Justice*, p. 28.

48 Walzer, *Spheres of Justice*, p. 282.

the transgression of the limits of the government’s field of power, righteous indignation is the best response. To be in a state of alert, this indignation presupposes awareness. In turn, awareness requires adequate education.

Frankly, there has been illiteracy in the field of human rights in the Sankuru region. Many people have never heard the good news of the UDHR. It is therefore urgent to organize an educational program to teach the local population the rights contained in the thirty articles of the UDHR. It is also pertinent that this population also learn a triad of correlative duties. Shue rightly points out,

With every basic right, three types of duties correlate: 1) duties to avoid depriving, 2) duties to protect from deprivation, and 3) duties to aid the deprived. [...] For every person’s right to physical security, there are three correlative duties: 1) duties not to eliminate a person’s security – duties to *avoid* depriving; 2) duties to protect people against deprivation of security by other people – duties to *protect* from deprivation; 3) duties to provide for the security of those unable to provide for their own – duties to *aid* the deprived. Similarly, for every right to subsistence, there are: 1) duties not to eliminate a person’s only available means of subsistence – duties to *avoid* depriving; 2) duties to protect people against deprivation of the only available means of subsistence by other people – duties to *protect* from deprivation; duties to provide for the subsistence of those unable to provide for their own – duties to *aid* the deprived.⁴⁹

This account provides two powerful insights into the flourishing of the victims of the siege of human rights in a geographical and existential periphery. First, the three categories of basic rights advocate for their personal and communal agency. Second, this approach of human rights to be taught to the local population emphasizes that all moral rights have negative and positive aspects, which are inseparably interlocked.

To foster understanding and internalization, this teaching of human rights and their correlative duties should be done in the vernacular language and perhaps in the moonlight to facilitate the attendance and active participation of learners.

It is only when the population has learned its rights and duties that it will be able to be outraged by the state of siege to which it has been subjected for a long time and imagine initiatives for its emancipation from this hellish situation.

I argue that these initiatives would include social mobilization and direct action. According to Deneulin, Nebel, and Sagovsky, “If individual action is in effect doomed to failure, concerted, coordinated action by a group can often achieve success.”⁵⁰ They continue,

While, in the short run, there may seem to be no other possibility than for the perpetrators to maintain unjust structures and the victims to suffer from them, in the long run, individual victims have the power to unite and overcome structural injustice. Victims can join with others in the society who are in solidarity with them, and raise an outcry against the situation. Those within the “unjust structures” may become responsive (whether in response to the outcry or because of their own moral markers) and organize transformation from within the “unjust structure.”⁵¹

The key insight that I draw from this observation is the fact that an unjust structure like the siege of human rights in a geographical and existential periphery is historical, that is, it has a beginning and it can have an end. Social mobilization of victims and their allies can trigger and accelerate this end.

It is worth noting that by itself education is a great moment of social mobilization. This moment can also become a generative opportunity for translating this social mobilization into mechanisms of pressure and direct action in favor of human rights. I find the approach of Martin Luther King worth emulating in the context of the Sankuru region. In his response to his detractors, he vigorously stated,

Nonviolent direct action seeks to create such a crisis and establish such creative tension that a community that has consistently refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. I just referred to the creation of tension as a part of the work of the nonviolent resister. This may sound rather shocking. But I must confess that I am not afraid of the word “tension.” I have earnestly worked and preached against violent tension, but there is a type of constructive nonviolent tension that is necessary for growth. Just as Socrates felt that it was necessary to create tension in the mind so that individuals could rise from the bondage of myths and half-truths to the unfettered realm of creative analysis and objective appraisal, we must see the need of having nonviolent gadflies

49 Shue, *Basic Rights*, p. 53.

50 Deneulin, Nebel and Sagovsky, Introduction to *Transforming Unjust Structures*, p. 7.

51 Deneulin, Nebel and Sagovsky, Introduction to *Transforming Unjust Structures*, p. 7.

to create the kind of tension in society that will help men to rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood. So, the purpose of direct action is to create a situation so crisis-packed that it will inevitably open the door to negotiation.⁵²

In light of this powerful teaching, the people in the Sankuru region can organize non-violent direct action as a public outcry against the siege of their basic human rights. Here, the role of public outcry is to effect a positive change.⁵³ That is why those who will carry out this initiative will do it civilly and morally. King emphasized that moving responsibly to direct action involves going through a process of self-purification, having workshops on nonviolence and set our direct-action program.⁵⁴ This training will allow the Sankuru people to “present their very bodies as a means of laying their case before the conscience of the local and national community.”⁵⁵

From my perspective, King’s approach to non-violent direct action resonates with the fountain of the Congolese consciousness, namely the national anthem of the DRC: *Debout Congolais* (Arise, Congolese). As I recently explained, “the injunction to ‘arise’ is a permanent summons to the Congolese consciousness to firmly reject anything pretending to bend down or subdue the Congolese people.”⁵⁶ The siege of human rights by the *modus operandi* of the local government has represented this mechanism that has subdued the Congolese of the Sankuru region and impeded their human flourishing. As a result, nonviolent direct action from the perspective of the Congolese national anthem will involve signing this liberating hymn before beginning every demonstration of taxi motorcyclists and their clients. To achieve the expected objective, this demonstration must have a cycle or it must be organized in series. Likewise, people need to travel in big groups. When they arrive where there is a road barricade, they should sing the national anthem (“Arise, Congolese”), and afterward, they will remove the barricade and continue their journey.

I believe that these actions constitute “effective strategies for the transformation of unjust structures.”⁵⁷ As King pointed out earlier, “this direct action is to create a situation so crisis-packed that it will inevitably open the door to negotiation.”⁵⁸ The purpose of such negotiation will be the total removal of the siege of basic human rights and the renewal of the covenant between those who govern and those who are governed.⁵⁹ The clauses of this alliance boil down to the fact that, dutifully, those who govern must carry out social services and the citizens have to pay the taxes that promote the common good.

VI. Conclusion

The burden of this paper consisted of addressing the betrayal of the original intuition behind the Universal Declaration of Human Rights on December 10, 1948. The foregoing analysis amply showed that the State apparatus is the betrayer of the belief of every human being’s inherent dignity and inalienable human rights in the geographical and existential periphery of the Sankuru region in the DRC.

To draw this conclusion, my analysis proceeded in four steps. First, I provided a first-hand account of the cluster of hardships that I considered to be the siege of human rights. Second, I identified the categories of human rights that were grossly violated. They included basic human rights such as subsistence rights, security rights, and freedom rights. My analysis singled out the right to freedom of movement as it constitutes the crux of the problem in the Sankuru region. Third, I discussed some causal factors that encouraged this siege. The State-centric conception of human rights, the gross inefficiency of civil society, and the geographical bias of international activists of human rights are the major causal factors of the perpetuation of the siege of human rights. Fourth and lastly, I have envisaged perspectives that can halt this siege of human rights in geographical

52 Martin Luther King, Jr., “Letter from Birmingham City Jail,” in James Melvin Washington (ed.), *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.* (New York: HarperOne, 1986), p. 291-292.

53 Deneulin, Nebel and Sagovsky, Introduction to *Transforming Unjust Structures*, p. 9.

54 King, Jr., “Letter from Birmingham Jail,” p. 291.

55 This is a paraphrase of Martin Luther King’s words. See King, Jr., “Letter from Birmingham City Jail,” p. 291.

56 Raphael Okitafumba Lokola, “Beni’s Moment in Congo: A Collective Ownership of Destiny,” *Journal of Political Sciences and Public Affairs*, Vol.11 Iss.2 No:1000026, p. 7, <https://www.longdom.org/open-access/benis-moment-in-congo-a-collective-ownership-of-destiny.pdf> (accessed 24 April 2024).

57 I borrowed the words of Deneulin, Nebel, and Sagovsky. See Deneulin, Nebel, and Sagovsky, Introduction to *Transforming Unjust Structures*, p. 9.

58 King, Jr., “Letter from Birmingham City Jail,” p. 292.

59 Philip Selznick, *The Moral Commonwealth: Social Theory and the Promise of Community* (California: University of California Press, 1994), p. 477-480.

and existential peripheries. At the theoretical level, I have proposed the attitude of complex equality for those who govern. Moreover, I emphasize the relevance and urgency of education in human rights for the local population of the Sankuru region. At the practical level, I pinpoint social mobilization and non-violent direct action as worthwhile strategies that can challenge and remove the “legacy of oppression” established by the siege of human rights in a geographical and existential periphery.⁶⁰ On the whole, I argue that this framework that I put forward will help the local population of the Sankuru region to “move from being victims of circumstance to becoming agents of change.”⁶¹

In light of this recapitulation, I need to make a few final observations. First, the account of this paper discourages people from romanticizing human institutions like the State because “social structures can be perverted.”⁶² As Deneulin, Nebel, and Sagovsky admirably observe, “When the structures of the political sphere are perverted, the very conditions of the good-life – of living as a human being – disappear.”⁶³ The aforementioned analysis testified that the local population of the Sankuru region are “the victims of social policies and political decisions which set out to deny them opportunities to live a flourishing human life.”⁶⁴ This is why a good dose of suspicion regarding government policies can help detect and deconstruct the pernicious plans.

Second, my analysis challenges the perception of the context of human rights violations. Generally, public opinion believes that “red zones” of open war are places of serious human rights violations. This is why the media often focus their attention on these sites to denounce various human rights violations. This perception and exclusive attention to war zones make people forget that human rights are under siege even in circumstances of apparent calm. For example, human rights have been under siege in the Sankuru region, not because there is war, but because of the absolutization of money by the local government and its agents. This state of affairs means that any social environment can be a context for the violation of human rights if the motivations of decision-makers and actors are not pure. Therefore, people who are passionate about respecting and promoting human rights, which in turn foster both personal and communal human flourishing, must remain clear-sighted and lucid.

Third and lastly, my analysis described the dynamics of the siege of human rights in a single geographic and existential periphery, namely the Sankuru region. However, the title of my article spoke of geographical and existential peripheries. This choice is not arbitrary or the result of distraction. I hope that the insights that have emerged from this discussion in the case of the Sankuru region will also be used in other peripheries that are experiencing a similar experience of the siege of human rights and aspire to emancipation and holistic human flourishing.

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60 I am indebted to Stacey M. Flyod-Thomas and Miguel A. De La Torre for the expression “legacy of oppression”. See Stacey M. Flyod-Thomas and Miguel A. De La Torre (eds.), *Beyond the Pale: Reading Ethics from the Margins* (Louisville: Westminster John Know Press, 2011), p. xxiii.

61 Flyod-Thomas and De La Torre, eds. *Beyond the Pale*, p. xxiii.

62 Deneulin, Nebel and Sagovsky, Introduction to *Transforming Unjust Structures*, p. 5. [Emphasis in the original].

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