



## Zadání disertační práce

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Abuse of human rights in Africa seems to be commonplace under the guise of culture and religion. The research aims at exploring the intersection between human rights and culture in the context of the universal human rights regime. Perceptions of differences in the interpretation of human rights in Africa are assessed with the view to finding an interface with the universal regime. The research relies on primary data gathered by way of ethnographic study and interviews, and builds on secondary data analysis using academic journals, academic books, and online publications. In contemporary IR, the key question on human rights seems to be whether it is the individual rights or collective rights that should have primacy in polity governance.

What is striking is that most African domestic constitutions do recognize the rights of individual freedoms and liberties, yet this aspect seems to be ignored, whereby the state keeps violating the same rights that it purports to guarantee. The discrepancies between theory and practice in the execution of domestic laws have created environments that are not conducive for the sustenance of human rights. It is from this paradox that the problem of bad governance emerges where minorities suffer most in human rights abuses. The study argues that discriminatory laws and outmoded cultural norms not only constrain the realization of minorities' full potential, but also holds back all of society. The study concludes that the best radar that would ensure protection of citizens' rights would be the implementation of universal human rights in Africa. This way, states would be more obliged to protect the population and provide appropriate remedies whenever abuses occur.

### REFER TO ABSTRACT

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**Universal Human Rights vs Cultural & Religious Variations: African Interpretations Re-evaluated – A Comparative Study of Namibia, Ethiopia, & Zambia**

**Dissertation submitted in partial fulfilment for the requirements of the degree of Doctor of Philosophy**

**Supervisor: Dr Stanislav Mysicka**

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## **Universal Human Rights vs Cultural & Religious Variations: African Interpretations Re-evaluated – A Comparative Study of Namibia, Ethiopia, & Zambia**

### **Abstract**


Most African polities are oriented along patriarchal systems, which means that marginalized people are unable to sufficiently challenge the discriminatory practices inherent in those patriarchies which have continued to impact negatively on their individual development. Domestic laws on the protection of human rights do not seem to be a sufficient safeguard because those laws themselves are modelled along cultural dispositions. Significantly, the dual law system in most African polities, whereby, both the state laws and traditional/customary laws are recognized and hence operate side by side, has meant that some abuses of human rights or harmful cultural practices go on unchecked under the guise of customary laws and religious beliefs. This study, therefore, aims to establish the extent to which the emancipatory goals of marginalized people in contemporary political life in Namibia, Ethiopia, and Zambia can be enhanced - proposing that those goals may only be achieved through implementation of universal human rights. The role of civil society is also brought to the fore to gauge the extent of their influence in championing human rights in local politics. Similarly, the continued use of colonial languages such as English, French and Portuguese as official tongues of government business in Africa is also questioned in terms of how these languages contribute to further marginalization of local people through cultural erosion or otherwise cultural imperialism. Since its inception in 1945, the United Nations (UN) has progressively initiated international conventions and protocols to improve the plight of marginalized groups globally. Some key UN treaties include the Universal Declaration of Human Rights (UDHR) (1948), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979), the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966), the International Covenant on Civil and Political Rights (ICCPR) (1966), the Convention on the Rights of the Child (CRC) (1989), and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007). Other key conventions initiated by the African people themselves include the African Charter on Human and Peoples' Rights (ACHPR) (1981), the African Charter on the Rights and Welfare of the Child (ACRWC) (1990), the Harare Declaration (1991), and the Maputo Protocol (2003). These conventions are important instruments that provide a platform for the advancement of the rights of marginalized people. All three countries under study are state parties to relevant international conventions and protocols on the protection of fundamental human rights of all persons within their jurisdictions. Under the current UN system, the most effective method of assessing country compliance on human rights adherence is through the Universal Peer Review (UPR) mechanism which is conducted randomly on selected countries every two years. As signatories to these protocols, this gesture might indicate the commitment of the three countries under study in upholding their international human rights obligations. As such, this study attempts to ascertain the extent of the impact that those international human rights conventions have had in Namibia, Ethiopia, and Zambia and how the domestic legal mechanisms and political authorities have responded in terms of meeting those international human rights obligations. The study adopted a mixed method approach that relied mainly on primary sources through ethnographic and anthropological research involving semi-structured interviews of civil servants, academics, and community leaders who are based mainly in rural areas.

The study finds that while all three countries have embarked upon the creation of national strategy programs to champion the cause of marginalized people, there remain some pertinent issues that continue to impede the full attainment of fundamental human rights of marginalized groups. The study concludes that the best way to ensure protection of citizens' rights would be through the implementation of a *thin universalism* of universal human rights in Africa. The universality option is better because it has a more vibrant operational value than the particularity aspects associated with cultural relativism; universality encourages a convergence of purpose which makes for determinable standards within the international legislative framework.

**Key words:** Namibia, Ethiopia, Zambia, universal human rights, cultural rights, religious rights, marginalized groups, poverty alleviation.

**Declaration**

I, Nsama Jonathan Simuziya, hereby declare that this thesis represents my own work which has been done in relation to the enrollment requirements for the PhD degree at the University of Hradec Kralove, Philosophical Faculty-Department of Political Science, and has not previously been included in a dissertation submitted to this or any other institution for a degree or diploma qualification. I have read the University's research ethics guidelines and have endeavored to abide by them.

Signature: .....  


Date: .....  
16 / 09 / 2024

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## Acronyms

ACHPR:	African Charter on Human and Peoples Rights
ACRWC:	African Charter on the Rights and Welfare of the Child
CEDAW:	Convention on the Elimination of all Forms of Discrimination Against Women
CRC:	Convention on the Rights of the Child
EPRDF:	Ethiopian People's Revolutionary Democratic Front
FGM:	Female Genital Mutilation
HRC:	Human Rights Council
ICCPR:	International Covenant on Civil and Political Rights
ICESCR:	International Covenant on Economic, Social and Cultural Rights
ICERD:	International Convention on the Elimination of Racial Discrimination
ILO:	International Labour Organization
MGEPEWSW:	Ministry of Gender Equality, Poverty Eradication and Social Welfare, Namibia
MP:	Member of Parliament
MoWSA:	Ministry of Women and Social Affairs, Ethiopia
MCDSW:	Ministry of Community Development and Social Welfare, Zambia Non-
NGOs:	Governmental Organizations
UDHR:	Universal Declaration of Human Rights
UN:	United Nations
UNDRIP:	United Nations Declaration on the Rights of Indigenous Peoples United
UNESCO:	Nations Educational Scientific and Cultural Organization
UNGA:	United Nations General Assembly
UPR:	Universal Periodic Review
SWAPO:	Southwest African People's Organization, Namibia



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## **CHAPTER ONE**

### **INTRODUCTION**

#### **1.0 Thesis Introduction**

The subject of universal human rights in Africa has generated a polarized debate not only among traditional leaders and government officials but also among African scholars.

In contemporary international relations, the key question on human rights seems to be whether it is individual rights or collective rights that should have primacy in polity governance. What is striking is that most African domestic constitutions recognize the rights of individuals. However, the non-application of this by African governments has led to discrepancies between theory and practice and this paradox seems to be the source of contention. Part of the reason for the reluctance by African states to implement human rights protocols has to do with the concerns about the implications of having a powerful legal entity and the influence it might have on swaying state policies. On the one hand, universalists argue that abuse of human rights in Africa seems to be commonplace under the guise of culture and religion. On the other hand, most Africans counter-argue by accusing universalists of embarking upon a fishing expedition that intrudes upon local cultural norms. The study, therefore, will focus on human rights in Africa and the role of cultural practices in implementing them.

Prinz (2012) asserts that cultural practices have long played important roles and influenced the ways of life of people. Historically, cultural practices have provided traditional guidelines on ways of life and values, and availed skills to people which in turn were passed on to future generations. However, some harmful cultural norms such as forced initiation rituals are still being practiced in Africa today on the pretext of restoring cultural values. Such cultural

practices are incompatible with the United Nations' (UN) interpretation of human rights values. Often, culture is conveniently used as a space in which abuses are carried out and offenses go unpunished because of their perceived cultural dimensions. These cultural practices have a detrimental effect on citizens' fundamental rights and personal development (Mbaku, 2018).

The study further explores the intersection between human rights and culture in the context of the universal human rights regime. Perceptions of differences in the interpretation of human rights are assessed with a view to finding an interface with the universal regime. To achieve this, the study examines traditional justice systems in Namibia, Ethiopia, and Zambia from a human rights perspective and with reference to the rights enumerated in national, regional, and international human rights treaties. Traditional justice systems have historically performed the roles that today complement the state justice system. Traditional norms are based on customary practices, and rules of specific communities which, over time, have become societal norms. There might be many traditional justice systems within a given state considering that different communities normally adopt their own system of laws and norms. Customary norms are mainly oral without any written documents yet still hold significant efficacy in those constellations and their utility cannot be understated (Malasha, 2023). Further, religious norms, themselves foreign to Africa since they were brought by Arab traders (Islam) and Europeans colonialists (Christianity), are now so deeply engraved in African society that religion itself has become a major component of culture. In pre-colonial Africa, spirituality was the African way of worship in many parts of the continent but has now been overtaken by those foreign religions. The African spiritual way of worship was not based on religious principles, but on oral traditions whereby, the community believed in the guidance of their elders and ancestors. In spirituality, the nature of being, or the nature of existence, the balance, and order are a thread of interconnectedness of various elements and

organisms in the eco-system. In spirituality, God is neither a man nor a woman and is omnipresent, which means that God lives, not necessarily in heaven, but everywhere including within the human spirits (Litchfield-Tshabalala, 2022). In the countries under study (Namibia, Ethiopia, and Zambia), culture and religion are intertwined and given that over 90% of the people in those countries are religious, religion has a phenomenal influence on how culture itself is shaped (Pew Research, 2015). Under these circumstances, abuse of marginalized groups would easily go unnoticed, all under the guise of culture and religion. From an anthropological lens, scholars such as Edward B. Taylor and Lewis H. Morgan asserted that culture and its practices encompass a set of shared beliefs, customs, art, and knowledge systems that community members acquire. Hasty et al. (2022) point out that culture is a way of life of a particular community which also involves a common language, common values, symbols, and norms. At the core of anthropology is an examination of how those shared ideas and community behaviors shape the world around those members and how members view the world and their place in it. Geertz (1973) argues that culture does not drive human behavior; instead, it is a web of symbols that can help us understand human behavior. From this perspective, anthropology is crucial in understanding culture as it provides a rounded appreciation of how people live from a historical and contemporary framing. A complex whole of culture can be classified in three areas as follows:

1. That culture is what we make (i.e., what we produce).
2. That culture is what we do (i.e., our practices).
3. That culture is what we think (i.e., what we envision).

People living in groups learn to craft the things they need to make within the demands of those environments. Early human ancestors learned how to make sharp blades useful for processing meat. They shared their knowledge of toolmaking in groups, passing those skills down to younger generations. In many African cultural settings, elders are required to

maintain relationships with the ancestors who have died and who are believed to watch over their descendants. Through the practice of rituals and offerings, the elders request the ancestors to bless their communities with good fortune.

A prime example of a cultural disposition, for instance, on women, is concisely presented by the notion that:

...in any culture, norms indicate how people should behave, and values explain why they should behave that way. For example, the norm for women in the 1950s was to get married and work in the home rather than have a job in the public workforce. Normative depictions of women as housewives dominated public discourse (particularly) in the 20<sup>th</sup> century, establishing this idealistic norm. Why were mothers supposed to stay at home? A set of 'family values' appointed fathers as the breadwinning heads of household, while mothers were relegated to serving men by keeping the house and caring for children. Thus, the values that came to be associated with motherhood were subservience, self-sacrifice, and gentleness (Hasty et al., 2022, pp.73-77).

On the protection of cultural rights, the UN human rights protocols proclaim essential standards which aim to enable individuals to live with freedom and dignity, and to enjoy social justice and equality before the law. Within human rights discourse, the rights of marginalized groups are increasingly being highlighted to address the historic imbalances they have suffered and continue to suffer today.

All three countries under study operate under a dual legal system, i.e., a system that incorporates customary law and the formal state civil laws. Some states retain a vertical structure such as in Zambia and Namibia, with the traditional systems forming the lowest levels of the court system. Traditional rulers play important roles in mediating between the people and the state, enhancing national identity, and providing an institutional bridge with the state (Malasha, 2023). The diversity of traditional justice systems and historical context of each, make wide characterization and classification difficult. For instance, in Namibia, there are 49 recognized traditional authorities, each with its own system of adjudication. It is estimated that there are several other unrecognized traditional communities that are governed

by their own customary laws. In Ethiopia, there are 62 separate tribal groups, which include at least seven distinct ethnic groups. It has been reported that these groups prefer to use their own traditional justice systems, including for conduct that could be qualified as criminal in character (UN Human Rights Report, 2016, pp. 9-13).

In Zambia, there are 288 recognized Chiefs, and are all associated with land because there cannot be a chief worth profiling without land. In matters related to land, the role of the chief includes the following: (a) To allocate land to the subjects and visitors in consultation with the clan and the village headpersons, (b) To resolve land disputes that occur between subjects in the chiefdom. The study analyzes the concerns around human rights which traditional justice systems may present. Those concerns should be understood as part of the efforts at the international level to support national legal systems to work in a way that is compatible with international human rights norms.

Domestic judicial systems, for instance, are often the subject of examination by United Nations human rights institutions, especially through UN Rapporteurs (UN Human Rights Report, 2016). Further, the study evaluates the extent to which Namibia, Ethiopia and Zambia have provided an enabling environment that ensures sufficient protection of the rights and emancipation especially of marginalized groups within the society such as women. It has been observed that some cultural practices have led to human rights violations in Africa under the banner of traditional, cultural, and religious rights.

Given that most African polities are oriented along patriarchal traditional systems, marginalized groups within the society are unable to challenge the discriminatory practices inherent in those patriarchies. These practices constitute a violation of human rights, and hence an obstacle to the full realization of an individuals' potential.

The UN has progressively initiated international conventions and protocols to improve the plight of marginalized groups. Among the key conventions include the Universal Declaration of

Human Rights (UDHR) (1948), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979), the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966, the Convention on the Rights of the Child (CRC) (1989) and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007). These conventions are important instruments that provide a platform for the advancement of the rights especially of marginalized groups.

All three states under study are state parties to relevant international conventions and protocols on the protection of human rights of all persons within their jurisdictions. Under the current UN system, the most effective method of asserting country compliance on adherence on human rights is through the Universal Peer Review (UPR) mechanism which is conducted randomly every two years. As signatories to these protocols, this might indicate the commitment of the three countries under study to upholding their international human rights obligations.

Crucially, the study also examines ways in which cultural and religious norms inform orthodox conceptions of supposed empowerment mechanisms of marginalized groups – norms that have resulted in the (re)production of distorted images and identities of marginalized groups in African development discourse. The research hypothesis asserts that African cultural and religious norms are inadequate to address human rights violations of marginalized groups. For instance, gender inequality is recognized in all three states as one of the major developmental challenges in their national development plans and the governments are committed to implementing policies that can reduce gender inequality and empower women to participate in the development processes across the board.

Despite the provision of equal rights for men and women in the policies and in the domestic constitutions, gender disparities continue to disadvantage women's participation at various levels and as such, limit their ability to benefit from development investments.

The dual legal systems allow statutory and customary law to operate side by side and as such, the rights which women enjoy under statutory law may not necessarily be observed under customary law.

In some cases, state justice systems differ considerably to customary law, such as in cases of access to, and inheritance of land. This leaves women, as well as other vulnerable groups, exposed to discriminatory practices (Malasha, 2023, pp.5-6). For this reason, the study also undertakes a critical examination of the work of civil society organizations and other Non-Governmental Organizations (NGOs) in championing the cause of marginalized groups especially the womenfolk. The increasing role of NGOs in championing the rights of marginalized groups especially women, has been recognized even by the governments. Civil society comprises organizations that are not associated with government and might include advocacy groups, professional associations, churches, and cultural institutions and some business associations. Civil society organizations play multiple complementary roles to the government and are therefore an important source of information for the population and the government itself.

They not only monitor government policies and actions but also hold government accountable. Importantly, they engage in advocacy works that provide alternative policies for the government, and the private sector. Civil societies are also active in delivering services, especially to the rural populations. Most significantly, they defend citizens' rights and work to influence change of certain social norms and behaviors. Due to this influence, civil society organizations help in (re)shaping traditional and cultural dispositions (Ingram, 2020).

Civil societies are essential in enhancing national development agendas particularly that they fill the gaps where government and the private sector businesses are unable to fill, especially in rural areas. These rural spaces provide civil societies with an opportunity to get closer to

the traditional authorities in development projects, hence by default, civil society generates influence and goodwill among rural people, most of whom are marginalized.

The role of civil society is even more essential when calamities befall the country, such as in cases of an outbreak of disease, or in case of drought, where they provide services which would ordinarily be the responsibility of the government. In times of conflicts, such as inter-political party disputes, civil society - due to their influence - can also play the role of mediators.

In this study, the role of colonial language regimes (English in this case), in driving society towards adherence or non-adherence to human rights norms is also assessed. It is important to understand how language connects with this study because language is a major component of any culture. So, by making a foreign language (English) an official national tongue, (in the cases of Namibia and Zambia), such a policy has brought about distortions on how ordinary people can claim or access their cultural rights. Subordinating local languages in preference for English deprives local people of their ability to harness their development agenda through their culture (as language is itself culture). So, the negative effects of foreign language adoption are much more felt by marginalized groups such as women.

Put differently, a local culture whose disposition is oriented along a foreign language (English) becomes distorted and eventually the foreign language obliterates the originality of local initiatives. A key point is that for a universal rights regime (which is perceived to be a Western-sponsored project) to hold purchase in subaltern regions, it must first be seen to respect local cultures and traditions, otherwise its relevance becomes unattainable in those constellations.

So, on adopting a foreign language, the first challenge is how this policy is not itself a perpetuation of colonialism – a system that dehumanized local people, and the second challenge is that majority of Africans especially in rural areas do not speak or read English,

yet official policy seeks to promote English as the tongue for government business.

Furthermore, far from being a *neutral language* – English, in fact aids the entrenchment of neo-imperialist tendencies such as discrimination, exclusion, and subtle promotion of economic inequalities, and educational elitism.

This policy effectively excludes most local people from development discourse and undermines the principles of equality and non-discrimination enshrined in the national constitutions. The contradiction is that on the one hand, national constitutions proclaim the values of inclusivity and non-discrimination, yet on the other hand, they adopt a foreign language policy that excludes the majority from meaningful participation in national development agendas. Excluding a vast number of people from meaningful participation in national development agenda is itself a human rights problem which runs at cross-purposes with the very objectives of the universal rights regime. Marginalized groups who are already burdened with other discriminatory practices within society suffer the worst brunt of those additional inequalities brought about by compulsory language policies.

English language hegemony continues to lend its position as a certain kind of neo-colonial system or a system that aids the entry of colonialism through the back door. English has often been used to systematically exclude and demean all those who do not have perfect mastery of its standard versions. In this way, the population is not fully liberated from foreign domination. English has hindered local sustainable social and institutional innovation through stigmatization of local ideas, local inventions, and local conventions. This is done through subtle, yet manipulative regulatory frameworks that mainly disadvantage marginalized groups. For these groups, the struggle of being socially excluded is not theoretical, but something that bites into their lives every single day.

So, it is crucial to evaluate the extent to which an imposed foreign language advances the call for adherence to international human rights standards. It bears emphasizing that such an

examination is drawn at the backdrop of the realization that the rural populations who outpace urban dwellers in population size, barely speak or write English.

To gain a deeper appreciation of the impact of colonial languages in undermining the emancipatory ideals of local people especially marginalized groups, this study focused only on Zambia, rather than on all the three counties under study due to the following two reasons:

(a) the author grew up in Zambia under the same colonial language challenges that have left many Africans trapped in cultural nuances that mainly reflect the cultures of their colonializers. This anthropological experience offers an all-round understanding of the nuances and enduring impact of colonial languages, otherwise a colonial culture, on the emancipatory efforts of locals, (b) by conducting a language case study only on Zambia, such a strategy helped to ensure that the information gathered was comprehensive such that its analyses and inferences could be generalized for other African cases. The main lesson being that the role of language in sustaining a culture is paramount; that you cannot retain your cultural values using a foreign language because each language, inherently occupies the central features of a culture.

Both UNESCO (1945) and the African Charter on Human and People's rights (1981) recognizes cultural rights to have equal legitimacy with political and civil rights. The Universal Declaration of Human Rights (UDHR) (1948), the International Covenant on Civil and Political Rights (ICCPR) (1966), the International Covenant on Economic Social and Cultural Rights (ICESCR) (1966), as well as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (1965), all affirm the principles of equality of all peoples and non-discrimination against any person on any ground. State Parties to human rights Covenants are required to ensure that all persons are treated equally, so that they can enjoy their political, civil, social, economic, and cultural rights. Furthermore, specialized instruments have been adopted to protect marginalized groups, notably the

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979), the Convention on the Rights of the Child (CRC) (1989) and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007). These treaties spell out what discrimination against marginalized groups denotes and provide a roadmap for domestic action so that discrimination against any marginalized group is eradicated.

The Commission on the Status of Women (CSW) was created within the UN Economic and Social Council (ECOSOC) (1945), and its core mission states in part, that:

...the CSW shall prepare recommendations and reports to the Economic and Social Council on promoting women's rights in the political, economic, civil, and educational fields and to provide recommendations on urgent problems requiring immediate attention in the field of women rights.

To safeguard these rights, the United Nations Commission on Human Rights was formed in 1946 to be responsible for the decisions and resolutions on human rights with regard to women. In 2006, the General Assembly resolution 60/251 replaced the Commission with the Human Rights Council, and since its establishment, the Human Rights Council has arguably been regarded as an enhanced human rights inspectorate regime. Of significance was the adoption by the UN of the Universal Periodic Review mechanism to determine compliance levels of human rights standards in member states. In addition, the CEDAW (1979) Committee convenes biannually to analyse reports from governments and to determine whether the CEDAW (1979) is being transposed at the country level. Non-governmental organizations (NGOs) also furnish the Committee with shadow reports that enables the CEDAW (1979) to gain more insights that could be used to challenge the transgressions of governments.

NGOs such as the Human Rights Watch and Amnesty International have periodically published country-specific reports on human rights and have thereby contributed to the

advancement of the jurisprudence on human rights of women globally. These reports define the general human rights situation in each state as part of a broader strategy to reduce human rights violations and to implement universal human rights standards. Although this aim is not always attained, mere reporting results in creating more awareness conveying the message to stakeholders that more needs to be done.

Despite all these initiatives through international interventions, women still suffer discrimination due to conservative traditions and weak domestic legislation.

Nonetheless, real universalism on human rights remains elusive as some state parties enter reservations, and in other cases, members simply omit to honor their international obligations on upholding human rights. After over 50 years since the decolonization process in Africa began, marginalized groups, especially women in Africa still have not attained their full rights. Despite being half of the population size of Africa, women continue to be under-represented in key policy decision making bodies. This is mainly because cultural norms are oriented along patriarchy systems. The UN has stated that sustainable country development cannot be achieved without women's empowerment. This position is also supported by most African scholars who argue that the lofty ambitions inscribed in the much-proclaimed African Renaissance project cannot be fully attained without the full liberation of all marginalized groups in Africa. Thomas Sankara, a legendary pan Africanist and former president of Burkina Faso, once proclaimed that:

...there is no true social revolution without the liberation of women. May my eyes never see, and my feet never take me to a society where half the people are held in silence. I hear the roar of women's silence. I sense the rumble of their storm and feel the fury of their revolt (Sankara and Anderson, 2007, pp.335-370).

This view is also supported by Nawal El Saadawi, a human rights activist who argued that:

...women are half the society. You cannot have a revolution (or meaningful state transformation) without women. You cannot have democracy without women. You cannot have equality without women. You cannot have anything without women. You cannot have dignity, social justice, or freedom without women (Peace Women, January 10, 2012).

For women's emancipation in Africa, the point of critical juncture has been the rise of civil society organizations and NGOs from the beginning of the new millennium, where most of them are rights-based organizations run mainly by women. With this advantage, women can help to drive the political, social and economic agenda that seeks to champion the cause of marginalized groups. Such an agenda will also help to drive Africans, over time, to see the need to re-evaluate their interpretation of human rights so that at least, they could implement some kind of *thin universalism* of human rights.

### **1.1 Scope/Case selection of the Research**

The case selection adopted in this study is the 'Most Different System' design, i.e., John Stuart Mill's method of agreement. This method identifies cases that are different on many explanatory variables but similar on the dependent variable (Danyi and Danyi, 2019, pp.10-13). This case design was selected in this study to ensure maximization of diversity across the selected cases (Namibia, Ethiopia, and Zambia). As a result of reliance on diversity, the success of this method lies in identifying explanatory variables through cross-case comparability (Gerring, 2008, pp. 645-684). For instance, if across a maximized range of traditional and cultural contexts, all respondents of the study provide similar answers to local problems, then the method gives the belief to the researcher that the case inferences are similar (Ross, 2009, pp.131-161). Further, the adoption of this method, i.e., the identification of theoretically relevant attributes also helps the researcher to generalize those selected cases (Goertz, 2008, pp.2-4). Thus, a Most Different System design identifies cases that differ on

all explanatory variables to the greatest extent possible but have a similar net outcome on social phenomenon. In this way, the method eliminates improper variables in the cases (Danyi and Danyi, 2019). The three countries under study (Namibia, Ethiopia, and Zambia) were selected due to their distinct historical, political, economic, and social trajectories. Further, their demographics and geopolitical settings are also distinct. For instance, Ethiopia was never colonized by Western powers. Namibia was colonized by Germany and later, colonized by the South African apartheid regime, while Zambia was colonized by Britain. In terms of population size, Ethiopia has an estimated 123 million people; Namibia only has about 2.6 million people while Zambia has around 20 million people. On the economic front, for instance, Namibia has the highest unemployment rates in percentage terms at 21%, with Zambia at 13% while Ethiopia has the lowest unemployment rate at 3% (World Bank, 2022); (UNDP, 2022).

However, despite Ethiopia having the lowest unemployment rate of 3%, it has the highest number of people who are unemployed, i.e., 4.5 million, compared to Namibia which only has 561,000 unemployed people. These differences, i.e., the unique political histories and quirky demographic spread provided the impetus to choose these cases for the study. The dependent variable is women's active participation in education and political governance.

## **1.2 Research Questions and Methodology**

The main research questions for this study are as follows:

1. What cultural practices constitute violations of human rights?
2. Why have those cultural practices persisted, and what can be done to minimize them?
3. How have those practices affected the social, economic and political emancipation of marginalized groups such as women?

In answering these questions, the study examines internal national political dynamics that have huge implications on how societies respond to adherence of international human rights standards. The objectives of the research are identified as follows:

1. To identify approaches that could be adopted to achieve the implementation of universal human rights in Africa, focusing on Namibia, Ethiopia, and Zambia.
2. To identify the impediments/obstacles that have made the implementation of universal rights a tall order to achieve.
3. To evaluate whether culture and religion are relevant to the validity of moral norms and rights.
4. To make an empirical case in support of the proposals for the implementation of universal rights in Africa as the best means to protect marginalized groups.

The ways in which people think about human rights is dependent on social and geopolitical positioning, i.e., the specific conditions of which provide a definite form of the notion of human rights. As a result, the concept of human rights is seen as a socially constructed norms of belonging to a certain society. It is also important to acknowledge that the ways in which people conceptualize human rights is notably different not only from the three countries under study, but throughout the continent. This is mainly due to variations in cultural and religious orientations; for instance, human rights are conceived differently in Muslim African states compared to Christian-oriented African states.

While many studies on human rights in Africa tend to obtain data through formal meetings, formal briefings and reports from NGOs, this study took a different route. This study is grounded in ethnography which explores the extent to which human rights in African can achieve a universal status. The primary method of enquiry employed for this study was qualitative based on ethnographic research modelled on an anthropological path which

involved in-depth semi-structured informal interviews. By being informal, the semi-structured interviews enabled respondents to be more open about exploring some sensitive cultural matters surrounding their personal struggles with some cultural practices - matters which otherwise might not have been revealed if other methods of research inquiry were employed. The semi-structured interviews also provided qualitative data that can be replicated when dealing with similar studies, and the qualitative aspect was enhanced by the fact that most respondents were community leaders who have the best intentions for their groups. Furthermore, the flexibility of this method enabled the researcher to modify questions for each respondent. In this way, effective rapport was created with the respondent, which helped to uncover more insightful perspectives that may not have been captured in a formal group setting. Rapport was enhanced by the fact that the author had previously met with participants for a courtesy call before the interview was conducted.

This methodological approach ensured that even with a small sample, the insights and narratives obtained were exhaustive and credible.

Significantly in this study, the author was also a participant observer, a role which helped in foregrounding the information collected from respondents. This study is unique in that it is – to the best of my knowledge – the only study that has carried out comparative research on human rights covering Namibia, Zambia, and Ethiopia. In qualitative research, the researcher is a central figure as they are the primary instrument of data collection and data interpretation (Cresswell, 2009). A qualitative method provides a detailed description of events, detailed observed behaviors, interactions with people, getting acquainted to their belief systems and obtaining direct inferences or quotations from them. Other sources of data were obtained from academic journals, books, UN and government reports and resolutions, and online publications. Information gathered was then triangulated using thematic data analysis to see patterns of cultural and traditional behaviors, policy actions, and general societal disposition.

Triangulation of information from respondents was especially essential in cross-checking data to identify and eliminate emotional excesses and sentimental outbursts. The sample of in-depth semi-structured interviews consisted of 69 respondents, and the sampling technique employed was representative sampling based on professional competency of participants in their specific work fields/roles. Snowball sampling was also used to identify the relevant and potential respondents. The demographic spread of respondents covered an average age spectrum of 45; the minimum value being 18 years of age while the maximum value was 72 years of age. On gender, there was a predominance of men as they were the key administrators of the selected sampled institutions. Of the 69 respondents, 39 were men while 30 were women, and the period in which the respondents had been working in their positions varied from 5 years to 26 years. The breakdown of the categories of respondents is as follows:

- (1) 15 respondents (5 from each country) were drawn from government ministries responsible for Gender Equality & Social Development.
- (2) 15 others (5 from each country) were drawn from civil society organizations that deal with human rights, especially of marginalized groups.
- (3) 15 respondents (5 from each country) were made up of professors from the University of Namibia, Addis Ababa University (Ethiopia) and the University of Zambia. These were drawn from the of fields of political science, international relations, sociology, law, and anthropology.
- (4) 3 focus group interviews (1 from each of the countries under study) were made up ordinary citizens from social and religious organizations.
- (5) 9 respondents (3 from each country) were made up of representatives of chiefs based in the rural areas of the respective countries.

(6) 12 respondents were made up of ordinary citizens with representation from all the 3 countries under study, all of whom sort anonymity.

Other qualitative sources of data were gathered from reports from the AU, the UN and from international protocols and treaties on human rights. Secondary data were gathered from academic journals, books, and online publications. Quantitative data was drawn mainly from field surveys reports conducted with 90 postgraduate students, i.e., 30 students from each of the countries under study (University of Namibia, University of Zambia, and Addis Ababa University).

### **1.3 Research Ethics**

The researcher adhered to the established academic ethical guidelines, the Research Ethics Review Framework, and the Code of Practice for Research. Respondents were made aware that participation was entirely voluntary and that they could withdraw whenever they opted to do so without having to provide justification for their actions. The privacy of the participants and their information was kept confidential. Privacy was also maintained by choosing interview times which were convenient for the respondents. Participants were however informed that the research was important and has positive effects. For instance, respondents' contributions help to provide more insights that might prompt the government authorities to reform the domestic systems and improve the status and welfare of marginalized groups.

#### **1.4 Research Contribution to Literature**

Due to scanty literature, particularly from African scholars, on human rights protection of marginalized groups in Africa, this research becomes even more relevant to bridge that gap. The research focused much more on situating the research in contemporary global social and political realities and discourses on human rights. Further, the researcher had the opportunity to review previous works of other scholarly works on the universal human rights vs cultural rights nexus, thereby expanding knowledge development in this area. As such, the research will serve as a stimulus for further research works by other scholars on this subject matter. Exposing harmful culture practices assists in increasing a sense of dignity for women, and as such, the article contributes significantly towards national, regional, and international human rights advancements.

Further, while other studies on the question of human rights of marginalized groups in Africa have been done before, there has not been research such as this which directs its focus to cover a comparative anthropological study of three countries, i.e., Namibia, Ethiopia, and Zambia. The originality of the study is also the mix of narrations that it provides; for instance, there is no known study that has empirically explored the effects and implications of foreign language impositions in Africa on the attainment of human rights and how this has contributed to Africans shunning the universal rights regime. The logic of the argument is that marginalized groups are being somewhat gradually forced to abandon their cultures and adopt foreign cultures through language manipulation. In this way, the vision to attain universal rights regime becomes counterproductive as certain groups feel that they are being co-opted by force into a bandwagon of a homogeneity of a culture - a Western culture.

## 1.5 Research Limitations

Research on human rights abuses in many African jurisdictions is perceived negatively by most regimes who argue that such research may be intended to dent the image of their governments. Most human rights advocates are perceived to be ‘Western sponsored’ or sell-outs sponsored by the opposition political parties, or as people who are ‘out of touch’ with African cultural dispositions. In those political climates, a researcher may not be able to guarantee to obtain accurate information from informants who may fear reprisals from the authorities, and consequently, information on human rights violations mainly remains scanty due to potential under-reporting of the violations. So, the number of reported cases may not necessarily be indicative of the actual prevalence of human rights violations.

Also, desk research information on human rights is itself scanty; not much local scholarly literature is available in Namibia, Ethiopia, and Zambia which might affect the quality of both the theory and conceptual aspects of the thesis.

Another limitation was time constraints - research which takes a qualitative perspective such as this study requires more time to be spent in the selected territories for the researcher to become more familiar (as anthropologists normally do), with the cultural nuances of the local people. Spending sufficient time was not feasible during my field work research. In addition to this deficit, there were also few rural areas that were visited.

Further, there was gender disparity on those interviewed (39 men vs. 30 women). An inclusion of more women may have provided additional insights. Getting more women proved to be a tall order given that many positions of influence are held by men across the board. Due to these shortfalls outlined above, the findings and conclusions of this study should be comprehended within the context of the said limitations.

## **1.6 Structure of the Thesis**

The thesis is composed of seven chapters, designed as follows: Chapter 1 examines the historical context of universal human rights and evaluates debates on women's rights, exploring various strands that underpin universal and cultural rights. Chapter 2 outlines the conceptual theories of human rights from a 21st Century universalist perspective, i.e., the ontology of moral universalism. Chapter 3 focuses on how foreign languages (English in this case) have hindered the growth of local African initiatives and ingenuities thereby undermining the attainment of the full potential of locals especially the marginalized groups. Chapter 4 illustrates the importance of civil society organizations in influencing local norms and helping the realization of human rights of marginalized groups. Chapter 5 provides an overview of the harmful cultural practices in African polities that may be hindering the emancipatory progress of marginalized groups especially women. Chapter 6 highlights elements that have contributed to the perpetuation of harmful cultural practices despite the proclamation of various international human rights conventions. Chapter 7 provides an analysis of the study results, presenting key research findings; and identifies both the challenges and prospects of attaining universal human rights in Africa. The final part of Chapter 7 is the thesis conclusion.

## **CHAPTER TWO**

### **HUMAN RIGHTS IN AFRICA: THEORETICAL PERSPECTIVES**

#### **2.0 Chapter Introduction**

The discourse on human rights heralds the modern human rights regime that was created through the UN Charter (1945). Contemporary international relations notions suggest that the Magna Carta of 1215 stands out as the most influential human rights document that has led to the promotion of civil liberties and the rule of law. The Magna Carta is especially credited for having started the idea of limiting government and other institutional powers by emphasizing the protection of individual and property rights against the oppression from the establishment (Goldman, 2018). Given that the focus of this study is on intersection of cultural/religious norms and human rights protection mechanisms of marginalized groups, especially women, it is imperative to appreciate the essence and influence of the feminist movement which initially began in the West before it spread to Africa.

#### **2.1 Conceptual Theories of Human Rights from a Cultural and Religious Perspective: The Ontology of Cultural Relativism and Multiculturalism**

While human rights originate from a perceived universal need to protect the rights of individuals, their appeal has not been universal as they are seen to be at loggerheads with cultural rights, hence evoking a tension of human rights with universalists. Cultural relativists argue that respect for specific elements of cultural and religious backgrounds is essential to fostering international peace, justice, and security. Scholars such as Afkharimi and Friedl

(1997), and Kalev (2004) posit that cultural relativism as a discourse seeks to correct misconceived imperialist attitudes and assumptions that human rights are universally accepted. The theory views rights and rules on morality to be encoded in different social and cultural contexts. Put another way, cultural relativism is a critique of cultures that seek to impose their ideas on others (Steiner and Alston, 1996). Holt (2006) argues that it is problematic to suggest that a certain kind of behavior is right or wrong for all people (as universalists claim); rather, a certain kind of behavior is right or wrong relative to a specific society. One position that emerges out of cultural relativism is intersectionality, a theory which advances transcendence over transfixed social boundaries and binary perceptions of reality to embrace social difference. As a theoretical framework, intersectionality scholars such as Crenshaw (1991) and Collins (1990) argue for the need to recognize social ambiguity as an inherent social reality. For these scholars, an embrace of cultural diversity and multiculturalism is a legitimate approach since it leans towards the inclusion of all categories of social differentiation.

This evolution of the discourse on human rights has led to calls for multiculturalism in society. Multiculturalism, a theory within the broader concept of cultural relativism, aims to protect cultural diversity, and emerged mainly to deflate expectations from those who propagated that minorities should assimilate into majority cultures. Cultural relativists posit that no culture is superior to any other culture in terms of their system of morality, law, and religion. In the cultural relativist view, a community is the central unit of analysis, and it is widely recognized that communities come first (Cowan et al., 2001). Cultural relativists contend that principles of morality are matters for the culture, and not subject to the whims of international organizations. They argue, for instance that the tenets espoused in the Bangkok Declaration (1993) or those in the African Charter on Human and Peoples Rights (1981) provide sufficient roadmaps to guide the African people on the question of human rights.

While there are many philosophically inspired views that show that certain claims to knowledge are true irrespective of time and place, there are equally contrasting claims that suggest that the validity of knowledge claims are specific to time and place. This essentially confirms that what may count as knowledge in one culture might not count in another constellation, hence the term, relativism. Kissane and Philip (2011, pp. 27-28) argue that individuals are not automatically born with rights in the same sense that they are born with a mouth or a nose. The rights that individuals possess are those rights that their societies believe they should have based upon their institutional expressions. As such, rights can vary significantly between different polities. The philosophical argument against relativism is that it tends to accommodate extreme varieties of subjectivism whereby certain choices or acts are validated provided they are acceptable to a certain group. The central argument here is that approving of certain actions (even without much reflexive reasoning) makes them right and disapproving them makes them wrong, hence rendering morality simply as a convenient term for socially acceptable acts (Shweder, 2012, pp.1-4).

To bridge this gap, Bird (2019, pp.51-53) proposes a cross-cultural contextual conversation that leans towards a weak universalism whereby there is respect for universal rights as self-law giving while at the same time also embracing cultural ideological differences.

Roberts (2007) asserts that universal principles require wider consensus and affirmation from stake holders as he writes:

...a principle is not universal if, when universally adopted, it would injure capacities and capabilities for action of some relevant others - the call of justice is rejection of principles whose attempted universal adoption would foreseeably injure at least some...  
(Roberts, 2007).

Schaffer (1998) argues that, in Africa, ideas about human rights have cultural underpinnings that are invisible to outsiders. From the African perspective, human rights and democracy

reflect concerns about collective security and the promotion of community solidarity. It is from this connection that cultural relativists contend that tradition is not meant to be like other public institutions which pander to the majority view or to change according to the latest opinion surveys. The methodological test that Schaffer (1998) identifies here is that the conceptual categories through which we seek to understand the world draws our attention to the data that lend them substance when in fact the real test is to critically engage with the categories themselves. For instance, it is not possible to fully comprehend Africa's challenges without factoring colonization into the equation. In 2019, Egyptian President Abdel Fattah el-Sisi, in his response to Western accusations of Egypt's poor record on human rights said:

...human rights should be taken in context of regional turbulence and the fight against terrorism. We are not like Europe or the US; we are a country or a region that has its own characteristics. You cannot force all cultures to go the same path. Egypt does not advance through bloggers – it advances through the work, effort, and perseverance of its sons (Channel News Asia, January 28, 2019).

Scholars such as An-Na'im (1996) question the legitimacy of embracing human rights standards in cultures that not only consider them a violation of their fundamental beliefs, and the way social life should be ordered. Further, it is argued that African states should not be swayed into universal concepts because they did not participate in the creation of the UDHR (1948) as they were under colonial bondage at the time. This argument, however, is problematic because Africans – ironically - used the same UDHR document which they claim was not their creation, to champion political independence from colonial rule and used it as a *weapon* to fight and delegitimize the successive apartheid regimes in South Africa.

Given this, how then do we explain the concept of evolution of human rights? To what extent is it morally and ethically justifiable to apply human rights rules to cultures that do not recognize them? Is an international rule which has been violated many times still valid since it would have supposedly become irrelevant due to non-compliance? Should ethical

principles be universally applied? Are the values espoused in the universal doctrines universally relevant? What are the international legal consequences (i.e., accountability) for states that violate universal human rights? Is the agency dealing with such violations effective? These are important questions in IR that need critical analysis, open mindedness, and peripheral vision.

From the African standpoint, the call for standardization of human rights is viewed not only as a self-defeating concept but also as a potent source of conflict in IR for several reasons: First, it can be argued from an ontological and epistemological perspective that political communities evolve at different times, so a uniform approach on human rights would tend to shoehorn that evolution instead of allowing it to grow organically. As sociologist Auguste Comte argued, all political communities regardless of their ideological inclinations, are capable of reflective self-deliberation (Moses and Knutsen, 2007). Besides this, no political method is self-validating because the utility of any such method depends largely on epistemological justifications. Further, universal rights are not natural or eternal but always emergent and historically specific (Cowan et al., 2001). The epistemological argument here is linked to the theory of cognitive development. For while knowledge is crucial for human development, such knowledge should be harnessed by reason and by some form of belief system. Second, the universal concept seems to be almost exclusively Western in disposition; therefore, it is difficult to see how far it can go in terms of conveying its ideological appeal and global reach to countries that are non-Western. Cultural relativists have taken issue with Western assumptions that free choice is central to human development; they argue that understanding the limits of freedom is what makes freedom possible, and that the principle of free choice can also mean, choosing not to be involved in any political or social discourse (Kampfner, 2009). Religious scholars also argue that the universal regime's concept of subscribing to complete freedom of belief is seen as a 'resolution gone too far', in the sense

that such freedoms include the right not to believe in God or in religion. Under religious doctrines, such a view is not tenable (Khadduri, 1984).

Third, it is argued that human rights cannot be attained universally without being founded upon equality of access to economic and social rights. There is, however, extensive debate in the literature on what the precise content of human rights are, i.e., which parts of contemporary human rights provisions are truly universal. All human rights are interlinked whether political or economic. For instance, people who are illiterate have more challenges in realizing their full potential than those who are literate. Poverty, malnutrition, and hunger are more likely to be found in constellations where populations are not able to exercise their rights to influence government policies (ICESCR, 1966). After the Vienna Declaration of Human Rights (1993), there has been renewed attention to the importance of economic rights particularly in the context of the 2030 Sustainable Development Goals (SDGs). Under the ICESCR (1966) framework, the enjoyment of minimum essential levels of economic rights such as the right to adequate food, water and sanitation, adequate housing, education, health, social security are core state obligations. By extension, these rights are core universal values and aspirations. However, due mainly to ideological hegemony in contemporary IR, key human security issues such as food security are seemingly not being properly addressed; for instance, Europe engages in unfair resource and trade practices with Africa, e.g., the provision of state subsidies to European farmers. Subsidies may have produced results of food sufficiency in Europe, but they have led to trade inequalities for the developing nations thereby posing a threat to the kind of ‘harmonious global society’ that the West claims to be constructing (Kissane and Philip, 2011). This position speaks against universal human rights implementation because those actions by rich countries lead to underdevelopment in other parts of the world, hence their actions need to be ameliorated. Critical theorists such as the Marxists and the post-colonialists may be justified in their arguments that such trade patterns

risk being perceived as traces of neo-colonialism which may undermine efforts to attain equality rights. As Abraham Lincoln put it, the example is not the main thing in influencing people; it is the only thing (Lincoln, 2016). Fourth, if as claimed, a universal concept truly respects cultural diversity, then determining the human rights values and standards of other cultures arguably lies outside its competence. Cultural relativists such as Ngugi (1993) contend that universalists have not shown - at least in practical terms - that they are orientated to using consensus and toleration as the basis of their marketing strategy. The fifth reason is that it seems contradictory for a liberal concept - the universal doctrine - to emphasize the value of self-determination and free choice while at the same time appear to justify the coercing of states into adopting liberal values, as evidenced for instance, by Western threats of aid cuts to African states that refuse to implement gay rights (Barya, 2009). The passing of time has made this understanding of Western education on human rights in Africa difficult to sustain. Africans perceive the human rights enterprise as championing a rationalist universalism which seems to be anchored in the Enlightenment philosophy. This way, the enterprise now appears to come across as a form of European ethnocentrism, and hence as a form of domination rather than liberation (Kampfner, 2009). While cultural relativism has potential problems that may give rise to the abuse of human rights on the pretext of preserving cultural values, universalism in its present configuration has tended to favor hegemonic politics, whereby Western powers negate the validity of traditional systems of law (Cobbah, 1987).

Cultural relativists argue that the Western assumption that the principle of universality is a critical element in their political and economic models is only half-right at best: Africans contend that the values that underpin those models are not universal. African values are different in kind, not in degree; they are self-reliant, yet communitarian rather than individualistic- they are built on mutual obligation, rather than the cold letter of the law

(Pollis, 1996). Africans point out that it may not be realistic or even desirable to agree on a universally accepted generic definition on the interpretation of human rights because such a definition might ignore the specific interests of certain groups whose concerns may not favor a universal approach. Utilitarians such as Jeremy Bentham and John Stuart Mill hold the view that utilities experienced by different people cannot be aggregated. From Bentham's argument, it can be asserted that:

...one man's happiness will never be another's happiness. A gain to one person is no gain to another: you might as well pretend to add twenty apples to twenty pears, which after you had done that could not be forty of any one thing but twenty of each just as they were before (Clark and Elliott, 2001, p. 470).

Mill's position on diversity and rights of minorities is intelligible with his principle which recognizes respect for diversity, pluralism, and autonomy (for methodological factors) because truth can be gained through a variety of viewpoints. Hence diversity and pluralism are necessary elements of social cohesion (Garcia, 2005, pp. 43-44).

Mill argues that political ideas and institutions can only become embedded and accepted within a society if they are aligned with the culture or the practices of that society. Mill conceives social institutions as entities that perform the dual role of promoting progress and safeguarding order. The implicit argument presented by Mill here is that a viable liberal theory of justice must have (among other attributes or criteria) a recognition of the fact that the rules of (polity) justice must conform, to a significant degree, with the interests of citizens since no democratic society (or polity) can be referred to as just most of its people perceive otherwise (Clark and Elliott, 2001, pp. 469-471). The rationale behind international politics is to harness pluralism using conceptual frameworks that capture the world through multiple, and sometimes conflicting lenses. Democracy in many ways is nothing more than a set of rules for managing conflict and coping with multicultural challenges, and as such,

overemphasizing one side of the equation could threaten the entire undertaking. More to the point, the utility of a democratic polity is devised from toleration of divergent views (Barya, 2009). Cultural relativists contend that due to different social and contextual influences, reality is a social construct and, as such, truth cannot be said to be absolute because its veracity may be contingent. Further, it is argued that if implemented, a universal regime would tend to provide a fertile ground for cultural diversion diffusing into homogeneity – this position would contradict the principles and purposes of organizations such as the United Nations Educational Scientific and Cultural Organization (UNESCO) which serve as counterpoints in highlighting the essential value of cultural diversity as an avenue for successful cooperation and coexistence in IR (Huntington, 1996).

In view of the above, the three important aspects that continue to draw the anti-universalist sentiments in Africa need to be investigated are:

- 1). How have African values been represented in the international human rights doctrines?
- 2). Are the grey areas that Africans have identified in the universal regime being addressed?
- 3). To what extent do individual rights count in Africa? (Keohane, 1990).

Classical Realists such as Morgenthau would argue that states have a right to opt out on certain issues which may not advance their national interest because the state is the principal holder of rights and duties under international law. Besides that, most states adopt policies that use the rational choice theory of utility maximization. For Realists then, states will never surrender their autonomy and independence because sovereignty is one of the bases of the international system with roots stretching back to the Treaty of Westphalia in 1648, something which Europeans themselves have championed over the years (Osiander, 2001). Also, Ibrahim (2013) asserts that the marginalization of Africa in IR through structural deficiencies caused by colonialization and neo-imperialism have aroused suspicion over the universal rights agenda. The concerns raised by post-structuralists and post-colonialists on the

welfare of the subaltern is germane to the current political and economic conditions of the African continent. The case in point is globalization, itself a brainchild of universalism. The world has witnessed unprecedented state-of-the-art scientific developments in global finance, information, communication technology and global economics. Multinational corporations operate on a global scale with satellite offices in numerous locations, many of whom are involved in arm-twisting tactics of weaker states in pursuit of profit maximization ‘at any cost’. With all its technological advancements, globalization is increasingly leaving more people of the Global South marginalized. Inequalities created by neo-liberal capitalism such as unfair corporate trade practices, pollution from mining industries and dumping of technological and industrial waste in poor countries have exposed the dark side of globalization (Ibrahim, 2013, pp. 85-88).

Certainly, there are many parts of the Global South that have become more developed and hence better off than they were three decades ago due to globalization. However, the main point of contention here (from the human rights perspective) is that such development has come at the expense of the marginalized people – the very people in whose name such global developmental agendas are supposedly crafted. Marginalized people suffer the brunt of such ‘global development’. Global technologies have created structural unemployment as job losses often arise due to conglomerates whose profiteering strategies alter the local industry structures whereby more benefits accrue to those who are already well-off. Globalization and free trade often shift manufacturing patterns thereby influencing labor demand, increasing unbalanced international competition which leads to unfair trade practices. Leading economists such as Joseph Stiglitz also concur with this position by arguing that although free markets play an important role, globalization has often led to too many ‘losers’ (Pettinger, 2019). Further, international trade agreements often favor richer countries and multinationals (many of whom are Western), hence also contribute to this problem. So, the brunt of many of

the negative effects of globalization are borne by the weakest populations which runs contrary to the envisioned principles of the universal rights regime. While many of the challenges associated with structural unemployment are due to globalization, it is correct to state that this problem also arises from internal poor governance by African regimes (Ibrahim, 2013, pp.90-91).

Ibrahim (2013) further argues that the last two decades have proven that instead of enriching society, globalization has been the key driver of social inequalities, particularly in the global south. Top-down investment has proved to be futile in uplifting the lives of the poor.

Shoveling money to the 1% wealthiest people while giving austerity to the vast majority has been a blueprint for economic disaster. Statisticians can perform their calculations and point to ‘economic indicators’ such as Gross Domestic Product (GDP) growth, market valuations and ‘consumer confidence’, but if the wealth is not trickling down to the poor and the working-class people, what occurs is a society where the affluent live like sultans while most of the population are turned into paupers. As a result, like Joseph Stiglitz, an average African perceives globalization simply as an enterprise that is aiming to create a world of ‘winners’ (Global North) and ‘losers’ (Global South) (Pettinger, 2019).

However, universalism is not all doom. Specifically, regarding cultures, Ghanaian philosopher Kwasi Wiredu asserts the view that the concept of universalism -broadly defined – is not necessarily incompatible with cultural particularities. The argument that Wiredu (1997) presents is that although certain aspects of traditions may be different, cultures still possess traits that accommodate cross-cultural interactions. From a biological perspective, humans share a common identity which makes intercultural collaborations possible. Therefore, without some common norms of thought processes, it is hard to imagine how a human community could be sustained. From the position of Wiredu (1997), it can be deduced, for instance, that the intensification of global information technology in the twenty-first century

has been possible due to intercultural dialogue – a manifestation of the existence of a certain form of universalism. This illustration confirms that what unifies cultures - hence what unifies humans - is more fundamental than what makes them different. It is, therefore, not unreasonable to conclude that given this line of thought, it is possible for cultures to arrive at many concepts of universal relevance. This, however, does not suggest that cultures do not have disparities in their modes of conceptualization in some areas of their thought processes. In fact, Wiredu (1997) shuns the wholesale idealizing of ancient African cultures; instead, he only acknowledges aspects that are progressive and rejects those that have the potential to hamper Africa's development. So, contrary to the contention by the dyed-in-the-wool traditionalists who suggest that conceptualization and expression are relative to different cultures, intercultural communication is always present in the body of the biological unity of humankind.

In making his point, Wiredu (2002), elaborates this seeming paradox with two kinds of African philosophers: Whereas the pre-independence Nkrumah-led pan-Africanists used philosophy to advance African emancipation, the philosophy in post-independent Africa has tended to be embedded in interests shaped by Western philosophy. Against this backdrop, conceptual decolonization becomes a necessary tool that could enable Africans to be conscious of feeding on unexamined assimilations of Western ideas. The decolonization question is prompted by the continued domination of Africa by foreign languages, foreign religions, and foreign political systems. By shying away from indigenous systems, Africans have accepted Western categories and concepts that at best, do not advance their cause, and at worst, are detrimental to the continents' development agenda.

From an African perspective, scholars such as Ngugi (1993), Wiredu (1997) and Ndlovu-Gatsheni (2009), would be inclined to argue that Western architecture on the project of universal human rights has been found wanting due to the history of colonization and neo-

imperialism which has left an enduring negative legacy in Africa. The colonial project subjected the African people to various forms of humiliation and manipulation such as through divide-and-rule tactics, the plunder of their natural resources and cultural imperialism. The seemingly neo-imperialist agenda is what prompts African mistrust, and hence prefer to chart their own path through their cultural identities. The ethnocentric assertion of Western scholarship that assumes the denigration of anything that is African is what unsettles Black people. It is in this context that Africans reject cultural hierarchies and seek self-identity and self-definition. By insisting on particularities, Africans seek to rediscover the authentic and unique African identities that were previously robbed from them by the colonial project, and now being threatened by neo-imperialism (Ngugi, 1993). As Chinua Achebe put it, ‘until the lions have their own historians, the history of the hunt will always glorify the hunter’ (King, 2014, p.2).

It is by this same token that Africans also doubt whether they can get fairness from international organizations: for instance, how can the UN proclaim itself as a truly just organization when some continents or regions are poorly represented within its structures? The case in point is the UN Security Council where Africa, a continent with 54 UN member states, does not have a permanent seat at the Security Council. Africa’s demands on this matter are well known through the Ezulwini Consensus of 2005 which argues for Africa’s common position for a permanent seat at the Council and a demand for reforms for a more representative and democratic Security Council (Mbara et al., 2021). As Herberg-Roth (2021) has argued, there can be no political democracy and social justice without relational equality in (international) society. Given such political inequalities, the question that arises is whether in fact democracy (and good governance) could be sustained without equality in the political and social sphere. It is such seeming unjust actions that make the universal human rights regime unappealing to most Africans. Further, such actions also become a double-edged

sword for the ordinary African citizen; on one hand (due to these unjust international positions), Africans tend to ‘detach’ from those international institutions, while on the other hand, the unjust conduct provide fertile grounds for African despots to continue justifying their own bad governance. However, it can be argued that the most common perpetrator of human rights in Africa is not necessarily Western organizations but the African governments themselves. Further, the argument of Western institutions failing Africans can be contested because key African institutions such as the AU, ECOWAS, AfCFTA have also been considerably ineffective. Since charity begins at home, the failure of these purely African international institutions is an indictment on Africa’s assumed capability which weakens the appeal for Africa’s quest for inclusion in organizations such as the UNSC.

Coming to the issue of culture, although Bonny Ibhawoh does not seem to subscribe to absolute cultural relativism, he nevertheless wonders how human rights could possibly be universal if they originate from or appeal only to a certain part of the globe (Ibhawoh, 2018). This implies that the thought processes around these universal sensibilities should be expanded beyond a narrative that portrays the West as the originators. This portrayal of human rights as having been cast in the West is propelled by the sheer influence of power politics and Western hegemony. As James Baldwin put it, ‘ignorance, allied with power, is the most ferocious enemy justice can ever face’ (Baldwin, 1983).

Ibhawoh (2018) argues that contrary to this Western narrative, Africa has, from time immemorial, played an active role in the development of human rights. For instance, it was the Africans, and not the Europeans, who advocated for the end of the slave trade and championed the decolonization process. These emancipatory missions provide evidence of an active human rights movement on the continent dating back to the ages. To be sure, pre-colonial African traditions were embedded with elements of opulent teachings on human

dignity and societal values that were imparted to society by elders through oral history, oral laws, and oral literature.

## **2.2 Conceptual Theories of Human Rights from a Twenty-First Century Universal Perspective: The Ontology of Moral Universalism**

Moral universalism has its roots in Western liberalism which in later years was informed by major shifts in European political thought as a critique of communism and cultural relativism. The dominant view in human rights discourse is that universality is part of the very meaning of morality; that morality is a general principle whereby what is wrong in one location is also wrong elsewhere. However, theories of moral universalism have received skepticism from cultural relativists who argue that moral statements cannot be inferred from generalized statements because there are variations in moral standpoints which cannot simply be ignored. As such, they question the theoretical validity and intellectual rationality of universalism (Chin, 2015, pp.1-11).

However, Weinreb (1987), and Zechenter (1997) assert that moral universalism as a theory of human rights is informed by four rational theories. The first one is the natural law theory which asserts that human beings are equal and possess a degree of sovereignty on issues such as freedom and honor. As such, to impose restriction on this sovereignty is assumed to be morally wrong. Natural rights therefore supersede human-made laws and as such, those human-made laws are just only insofar as they do not conflict with eternal laws (Zechenter, 1997, p.320). The second theory, the theory of rationalism, argues that human beings as rational beings are equal; that there is an underlying human unity which entitles all people to certain basic rights which are now being undermined by the influence of multiculturalism and cultural relativism. Zechenter (1997) explains the context of this argument by stating that:

...rationalism replaces the divine origins of universal human rights found in the natural law theory with the idea that human rights are held by each human being in an individual capacity due to the universal capacity of all humans to think rationally. (Zechenter, 1997, p.321).

The third theory, the capabilities theory, argues for a recognition of fundamental characteristics that define what it means to be human across diverse societies. These characteristics include basic needs such as shelter, food, the capacity for pain and pleasure. The fourth theory, the doctrine of positivism, argues that states with representative forms of government should promote universal norms of behavior. The gist of the argument being that human rights cannot be subordinated by any local legal system and must prevail over the conflicting norms of various domestic legislation (ibid). These four theories form the basis of universalistic ethics that have appealed to advocates of universal human rights and feminism. It is the implied perception of 'sameness' in the universal regime that evoked objections from culturalists. Although moral universalism has been influenced by international law, it continues to provoke skepticism from traditionalists about the content and justifications of human rights due to its origin and representation (An-Na'im, 1996).

From the onset of the new millennium, the human rights scope has expanded and gained significant traction and is highly influential with international law and global institutions. No longer will international human rights campaigners be weighed down by injustices anywhere in the world but will instead continue to rigorously expose those vices as part of the universal discourse on human rights values.

Discrimination based on gender or on any other ground is no longer an acceptable standard. If we do not accept segregation by race or religion, why would it be alright with gender? In contemporary IR, the basis of disapproval of separation of people based on race and racism is the shared conviction, for instance, that Christians and Hindus or Black people and whites are not different kinds of people and as such, only prejudice would justify or motivate one to

treat them differently (Noe, 2016). Universalists have taken issue with claims by cultural relativists that moral norms and rights emanate from cultural practices. Universalists argue for instance, that the morality of an action is contingent on the action's outcome, independent of the agent. Thus, for liberals, a morally right action is one that produces a good outcome, i.e., the end justifies the means. In this context therefore, the consequences of an action outweigh any other considerations. It is in this context that universalists point out that culture is not relevant to the validity of moral rights and norms (Dworkin, 2011). From a scientific perspective, the epistemological gist of this assumption is drawn from the recurrent difference between objectivity and neutrality. In this sense, it is argued that knowledge production can only be attained if researchers and interested parties (in this case, cultural relativists), prevent their personal values and interests from influencing their work. The most viable way to achieve this lies in adhering to the benchmarks of objectivity, making the validity of scientific claims the only function of procedure and method rather than a function of the normative obligations of interested parties (Risjord, 2014). Jack Donnelly asserts that human rights are immutable and universal, even with considerations of cross-cultural relativism and religion. The connection between human rights and modernity is best captured by the assertion that:

...human rights are, literally, the rights one has simply as a human being. As such, they are equal rights because we are all equally human beings. They are also inalienable rights because no matter how inhuman we act or are treated; we cannot become other than human beings. Almost all states have endorsed the UDHR (1948) which has acquired the status of customary international law. The ICCPR (1966) has 117 state parties while the ICESCR (1966) has 112 state parties. The Vienna Declaration (1993) World Conference has 171 state parties. These documents set the meaning of human rights in contemporary society (Donnelly, 1999, pp. 612-613).

These and other protocols have proclaimed themselves a common standard of achievement for all people and all nations. In particular, the Vienna Declaration (1993) set a new tone in

the promotion and protection of human rights by adopting concrete recommendations for strengthening and harmonizing the capacities for global action on human rights. Other achievements include the lobbying for the creation of the office High Commissioner for Human Rights which subsequently came into being in December 1993 and the creation of the UN Special Rapporteur on violence against women (Vienna Declaration and Program of Action, 1993). While in all regions of the globe there have been other systems and norms for regulating relations between states, modernity and contemporary international society has chosen to endorse human rights as the foremost norms of relations (Donnelly, 1999, p.614). Given this background, human rights are not culturally relative because culture and religion are not the causes or factors in the development of human rights practices. The primary sense of universality is not merely compatible with, but necessarily includes an essential element of relativity. The question is not whether human rights are universal or relative, but how human rights are. Universalists argue that the universal rights regime offers the most acceptable global standards of human rights practices which may be lacking in some African states, hence the need to apply them universally. Furthermore, there is no sound theory in the study of political science that suggests that states should rely on culture and religion to ensure human rights and justice. To the contrary, religions nurture discrimination through 'holier than thou mentality' and the delusion of divine supernatural powers. Our ethical conduct depends on awareness and conscience, and not on religion. Saadawi (2009) argued that:

...some priests and sheikhs rape children and embezzle money. There are women and men who believe in no religion, but they have integrity and fight for truth. They would die defending justice and freedom. Music lifts the spirit and revives the conscience. It never causes rifts or wars. Religions cause sectarian tensions and pogroms. There is no connection between justice and religion, for justice can exist in a world without religion. There is also no connection between morality and religion, for there are people who have no religion but act in a perfectly moral manner.

Liberals believe that democracy and human rights reflect a universal human aspiration as espoused by Rousseau who emphasized the necessity of civic equality within a polity (Fukuyama, 2006). The universalist view is that all peoples of the world share the same inalienable rights regardless of cultural orientation(s). In a universalist model, an individual, driven by the pursuit of self-interest, is a social unit possessing these inalienable rights. Therefore, from a universalist perspective, strong legal compliance mechanisms beyond national borders are critical for the success of human rights protection (Donnelly, 2013, pp. 281-306). Furthermore, it is widely affirmed that all member states of the UN by the very act of joining the organization, commit themselves to the principle of universality enshrined in the UN Charter (1945). The universal human rights regime is therefore not a menu of options from where countries can pick and choose what they like; rather, it is a set of international obligations that all states should adhere to. All states have an inescapable mandate to ensure that whenever human rights violations occur within their jurisdiction, appropriate remedies are provided to victims in accordance with international human rights laws.

Linklater (2007) points out that the reality of the twenty-first century is that the states' capacity to regulate political identities and loyalties of its citizens is gradually being subdued by the increase in global interconnectivity. Put simply, human rights discourse transcends borders and must therefore prevail over state sovereignty (Hinsch and Stenonians, 2006). Contrary to this Western belief that individuals possess autonomy in the function of human beings, communitarians criticize this approach and argue that we attain a self and identity through the recognition of significant others. Scholars such as Michael Walzer and Charles Taylor assert that the independent self does not exist; that reason and agency needs to be shaped and developed before individuals can make sound choices about life. This means that social identities are important factors in providing meaning and purpose, hence provides a platform that gives us reason and content (Kaul, 2021, pp.392-396).

Critics and universalists argue that Africa is failing to make an impact on global progress because it is still stuck in the past, i.e., that it has failed to evolve and connect with a generation. A viable cultural concept - so critics argue - is not one that is static, but one that is a continually changing phenomenon which can be likened to a plan: Anyone with elementary knowledge about planning will be aware that a viable plan (hence a viable culture), is not static but adaptable enough to respond to the changes in the context and environment in which it is set. One of the main difficulties with cultures is the hypocrisy that surrounds them, whereby they are controlled by cliques of hardline cultural elites. These elites claim to safeguard their local traditions but themselves impose a cultural dictatorship in their communities – imposing the same ‘dictatorship’ that they allege is inherent with a universal doctrine (Mamdani, 2000). Diversity should not just be practiced between cultures but also within cultures, yet there has not been enough free play for internal cultural forces that are interested in the process of cultural dynamism and change. These scenarios marginalize the young intelligentsia and as such, foster a conservative outlook in African societies (Kissane and Philip, 2011).

As David Hume also argued, a human mind is governed by desire rather than reason and as such, people tend to favor their own interests even in circumstances when the benefit to them is relatively trivial and the cost to others very large. Hume’s conception was that certain traditions might not be relied upon because they may lack sufficiency in their wider conceptions or that such conceptions may be narrow-minded at best, and at worst, the knowledge obtained from them may not be empirically robust, hence the need for continuous re-evaluation of any given system (Moses and Knutsen, 2007). In largely male-dominated administration of state affairs in Africa, minorities such as women suffer many abuses, under the guise of culture. Traditional practices such as child labor, child marriages, female genital mutilation (FGM), wife battering, and forcible initiations are still being practiced in some

parts of Africa. Despite domestic legislation prohibiting all forms of abuse, these practices still go on because they are regarded as part of culture and tradition. Consequently, victims do not get any protection, effectively rendering domestic legislation impotent (Mbaku, 2018). The question that might be asked could be: is there a distinction between cultural decisions and state decisions in the context of cultural relativism, or are the decisions intimately connected?

In line with the UN Charter (1945), the state is the principal holder of rights and duties of a given territory. So, since the state is the presumed holder of such rights, then logically, state decisions ought to prevail over any form of cultural and religious authority. Majority of African states are signatories to several international treaties such as the Universal Declaration on Human Rights (UDHR, 1948), the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW, 1979) and the Convention on the Rights of the Child (CRC, 1989). These instruments prohibit abuse and discrimination on any ground, including religion, creed, ethnicity, cultural orientation, disability, race, gender, or status (UDHR, 1948). Other binding treaties include the International Covenant on Civil and Political Rights (ICCPR, 1966), and the International Civil on Economic, Social and Cultural Rights (ICESCR, 1966).

African states are also signatories to regional human rights instruments such as the African Charter on Human and People's Rights (ACHPR, 1981), the African Charter on the Rights and Welfare of the Child (ACRWC) (1990) and the Maputo Protocol (2003) on the Rights of Women in Africa. Ironically, majority of the African states have not made any reservations to these international and regional instruments. As such, they are obliged to ensure that all its authorities, including customary authorities entrusted with functions of the state, honor human rights and do their utmost to protect all persons under their jurisdiction (UDHR, 1948).

Fundamentally, the traditional belief systems in Africa seems to dictate what individuals must do or not do. Superstition, myths, and a belief in ancestral powers have been the hallmarks of African cultural heritage (Machel, 2010). To give an example regarding feminism, there is widespread belief, based on myth rather than scientific evidence, that women are better at parenthood, which gives men a 'license' to focus on building their professional careers, and women a 'license' to give it up. Women are judged much more by their looks rather than their intelligence, turning them into 'ornaments' who are not taken seriously.

Prinz (2012) observes that there is also a belief that girls are naturally 'girlish and boys naturally boyish'. This is an example of omnipresent pressures on individuals to conform to 'acceptable' cultural patterns that start well before birth and are reinforced throughout life. These stereotypes are rife among both men and women, locking people into roles that they believe are expected of them, preventing them from pursuing their potential as individuals.

Enloe (2007) argues that gender issues are not biologically produced but are socially constructed meanings that men and women assign to masculinity and femininity.

In Africa, feminism is viewed with misgivings and seen largely as a Western concept. In traditional African settings, both men and women command equal measure of respect because, despite their biological differences, their roles in society are complementary and essential for societal well-being.

In this context, women are not considered as *lower-level categories* of humans than men. In traditional African settings, while most women were/are typically in charge of maintaining the homestead and overseeing the crop harvest, men were/are often engaged in managing activities such as fishing, blacksmith works, cattle rearing and hunting. For instance, the selection of who must become a chief does not depend on gender, but on a chieftainship lineage; in fact, to date there are many women who are chiefs in Africa appointed through the lineage system (Malasha, 2023).

### **2.3 Essentialist Arguments on Human Rights**

While universalism assumes that people everywhere share similar attributes and norms, essentialism argues that while certain forms of norm conceptions might be similar, the functions and meanings of those forms vary across regions and traditions. The central essentialist argument is that entities have varied sets of necessary attributes that are key to both their form of norms and their function. It is argued that nature is made up of separate kinds of objects which are distinct from one another, meaning that each kind of those objects has an essence which needs it to act in a way that maintains its uniqueness (Strauss, 2017). However, others argue that if taken to extremes, essentialism can also bring about discrimination and could lie at the heart of many sexist practices such as the blanket assumption that men -under all circumstances - are superior to women. According to such forms of essentialism, certain categories of people are classified to have absolute attributes where some have a lower status and others a higher rank. For instance, when biological differences are exploited and turned into absolute essentials of moral importance, they can be used to justify oppressive practices such as those on gender and sexuality. Groups such as women, for example, can be excluded from active participation in political life on the assumed justification that it is the nature of women to be housekeepers. Using extreme versions of the essentialist concept, one would be inclined to argue that the essence of males and females is for procreation, hence giving the impression that homosexuality is unnatural. While procreation is an important aspect of sexuality, it is not its only function (Donald, 2023). On homosexual people, however, the fact that most of the gay couples tend to adopt children might give credence to the argument that procreation- argued under the frame of male/women existence – after all, holds much significance. In academia, such essentialist programming is visible; for instance, in universities, students undertaking doctoral

studies in political and social sciences are perceived to be of lower rank than those doing doctoral studies in medicine.

Racism can also be another way of an essentialist construction; that there are essential differences between white and Black people yet the scientific challenge to racism is the DNA data which reveals that humans share 99% of their DNA (McCaffree, 2022, p.10). This scientific evidence confirms that the essentialist or distinctiveness claim about humans should not be overstated. Despite this revelation, many other scientists still treat race as a scientific concept. By treating race as a scientific concept, those scientists, wittingly or unwittingly, themselves end up perpetuating misleading or otherwise false ideas about race. In addition, the growing number of people of mixed race has meant that the essentialist boundaries are being crossed, hence blurring the supposed difference between them and us (Saini, 2019); (Donald, 2023).

#### **2.4 Intercultural Arguments on Human Rights**

Societies today are increasingly transnational in character and diverse. As such, interculturalism is being cited as a foundation for policy strategies to manage diversity in societies. The key thread of the intercultural argument is that it is a relational concept which emphasizes interpersonal contacts and cross-cultural exchanges and engagements among people from different nationalities. In contemporary multicultural societies, interculturalism presents two interrelated aspects: (1) a reactive dimension informed by a conflict-based approach and hence known as a mechanism for reducing diversity-related conflicts, (2) a representation of a proactive approach with a transformative capacity that promotes new shapes of identity built on intergroup solidarity. In this context, intercultural rights drive dialogue and promotes common views in situations where stake holders have diverse views (Zapata-Barrero and Mansouri, 2021, pp. 775-779). Despite the differing perspectives,

individuals can help reduce potential conflicts and foster affiliation through an identity orientation which is less categorical and less resistant to change and which cuts across boundaries of cultures (Kim, 2017). It follows then that the use of empirical evidence to locate commonalities would help bring mutual benefits to stakeholders. This approach would be akin to the principle of the 'margin of appreciation' which is used by the European Court of Human Rights in Strasbourg. Also, a failure to navigate for possibilities of a compromise would imply adherence to a notion that a universal doctrine is premised on the idea that it is a supreme concept that cannot be questioned (Greer, 2000); (Gardner, 1997). Therefore, the lowest common denominator approach would arguably be the most appropriate method to yield the following benefits:

- (1) The lowest denominator approach, unlike the universal approach, would provide legitimacy and strengthen global action against human rights abuses.
- (2) The lowest common denominator approach would help prevent autocratic governments' abuse of citizens' rights.
- (3) The lowest common denominator approach would help curtail hegemonic action of the Western powers.

A recurrent aspect of the human rights debate is whether human rights should be understood as minimal or more extensive, especially for the sake of implementation of universal rights. The doctrine of human rights has increasingly come to play a distinctive role in contemporary IR as a standard assessment, evaluation and criticism of domestic practices, policies, institutions (Beitz, 2001, p. 269). Scholars such as Pollis (1996, p. 320) hold the view that the cultural relativist argument often plays into the hands of the state who use it to rationalize the arbitrary exercise of power. The often state human rights abuses cannot be justified by claims of philosophical or cultural distinctiveness. However, others offer a contrary position arguing that such a view on human rights is excessively broad and that if rights are to be

regarded as a genuinely common concern of global society, they need to be construed more narrowly. It is argued by Risse, (2007, pp. 1-2) that human rights should not be rights that are invariant with respect to conventions, culture, or religion. The main concern of Risse's argument is the issue of parochialism. The question is whether human rights can plausibly be of global reach that justifies actions against polities that do not endorse certain human rights documents and in whose culture those 'international' rights are not supported.

For this reason, cultural relativists tend to hold the view that human rights should be understood from a minimalist perspective.

## **2.5 Cross-Cultural Universals as a Bridge Between Universalism and Cultural Relativism**

Do people everywhere have the same, or even compatible ideas about multiculturalism, indigenous rights, or women's rights? On the one hand, some people view diversity as a problem to be solved while on the other hand, others see it as a richness to be celebrated.

Cowan et al. (2001), assert that the initial formulation of the association between rights and culture received opposition: to recognize rights was considered by some, as a denial or rejection of culture. To recognize culture was perceived as an act of being indifferent to universal individual rights. The competing claims of the nexus between universalism and cultural relativism seem to have aroused a seemingly photo-finish debate.

Rather than seeing a singular culture with a set of fixed meanings that are not compatible with those of human rights, it might be useful to look at culture as an arena of imaginative interchange, creative debate, and transformation of a range of practices. Rather than seeing universalism and cultural relativism as alternatives which one must choose, they should instead be viewed as part of the continuous process of negotiating the ever changing and interrelated norms and values (ibid).

In his book, *A Theory of Justice*, John Rawls's political philosophy on human rights brings in a fresh epistemology to this debate. Rawls's proposal of the 'Original Position', otherwise better understood as the 'veil of ignorance', as the framework of justice and equality under a basic (family) societal structure supports the idea of equal rights for all persons irrespective of gender (Rawls, 1971). In the Rawlsian conception of equality, the 'veil of ignorance' requires that those in the 'Original Position' reflect the type of life that is most compatible with a just polity. If ignorant of their race, gender, or societal status, participants in the 'Original Position' would most certainly craft societal norms that provide no discrimination of any member of the community (McClain, 2004). Critics such as Okin (1979) and Young (1992) have questioned whether Rawls's theory can be employed for feminist ends due mainly to its ambiguity whereby it seems to put much *faith* on family and society, rather than on the individual rights. It can be argued however, that a deeper reading of Rawls's argument suggest that women's rights are sufficiently covered under his theory of justice, precisely because Rawls's works move well beyond the narrow focus on individuals and instead stress the importance of the basic structure of the society of which – logically - the individual is part of its creation (McClain, 2004).

Others-understandably- argue that by assuming that a family is necessarily a just enterprise, Rawls has not systematically examined the implications of the primacy of relying on family as a unit of analysis. Granted, a family offers the most basic societal structure of polity governance, yet it still cannot be wholly trusted to provide guarantees of fairness and equality (Abbey, 2013). Okin (1979) argues that in relying on such a *permeable* unit, Rawls inopportunately forecloses a critical component of normative enquiry about what justice really looks like within a family. Overall, however, Okin (1979) concedes that Rawls's principles of justice - at least in theory – holds substantial feminist promise in that those liberal principles lead us to challenge the gender systems in our communities.

Calls for cross-cultural universals emerge out of critiques of universal human rights and cultural relativism. While claims of individual rights and cultural rights are compelling, the challenge arises when proponents of either position make dogmatic arguments that make it impossible to protect both individual and group rights.

Crenshaw (1989) and Collins (1990) assert that cross-cultural argument emerge out of intersectionality that seek to harmonize and advocate the need to transcend transfixed social boundaries and binary perceptions of the reality to embrace social difference that is characterized by gender, class, ethnicity, or sexual orientation. Intersectionality theory originates from Black feminist thought which seeks to critique the Western self-centeredness within the feminist discourse. The theory recognizes how social identities intersect and adds to the cross-cultural universals approach in its emphasis on respecting the diverse cultural values that inform multiculturalism, and hence, the respect of both individual and cultural rights.

Archer (1988) asserts that cross-cultural universals are also informed by the social change theory which describes how cultures and social institutions as dynamic phenomena are bound to evolve and change to accommodate new realities. As social agents, humans can reinforce a cultural system or resist its influence when it is perceived to inhibit individual well-being.

Culture is a product of human agency which in essence means that (cultural) reality is a social construction, and this process is often permeated with human error which makes it vulnerable to further changes. It is for this reason that social change becomes inevitable.

Critics of cultural relativism such as Beckwith and Koukl (1998) argue that cultural relativism is not fit for purpose because it tends to promote a form of cultural romanticism that is resistant to cultural appraisal which essentially means that there is absence of critical reflection to determine what to retain and what to discard within a set of cultural values. It is argued that in extreme forms, cultural relativism can lead to a world in which nothing is to be

considered as wrong. In such situations, justice and fairness lose meaning since a sense of accountability is removed.

Kalev (2004) argues that cultural relativism is likely to preserve the status quo simply on grounds of cultural norms. It fails to recognize that an individual can be oppressed as a member of a community by norms that are acceptable to their society. Kalev states that individual members of a cultural group must be voluntary participants, entitled to leave their social communities if they so desire. Kukathas (1995) argues for the need for every individual to have the right to choose even those cultural practices that others may perceive to be oppressive. Further, Kukathas states that cultural groups must be perceived as mattering since their values and beliefs affect actual individuals. But Grillo (1998) argues that while the argument for social identity is compelling, the approach may pose certain social implications for the advancement of women's rights.

Young (1992) argues that a social difference that is espoused by group rights is a source of power, a recognition, an identity, and an emancipation for the marginalized, yet can also be a tool of oppression and abuse. The tendency therefore for multiculturalism to resist reconciliation efforts towards egalitarian convictions undermines basic rights entitlements, especially in cultures that do not consider women to be entitled to the same rights as men.

Some cultures believe that unequal rights of ownership, of political participation, of vulnerability to violence and unequal access to educational opportunities are justified.

For this reason, Okin (1999) doubts whether feminism can be sustained in a world that embraces multiculturalism. In such environments, multiculturalism could cost women their rights since cultural and religious ideas rationalize and sanction inequalities such as the control of their bodies (e.g., through FGM). The risk is that unchecked claims to multiculturalism can stifle social justice. Kymlicka (1991) argues that group rights should only apply to a community that itself accepts liberal democratic principles because liberal

values requires both individual freedom of choice and a secure cultural context from which individuals can make their own choices. From this, the fundamental questions that arise are:

- (1) Can group rights and individual rights be reconciled towards the advancement of universal rights in a world that is promoting multiculturalism?
- (2) What criteria are to be used to determine whether cultural values violate universal standards?

Reichert (2006) suggests the following questions about multiculturalism: In a multicultural system, whose voices are being heard? Who has the power to define culture? How can education be designed to empower those that do not have power?

While some have argued that the controversy between moral universalism and cultural relativism has no common ground, scholars such as Sloane (2001) and Billet (2007) envision a common ground in cross-cultural universals. They argue for a middle ground that draws from identical guidelines. These rules should be preceded by an acknowledgement of the fact that all cultures (both Western and non-Western) suffer from ethnocentrism and a commitment to preserve the beliefs, values and morals that define their people.

Therefore, cross cultural universals here come in handy because they embody discussions that have examined the conflict between moral universalism and cultural relativism and therefore attempt to protect both the individual rights and the group rights. A deep understanding of diverse cultures is necessary to promote cross-cultural universals.

Ultimately, to gain legitimacy of rights, the voices for or against practices such as FGM must emerge out of cultural appraisal processes and amongst the women themselves within the communities that embrace such practices (Reichert, 2006).

Sloane (2001) contends that:

...the cross-cultural approach should begin with the presumption that universal human rights represent the desirable end-state to moral universalists. It involves an inquiry of how to establish effective conditions under which international human rights can receive respect in a global order that is characterized by cultural pluralism. The answer does not lie in the manipulation and redeployment of each culture's internal resources in the service of human rights. It is the objective of cross-cultural universalists to tap into 'sharable mores' that each society provides to arrive at a consensus based on basic overlapping values that most cultures are bound to respect.

African states have argued, using the ACHPR (1981) and UNESCO (1945) as defense mechanisms that it is justified for them to resist universal rights to preserve their traditional values. Paradoxically, African (ruling) elites and their rural associates including the traditional chiefs who are the supposed gate keepers of *African cultural values* are highly Westernized. For instance, in the economic arena, these same elites have welcomed the Western copy-cat models of industrialization and all its capitalistic negative consequences that most affect the ordinary citizen. This inconsistent approach towards Western systems makes the African rejection of universal human rights under the banner of *African values* highly suspicious.

Under the circumstances, the rejection can only accurately be read as political opportunism – a political tool to reinforce state sovereignty claims and resist international demands for accountability on internal repression of human rights activists (Cowan et al., 2001). Appiah (1994) observes that the fascinating reality about cultures is not that they are distinct but rather that they are related. Notably, Kymlicka (1991) notes that many of the concerns about culture which are presented by traditionalists, including cultural preservation are best defended under a liberal structure. This shows that extreme advocacy of either position, i.e., the universal or the cultural relativist position may undermine efforts to protect the rights of either group as each position has implications for women's rights.

## 2.6 Historical Context of the Influence of the Feminist Movement on Women's Rights

The notion of feminism and gender equality rights emerged from the West, especially from the US and UK, where early vibrant advocacy was experienced. One of the most influential advocacy movements on women's rights was the Seneca Falls Convention of 1848 in the US, a brainchild of Elizabeth Cady Stanton and Lucretia Mott. This feminist movement was itself inspired by an earlier convention, the Anti-Slavery Convention in England which had refused the duo's attendance on account that they were (American) women. This exclusion became a rallying point which culminated into the July 1848 Seneca Convention in the US to discuss women empowerment in social, economic, and political spheres (Wellman, 2004). Earlier in April of that same year, nearly four dozen married women wrote a fiery protest letter to the New York state legislature, stating that:

...your declaration of independence declares that governments derive their just powers from the consent. And as women have never consented to, been represented in, or recognized by this government, it is evident that in justice, no allegiance can be claimed from them. Our numerous and yearly petitions for this most desirable object have been disregarded, we now ask your august body, to abolish all laws that hold married women more accountable for their acts than infants, idiots, and lunatics (Thomas, 2016).

The fight against oppression has been a challenge on two fronts: first from outside, by men who want to retain the status quo, and second, from within the women's movement, whereby some women prefer to take a rather moderate, conservative, and therefore, *slow* approach as opposed to a radical and *faster* approach to emancipation. For instance, at the Seneca Falls Conference of 1848, Stanton, a radical feminist, demanded that women's rights, among others, needed to include the right to vote. Her colleague Lucretia Mott, a moderate feminist, said about this demand to vote: 'The demand (to have the right to vote) is extravagant demand that would make our whole (emancipatory) movement (look) ridiculous' (Thomas,

2016). Analysts such as Thomas argue that Mott labelled the request as *ridiculous* not because the demand was an over-the-top request but because it was at variance with her religious beliefs. In this symmetry, the influence of religion is problematic as religion itself is engrossed with layers of women subjugation which make it difficult for a *religious woman* to fight patriarchy systems and oppression decisively. An Egyptian radical feminist Nawal El Saadawi would, in later years, summarize this by saying:

...I am very critical of all religions. We as women are oppressed by all these religions. It is religious extremism that is the biggest threat to women's liberation today. There is a backlash against feminism all over the world today because of the revival of religions. The rise of religion is holding back progress regarding issues such as female circumcision, especially in Egypt (The Guardian, April 15, 2010).

The feminist movements in Europe began much earlier than in Africa, which in part, explains why women's emancipation has not fully evolved in Africa. In Europe, women's demands for gender equality became established incrementally in the legislation. Among the early feminists in England were Mary Wollstonecraft, Virginia Woolf, Emmeline Pankhurst, and Millicent Fawcett, among others (Wollstonecraft, 2014).

In contrast, constitutional changes in Africa were only initiated in more recent times which also explains why domestic African legislation on women's rights is still deficient in some respects. The way European feminists have influenced the discourse on women's rights and how this debate was moved by the legislation shows how patriarchal barriers have been considerably overcome. Given that patriarchy still has a considerable sway in Africa, it is critical to examine how the feminist movement in Europe has afforded women legal rights and influenced African feminists. The first wave of feminism is believed to have begun in the nineteenth century and lasted up to the early twentieth century and was mainly focused on the attainment of suffrage. During this period, the movement also supported the anti-slavery crusade. The second wave of feminism took more prominence after World War II and was

mainly engaged in the civil rights and anti-war movements. During this period, the UN Charter (1945) was drafted which subsequently led to the creation of the UDHR (1948) to promote human rights globally.

Through her seminal text of 1792, *A Vindication of the Rights of Woman*, Wollstonecraft influenced the movement of the suffragettes in England in a profound way. The feminist ideas at the time became a cornerstone for the advocacy (particularly) of Women's property rights and broadly improved the standing of women in society. The Matrimonial Causes Act of 1878 dealt for the first time with the issue of domestic violence (Wollstonecraft, 2014).

Due to the increasing militancy of the suffragette movement led by Parkhurst, the right to vote was first recognized by the authorities in England through an enactment of the Women Act of 1907 which allowed women partial rights to vote. In 1918 the People Act permitted women aged over 30 years the right to vote at national elections and those below that age could vote at local government level. The English Parliamentary Act of 1918 allowed women to seek office as MPs - eventually all women were granted the right to vote in 1928 (Pankhurst, 1979).

In the US, women were given the right to vote by through the nineteenth Amendment of 1920. In France, however, women were only granted the right to vote in 1944. Feminist activities in Europe in those early years was mainly focused on ensuring the formal right to suffrage. However, women were not only being afforded the right to vote, but also incrementally being accorded the right to equal treatment before the law. For instance, the Guardianship of Infants Act of 1925 granted women the same rights of custody over children as men, although it was not until 1973 that women were equal guardians (Harne, 2010).

As the second wave of feminism spread in the US in the early 1960s, it predominantly emerged as a social movement championing equal treatment as the main objective focusing

on rights-based approaches rather than a focus on justice-based approaches. The feminist social movement has mainly found its expression in liberal and radical feminism.

Early liberal feminism was influenced by the liberal philosophies of scholars such as John Stuart Mill and John Locke (Burgess-Jackson, 1995). Liberal feminism identifies patriarchal gender inequality as the main obstacle for women and therefore seeks to promote equality with men in all spheres of life. It maintains a conservative, reformist, affirmative-action oriented approach to women's liberation. Some liberals view the discrimination of women as a discriminating matter based on one's gender, and hence not different from other discriminatory tendencies such as those based on race. Liberal feminism therefore sought equal rights and equal treatment - not based on gender - but on skill, acumen, and effort (Okoli, 2021).

On the other hand, radical feminism takes a revolutionary and otherwise aggressive approach which questions patriarchal relations from the perspective of de-constructionism, arguing that all gender relations are socially constructed. Radical feminism calls for a re-ordering of politics to eliminate patriarchal gender relations in all social and economic spheres.

Radical feminism is a transformative project dedicated to qualitative radical social change.

This way, the theory challenges us to deconstruct both femininity and masculinity and examine how these gender identities have been constructed. So, while the liberal perspective of feminism is inclined to lean on biological determination, the radical paradigm identifies social construction as the basis of gender relations. Radical feminists include Ellen Willis, Andrea Dworkin, Mary Daly, and Adrienne Rich (among others) (Willis, 1984). In Africa, one of the most prominent radical feminists is Nawal El Saadawi (Peace Women, January 10, 2012). Passingham (1970) asserts that in the United Kingdom, the adoption of the Matrimonial Proceedings and Property Act of 1970 ensured that women received a larger share of the matrimonial property upon divorce, and in 1971, the Attachment of Earnings Act

(1971) enabled the Courts of law to mandate husbands to pay maintenance upon divorce.

Subsequently in 1973, women were also regarded as equal guardians in respect of their children through the Guardianship Act of 1973.

In contemporary society, there has been a decline in men's provider role due not only to an increase in women's participation in the labor force, but also because of a decrease in men's earning power arising from unemployment. Zuo and Tang (2000) notes that these changes in gender roles (the breadwinner status/concept) can be examined using two competing hypotheses: The threat hypothesis and the benefit hypothesis. On the one hand, the threat hypothesis argues that women's sharing of the provider role with men might lead to men to oppose the gender equality notion for fear of losing or undermining their masculine identities. On the other hand, the benefits hypothesis envisages an ideological shift of men toward egalitarianism due to the material benefits that accrue from their wives' monetary support in homes (Zuo and Tang, 2000, pp. 29-30). In the UK, this notion seemed to have taken hold from the early 1970s when economic and cultural developments confronted this aspect and paved way for the concept of (autonomous) motherhood. In this way, the structures of male dominance are gradually disintegrating.

The UK law kept pace with these gender developments and domestic violence (often a product of the breadwinner concept which favored men) became increasingly on the legislative spotlight. To combat domestic violence effectively, the UK government introduced the Domestic Violence and Matrimonial Proceedings Act of 1976 (Maidment, 1983). Furthermore, feminism in 1970s ensured that in 1976 women were permitted to pursue rape charges, whilst being anonymous, and the definition of rape contained in the Sexual Offences Act of 1956 was strengthened and changed from *against her will* to *without her consent* (Baird, 1999). In the UK, feminism further advanced the economic rights of women

through employment legislation regarding equal pay (in 1970) and sex discrimination (in 1975). The Equal Pay Act of 1970 permitted women to file claims for equal pay, although they were still required to be accompanied by a male who worked at the same employer. The Sex Discrimination Act of 1975 and 1986 proscribed that woman are discriminated against in work situations, in education and in other social services (UK Parliament, 2020).

Activists in the UK also campaigned to outlaw female genital circumcision by enacting the Prohibition of Female Circumcision Act of 1985, which was subsequently amended to become the Female Genital Mutilation (FGM) Act of 2003 (UN Women, 2003). Women's reproductive autonomy was further affirmed through the Human Fertilization and Embryology Act of 1990 and later upgraded through the 2008 Human Fertilization and Embryology Act 2008. Marital rape was also rendered illegal (The Law Library, 2018).

In 1995 at the Fourth World Conference for Women, gender equality rights took a turning point in the world's understanding of women's rights and ushered in a new mindset that realizing the full potential of women is an essential component of sustainable development. Activists from 189 countries gathered in Beijing to debate on what it would take to make a gender-equal world through the Beijing Declaration Platform for Action (1995) which served as a blueprint for advancing gender equality.

To date, the Beijing Platform for Action remain the most comprehensive agenda on gender equality and women's empowerment with the message, 'equal rights and opportunities for women everywhere' (UN Women, 1995). More recently in the UK, the Equality Act of 2010 was passed which contains provisions with broader definitions to deter gender inequality tendencies. For instance, the Act also covers adoption of children whereby lesbians or other same gender persons can adopt children, thereby breaking the artificial barrier between heterosexual and homosexual people. Similarly in the UK, the Civil Partnerships Act was

enacted in 2005, so that same-sex couples can enter civil partnerships and in 2013, the Marriage (Same Sex Couples) Act was passed which legalizes same-sex marriage (Equality and Human Rights Commission, 2010).

Broadly defined, the feminist movement is essentially mirrored in US (Western) conceptions of women's rights, and is categorized by the first wave, second wave and third waves of the feminist revolution.

In the United Kingdom, women were persistently seeking their full rights because the common law concept for a larger portion of time considered married women and their husbands to be *one person*. Put simply, women were considered to belong to the husband like a property. This practice limited the opportunities of women, for instance, women could not enter economic contracts on their own. Consequently, security of women depended largely on the good will of their husbands (Churches, 1998).

This practice of inequality was notoriously prevalent in the Victorian period. Queen Victoria offered no support to the feminist movement arguing that 'God created men and women differently, and therefore, each should remain in their own roles'. Prostitution was commonplace during the Victorian times mainly because women's incomes (compared to men) in workplaces were much lower and often not enough to live on. If the Victorian society had provided equal rights to women to get the same work-force jobs and incomes as men were getting, then probably prostitution could have significantly reduced. In this sense, it can be argued that the prevalence of prostitution may have increased due to those unfair societal conditions against women (Barrett, 2013).

Over time, this discriminatory and oppressive system was challenged mainly by the womenfolk through proactive social change movements, theories, and ideologies such as Feminism. Western women did not, however, realize this goal instantly -their basic rights

were granted incrementally, and today, it can be argued that these international women rights remain predominantly based on a Western feminist liberal template. As a result, most African states perceive women's rights and universal human rights as a tool imposed by the West, hence universal human rights are often criticized for being Eurocentric in the way they are conceived (Adeleye-Fayemi, 2017). Countries that oppose universalism and instead favor cultural relativism, argue that human rights depend on societal particularities, a position that has led to conservative states framing human rights in a way that is at variance with *universal* standpoints. Further, in some conservative societies, religious laws are considered to supersede any human rights laws (Khadduri, 1984).

However, within liberal societies there are social groups that reject or do not adhere to universal values on the argument that universal interpretations must be context sensitive and should apply the principle of the margin of appreciation. Using context as a difference-making fact is a principle that is also acknowledged by the European Convention on Human Rights. A prime example is the Catholic church which to date forbids women to be priests or bishops – a position that stands in stark contrast with the universal rights of women (Altwickler, 2020, pp.101-110). This position is like a cultural relativist standpoint which argues that the supposed human rights violations result from good faith cultural difference in the same way that the Westphalian state sovereignty principle contributed to the institutionalization of human rights with both repressive and emancipatory effects (Kingsbury, 1998, p. 607). Further, UNESCO (1945), and some clauses within the Vienna Declaration and Program of Action (1993) aspects of the ACHPR (1981) also provide that the international community should 'respect the value and diversity of cultures and identities,' - a position that seems to be self-contradictory.

However, Donnelly (2013) argues that a deeper reading of universal human rights suggest that states are provided with enough room for cultural, traditional, and other kinds of relativity within the universal regime. Given this position then, the incompatibility argument from cultural relativists seems to hold little currency. It is also argued that the universalist position ensures that human rights are better protected than under the cultural relativism paradigm because a conceptualization of human rights is that rights are essentially about the individual and should therefore not dependent on religious, cultural, or political group interests. The relativists claim is not tenable because it tolerates even those human rights violations that the state's own constitution does not permit (Brilmayer and Huang, 2015, pp. 17-34). Universality is also affirmed by the Vienna Declaration and Program of Action adopted by the World Conference on Human Rights in 1993 in Vienna, stating that:

...the World Conference on Human Rights reaffirms the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law. The universal nature of these rights and freedoms is beyond question (Vienna Declaration and Program of Action, 1993).

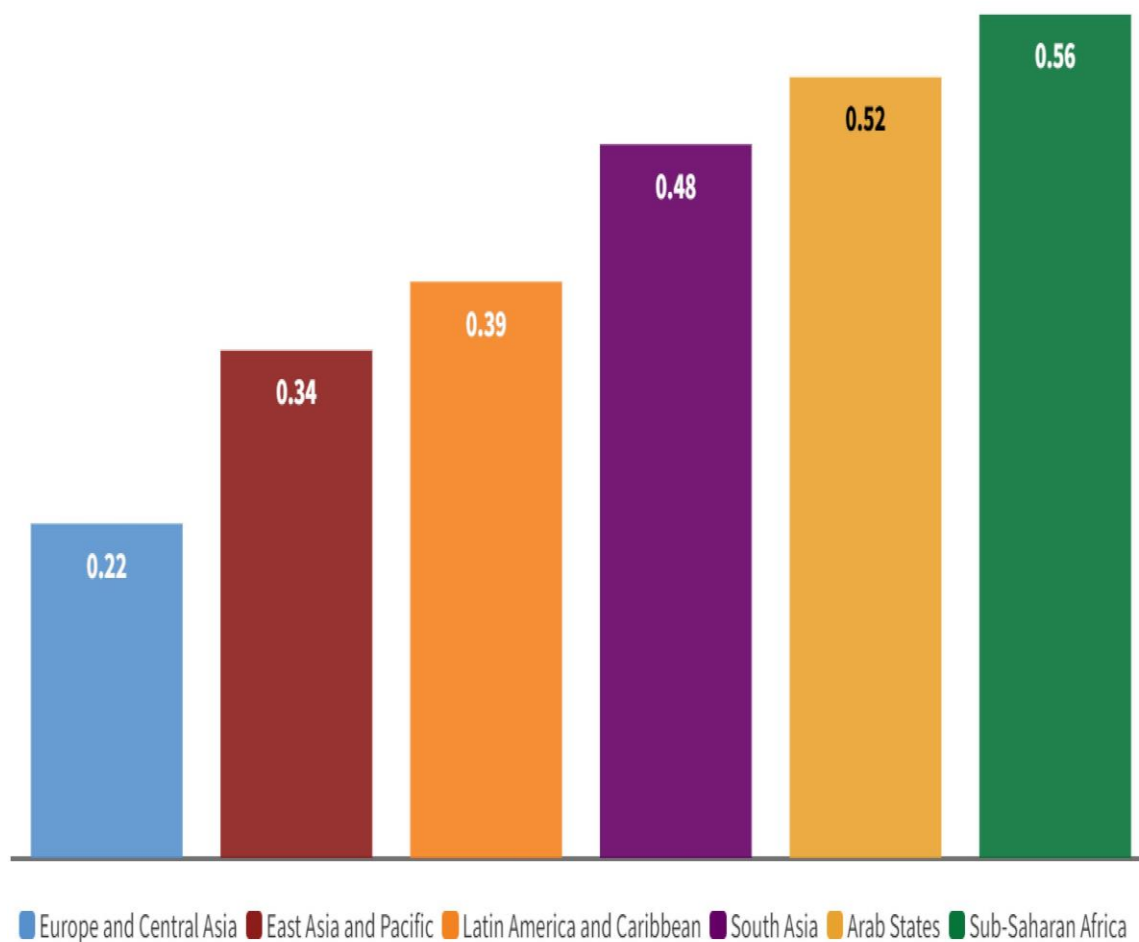
In contemporary IR, human rights have joined democracy and development as key factors of consideration in determining whether a government is legitimate or not. Most certainly, the attainment of human rights requires a democratic political, social, and economic environment (Donnelly, 1999, pp. 608-609).

Given that women are disproportionately represented in the economy, closing the gender gap in Africa could improve prospects for development. Despite some progress in legislation, Africa is far from attaining gender equality. Gender disparities are embedded in long held social and cultural norms and according to the UNDP Gender Inequality Index, sub-Saharan Africa ranks as the worst performing region in areas of reproductive health and

empowerment. For instance, in African parliaments there are only 24% women members while the top executive positions are held by only 7% women. More concerning, at local government levels which are regarded as the entry point in active politics, only 21% of council members are women (Yeboua, 2024). The figure below shows the gender disparities.

Figure 1. Gender inequality is highest in the Sub-Saharan compared to other regions

### Gender Inequality Index per global region, 2022



Source: UNDP data; the score ranges from 0 (best performance) to 1 (worst performance)

Source: UNDP, 2022

## **2.7 Perception of Feminism and Women's Rights in African Societies**

In Africa, feminism has become a major topic of debate in the literature although the origin of feminism is traced from the West where it gained much traction from the mid-1800s women's struggles for equality and suffrage in the Western. Overall, feminism is associated with women's quest for attainment of greater freedoms from patriarchy dominated societies and as such, represent a necessary social justice struggle for equal access to opportunities for women and men. In Africa, however, the use of the term feminism poses challenges for many women due to societal misconception that it represents anti-establishment positions. In most African communities, feminism is associated with radicalness, anti-male, and anti-religious sentiments, and for this reason, mainstream society attaches stigma to feminism. The paradox of feminism in Africa is that while the movement fights for women's rights, not many women (including those who write on human rights issues) openly support or identify themselves as feminists. In this way, feminism tends to render itself as a self-defeating ideology.

Feminism represents a theory of knowledge dedicated to the emancipation of women through a deconstruction of the epistemological foundations of inequalities embedded in patriarchy systems. History shows that gender, religion, and sexuality are entrenched in power relations dominated by men (Nyangweso, 2022). Okoli (2021) would define feminism as an international political, and intellectual movement to challenge the subordination of women. In Africa, feminism arose in condemnation of settled cultural practices that undermine the rights and dignity of the women folk such as violence against women and the disparities in economic opportunities in relation to those of men. The feminist agenda - induced by patriarchal traditions – has in recent times gained progress in women's lives. This feminist position is further supported by Article 18 (3) of the African Charter on Human and Peoples Rights (ACHPR) (1981) states that:

... every nation is to ensure the elimination of every discrimination against women and, also to ensure the protection of the rights of women and the child as stipulated in international declarations and conventions.

Today, the central form of feminism in Africa has tended to take an intellectual and liberal feminist disposition rather than radical feminism. Intellectual feminism involves advocacy mainly in academic circles through research, publications, and the use of the classroom as a key site for changing consciousness and equipping students to effect change in the wider society. However, the practical results associated with intellectual feminism remains somewhat negligible because the authorities are not shaken sheer scholarly publications. Nawal El Saadawi aptly puts this narrative into perspective by arguing that: 'I do not think that people in power can be convinced by words or articles; they will never give it up by choice', which implies that radicalism may be the only viable solution to bring about tangible change on women's rights (Peace Women, January 10, 2012).

Nutsukpo (2020) opines that the African women have always been aware of the inequalities in their societies that have been indirectly responsible for their oppression; however, they were conditioned to view these realities as the natural way of life. In many African societies, women have had to struggle against patriarchy's negative perceptions of their womanhood, but feminist consciousness have instead made tremendous impact on their lives. Literary works of African women also confirm these progressive achievements whereby women have transitioned from the margin to the center. However, Ogundipe-Leslie (2009) argues that although the patriarchal systems have regarded women as 'weak', women have always had influential traditional groupings to champion their cause. For instance, the 1929 women's revolt in Southeast Nigeria over economic exploitation and taxation provides some historical evidence that disapproves the notion that African women are (were) passive beings.

Ogundipe-Leslie's assertion, therefore, that there have always been indigenous internal conflict management systems within African societies to address issues of oppression is on point. So, the emergence of feminism in Africa in the 1960s was anchored on the achievements of these indigenous emancipatory dispositions of women. In Africa, feminism in the 1960s received a rather hostile reception due to perceived notions that it would impact traditional cultural values negatively.

Ezeigbo (1996), asserts that this attitude emanated from a misunderstanding of the feminist concept which for an average person imagines assertions of aggressive women who are anti-male, anti-culture, anti-marriage, who have abandoned essential feminist traits. It is from this prism that many regard feminism as an irrelevant concept for Africa.

Within feminist scholarship, the tendency to dismiss cultural differences to maintain universalist and essentialist norms has appeared to undermine the support for the feminist movement. Nkealah (2006) states that because of this uncomfortable association with feminism, some writers on women's emancipation prefer to disassociate themselves with feminist ideology. Adeleye (2017) blames this development on European feminists who are often submerged in their own limited understanding of what universal liberation entails, i.e., the disregard for the unique identification and experiences of local systems and their nuances. So, this gap in ideological conception has ultimately alienated some African women from the feminist philosophy. Nutsukpo (2020) provides a prime example of the stigma that has been created around feminism through a Nigerian sociologist and *feminist writer* Buchi Emecheta who preferred to be regarded as an 'ordinary writer' rather than as a feminist writer when she argued that:

...I don't deal with great ideological issues. I write little happenings of my everyday life. Being a woman, African born, I see things through an African woman's eyes. I chronicle the little happenings in the lives of the African women I know. I did not know that by doing so, I was going to be called a feminist. But if I am now a feminist, then I am a feminist with a small 'f' (Emecheta, 2009).

However, Ogundipe- Leslie (2009) argues that it would be erroneous to posit that African women do not need an ideology that addresses their realities. To the extent that historical facts provide evidence of women's active efforts to channel their grievances within the indigenous systems confirms that feminism, as a concept is, after all, not new to Africa. The feminist ideology has continued to inform the works of African feminist writers.

However, efforts to outlaw discriminatory and harmful practices have been equated with submission to neo-colonial attitudes, or a failure to consider the cultural sensitivities.

Chimamanda Ngozi Adichie, a Nigerian feminist scholar, elucidates this challenge of feminism when she argues that:

...feminism does not seek to take away the rights of men...feminism demands an annihilation of the gender hierarchy and not women's rule over men as is often misinterpreted. Feminism is part of human rights in general -but to choose to use the vague expression *human rights* is to deny the specific problem of gender. The term *feminism* helps us to identify that, for centuries, a specific group, i.e., women were being Othered and oppressed. Quite like how the hashtag # All Lives Matter instead of # Black Lives Matter is a disservice to the cause of eradicating racial discrimination (Adichie, 2014).

Proponents of cultural diversity such as Judith Butler have argued for the need to recognize the reality of difference as a social reality that is embedded in cultural values, and which are expressed based on social group experiences (Butler, 1990). On the other hand, however, liberal feminism takes the form of egalitarian feminism which leans on political equality, suffrage, and access to property ownership. Liberal feminists such as Susan Okin assert that liberalism, understood as a theory that supports equality and individual freedoms provide a critique of the systematic inequalities that prevail between men and women (Okin, 1979). Liberal feminism is linked to the visions of early Western feminists such as Wollstonecraft, Stanton, and Gina Krog.

It also envisions equality in workplaces, in education and marriages. The key argument of liberal feminism is that the subordination that women are subjected to is entrenched in both traditional and constitutional caveats that limit women's emancipation on the attainment of their full rights. As such, the focus is on the attainment of gender equality. By placing emphasis on education and bringing more women in the political mainstream, the laws and regulations of society would over time, become more just, hence achieve equality for all. From this perspective, the liberal feminist interpretation of universal liberal values supplements efforts towards women's emancipation, and hence is seen as being culturally progressive (Wollstonecraft, 2014).

## **2.8 The Stigma Attached to Gender Equality as a Product of Colonial and Neo-Imperial Designs in Africa**

Inspired by the post-colonial theory, scholars such as Williams (1992) and Kanu (2012) argue that the history of Africa has largely been covered up by Western scholarship-this is a form of mind control designed to create a *colonial slave mindset* among Africans. The central question that Williams (1992) poses is: If Africans were among the first civilizations as evidenced for instance, by the ancient works in medieval Egypt, in medieval Mali (Timbuktu), in Ethiopia (Kingdom of Aksum), and in Zimbabwe (Monomotapa, or Great Zimbabwe), what has happened to the Africans that has today left them at the bottom of the global value chain? What happened precisely?

The answer to this question is simple: publicizing the rich history of ancient Africa and its legendary successes does not serve the interests of the imperial narrative and patriarchal designs that currently control the African systems behind the scenes. This way, African agency has been obliterated. Kanu (2012) asserts that the upsurges of slavery, colonialism, imperialism, and racism that engulfed Africa have left an enduring identity crisis for the African people. Colonialism is a moral vice, a cultural bully of African traditions through cultural imperialism, notably through the imposition of colonial languages and religions at the expense of indigenous preferences. Colonialism exacted both the physical and mystical domination over the African people, many of whom today perceive their traditional dancing, singing and other cultural renditions as backward, irrelevant, and primitive while foreign symbols have now taken center stage.

For instance, Christianity in Africa still portrays Jesus as being white even when a cursory investigation into the origins of the Biblical Jesus suggests the contrary, i.e., that Jesus was a native of Palestine. Such deliberate portrayals bear witness to the extent to which the colonial

project has captured the African mind. Granted, there is nothing wrong with cultural diffusion provided it is not done at the expense of one's culture.

Today, the dominant hegemonic and patriarchal character of the contemporary African state is a product of the colonial state machinations – imperial designs that are today responsible for Africa's identity crisis. The signature strategy of colonialism is best expounded by Kanu (2012, pp. 123-131), when he argues that:

...the true effects of colonialism are psychological. Domination creates an imprint of a lasting sense of inferiority that builds a barrier to local innovation (and ingenuity). Domination ensures that people affected by it lose confidence in themselves and in their abilities. This has been extended to indigenous industries. Whatever comes from the African industry is (stigmatized and) tagged as 'inferior'. For a product to sell (successfully) in Africa, it must be tagged as, 'made in the USA', or 'made in China', (or 'made in Europe'), giving the impression that local designs and products are not of desirable standard.

Sieglinde Snapp, a professor of soils and systems ecology, adds her voice to the legacy of colonialism by asserting that science and Western-inclined education is immersed in injustice and exploitation. For instance, a study carried out in 2021 revealed that only 16% of articles in high profile development journals came from scholars that are predominantly based in subaltern populations; 73% were from the global north scholars (Snapp, 2022). These biases and non-inclusive agendas are further exemplified when she argues that:

...scientific novelties from marginalized people have been erased, natural history specimens (from the global south) have been taken without consent and genetics data have been manipulated to back eugenics movements. Without acknowledgement and redress of this legacy, many people from minority ethnic groups will not trust science, and certainly will not feel welcome in academia - an ongoing barrier to the levels of diversity that many (Western) universities claim to pursue. Agricultural research is also steeped in colonial attitudes; for instance, many programs focus solely on higher crop yields, rather than including the nuances of resource stewardship such as how using perennial crops improves soil health at the cost of lower yields. By conducting agricultural research that involves scholars from the global south, we can better address a broad range of production and sustainability goals (Snapp, 2022).

Further, Kanu (2012) bemoans the fact that institutions of learning in Africa were designed to teach colonial values, and the curriculum was framed from racist viewpoints when he further argues that:

...in the history subject in schools, the British colonial masters (and their surrogates) taught about British kings and Queens while in areas of geography, the four seasons of autumn, winter, spring, and summer were prominent topics. The African (student) read all these but could not find in them no application for his/her continent. The African learnt about the realities that would imply a change of environment if he/she must be relevant. This accounts for the movement of highly skilled and qualified sons and daughters of Africa to countries abroad and overseas.

Spiritual leader, Saam David bewails the way in which foreign religions, otherwise Trojan horses for colonial and imperial designs in Africa (i.e., mainly Christianity and Islam) have *destroyed* the indigenous spiritual (organic) ways of African life that were effective in harnessing societal conceptions when he said:

...in the Bible, in John chapter 20:30, the Bible says there are many things that are not written in it because the word (due to volume) could not contain it. This means that while the Bible might be good, the other things which are not written are even more than those written in the Bible. That is why today, people who do not go to church, the so-called people of the *world* prosper much more than those who go to church because what is in the *world* is more than what is in the Bible and so, Christians fail to dig outside the Bible (to grasp that bigger picture about the universe)...so they live in the (confined) parameters of the Bible (David, 2022).

Molomo (2009) implores Africans to revitalize (or incorporate) traditional systems of governance despite the use of modern political systems. Social traditional values are key in building a culture of peace because their ontology spins on inclusive and consultative governance. Woodruff (2017) asserts that in every situational analysis, nature is diverse and dynamic, and therefore natural differences exist between human sexes based on biological and anatomical factors. These differences mean that there are variations in biological set up of hormones and chromosomes that constitute the different sexes. With differences in hormonal make up, there must certainly be dissimilarities concerning strength, flexibility,

endurance, and many other existential factors that influence environmental and geographical adaptation (Newman, 2021). However, it would be erroneous to assume, for instance, that all males -by virtue of their biological make up- are stronger than females. On average, however, it argued that males tend to have more physical strength than their average female counterparts (Ntshangase and Matabane, 2022). Besides their physiological and anatomical nature, it can further be argued that males tend to have more physical strength due to their masculine hormones while females are relatively less physically strong. A further analysis suggest that males' average height has been observed to be above female's average height. In this context, sex as fundamental property of our biology should be understood in terms of it being an essential biological variable rather than as instrument for discrimination (Woodruff, 2017). While height analysis may seem advantageous to males, females arguably tend to have longer life spans.

In another scientific plot, Ntshangase and Matabane (2022) argues that men have large lung volume with more circulating blood cells and clotting factors while females have more circulating white blood cells with the ability of producing antibiotics faster. This analysis is meant to argue that biological systems and competencies in sexes are complementary to each other rather than setting a basis for adversarial positions. As one politician from the Scottish National Party (SNP) Ash Regan recently put it, being a woman is 'not a costume or a feeling', but a material reality grounded in biology (The Telegraph, December 21, 2022).

With this broad comprehension of biological dispositions, it can be argued that variety is a spice of life, and this is the way that the precolonial African societies understood the dynamics of life between females and males. Sexuality in ancient Africa was understood from an expansive perspective, rather than from the seemingly narrow prism that religion and contemporary society presents it (Francoeur, 1992).

Further, Ntshangase and Matabane (2022) contend that such observations on the female and male differences provide no evidence that suggest that those biological differences have any bearing on intelligence. In other words, there is no scholarly evidence that suggest that intellectual capabilities of individuals are dependent on gender, sex, race, or any other physical difference. It is in this light that this section of the paper argues that in the indigenous traditional African societal systems intellect and capability was never judged in terms of gender sex but rather on its dispositional merits. Jhutym (2003) categorically maintains that gender and any physical traits suggest nothing about a person's intellectual acumen.

Monges (1993), Bey (2006), and Taylor (2022) assert that in traditional Africa, there are unblemished traces of evidence that suggest that in pre-colonial African cultural systems, women were accorded their well-deserved honor in society as evidenced for instance, by seven powerful ancient queens that ruled their kingdoms at different times, spread across the continent, for instance, the Queens in medieval Egypt (Queen Nefertiti, 1353-36BC), medieval Ethiopia (Queen Makeda, c.10<sup>th</sup> Century BCE), Kush Kingdom of Sudan (Queen Kandake Amanirenas, c.40 BC-c.10 BC), Ashanti Empire of Ghana (Queen Yaa Asantewaa, 1840-1921), Nigeria (Queen Amina of Zaria, 1533-1610), Angola (Queen Nzinga of Mbande Ndogo, 1583-1663), and South Africa (Queen Nandi of the Zulu Kingdom, 1760-1827). Sweetman (1984) states that between the fifteenth century and nineteenth centuries, there were several high-profile female rulers in ancient Egypt, among them, Hatshepsut, and Cleopatra, and to this effect, the rulership of these queens testify that pre-colonial African spirituality way of life had considerable regard for women.

Bey (2006) adds that women in ancient Egypt enjoyed unique freedom compared to their counterparts in Greece, Asia, and Rome. Women could own property and were able to work outside their homes and could also live alone. Similarly, women in West Africa, Central,

East, and Southern Africa were priestesses, medicine women and healers who played and continue to play an essential role in sustaining balance and harmony in their societies (Ntshangase and Matabane, 2022). For Monges (1993) and Cooney (2018), the Kemetic, i.e., the ancient Egyptian cultural life references to gods and goddesses, and the fact that several females at different times were once rulers (Queens) demonstrates the value that society attached to gender equality long before the colonial project set foot in Africa. To date, there are still many chiefs across the African continent who are women; this is a manifestation of a continuum of cultural practices carried on from ancient times.

Cooney, a professor of Egyptian Art and Architecture - while acknowledging the strides of women in ancient Egypt - also lambasts the seeming hypocrisy within the Egyptian ancient system when she argued that:

...the study of the (ancient) Egyptian polity power also includes examples of how women are used as tools to ensure that the authoritarian regime flourishes. The tragic part is that this (rulership of women) is not about feminism. It is not about feminists moving forward...it is not about the feminist agenda. It is about protecting the status quo, the rich staying rich, the patriarchy staying in charge and the system continuing. We still do this us women...women work for the patriarchy all the time without thinking about it. In the end, did women rule the world? Yes, they did, but did that change anything? Nothing changed (Cooney, 2018).

This statement by Cooney (2018) appear to project a dismal end to an otherwise unblemished rulership of the ancient female queens. Saidi (2020) insists, however, that in the African traditional history, there has never been a time when women were treated as less capable than men on account of gender. This study finds no normative African thoughts prior to colonization which would account for inequality of women. The ancient examples of the presence of goddesses and queens across the continent is a hint that historically, gender inequality in African societies did not exist. Duncan, a political and social commentator argues that suggestions from some quarters that gender inequalities are part and parcel of the African social life are informed by a deep-seated Western outsider perspective of African

history. The existence of different genders in the African normative history were merely viewed as variations (to be celebrated) that are necessary for the creation of complementary roles of life (Duncan, 2020). He elaborates this point by asserting that:

...it is strange how the West think of themselves as so advanced, so far ahead of time, but much of what the West is doing has been done in Africa long before. The ancient Egyptians did gender fluidity long before America ever came along, long before England or Europe came along, back when the humble roots of Western civilization as we know it were just in their infancy (Duncan, 2020).

On the question of women, gender and how liberal ancient Egypt was, Duncan (2020) provides a narration of how ancient Egypt perceived sexuality when he states that:

...unlike the myths of the modest and comparatively tame Abrahamic religions where it is believed that God spoke the world into existence when he first bellowed, 'let there be light!', the ancient Egyptians were a little more in tune with their sexual selves and were certainly less sex shy. (For instance), in many ancient cultures in the Near East, prostitution was revered, not shunned. In Babylon, sex was a very public affair, and we can infer that sex in Egypt was likely quite similar. Egyptian prostitutes were able to operate freely and would dress up in specific garb to signify their status as working.

Ntshangase (2021) asserts that African people always viewed the existence of male and female as a non-adversarial existence, akin to the co-existence of the moon and the sun.

Ntshangase asserts that the existence of males and females can be explained as a natural manifestation of nature's existential aligns for which the propagation of humans would not be possible. It is within this structure that Ntshangase argues that the existence of gods, kings, goddesses, and queens in the African traditions would most certainly not have been possible if this long held Western narrative about African gender inequalities were indeed truly representative of the African traditional customs on gender.

Arguably, gender inequality is one of those damaging rudiments that came with colonialism because prior to colonization, there is no evidence that suggest that women in pre-colonial Africa were regarded as less important merely by virtue of them being female.

Granted, there existed distinctively classified roles that may be considered to fall under the category of *positive discrimination* in the sense that those classified roles were employed for the social good of all people – implemented for the greater good of the society (Saidi, 2020).

Mfundishi Jhutym, a historian and anthropologist, narrates that in the African traditional history, all people were viewed as important interconnected pieces of nature for which the idea of undermining one another would injure the existence of all species in the universe (Jhutym, 2003). He bemoans the copy-cat systems that Africans have adopted from the West which have alienated them from nature, spirituality, and free thinking when he argues that:

...the most important economic resource that African need to possess is to raise their consciousness. Ancient Africans (due to their closeness with nature and spirituality) used to be the most long-lived people...now the black person today has the shortest life span than anybody on earth...the people who were giants of the universe now have the shortest life span. We are killing ourselves because we have incorporated somebody else's lifestyle, state of thinking, and mind. Spirituality, and not religion, is the only way Africans can move away from the box that religion has confined them into. Spiritually allows an appreciation of nature, environment and its species as mutually linked. The biggest weapon with which to unlock our potential is the mind (Jhutym, 2003).

Bizarrely, the Western narrative on African gender issues starts only from a point where there has been colonial disruption from which African men quickly adopted and disregarded what existed before colonialization. Siyabonga Mkhize, a scholar and spiritual leader in African culture and spirituality argues that if one starts an analysis of a problem when the problem has already reached its peak, such an analysis would itself be bound to be loaded with huge challenges. That is why a Western narrative on African gender rights fails to locate the real genesis of the problem which has consequently led to the distortion of literature on African history (Mkhize, 2020). Mkhize expanded upon this point by adding that:

...in African culture and spirituality, every person has the capacity to heal -it is just that you heal through your craft... I heal through education through educating people to heal themselves. We do not look at culture as something you are obligated to do, but rather as a means of spiritual expression, liberation, and comprehension. In African spirituality, we do not believe that what we do here is superior to what others do elsewhere. Spiritual wisdom requires that if I want to reach full spiritual expression for myself, I must liberate others around me and I must also allow other peoples' spirits around me to be liberated and expressed. If a family suppresses one child, for instance, on account of that child being a female, or gay, or bisexual, they will have suppressed the spirituality of all other children. Discrimination, oppression, persecution and hurting of women, gay people, and transgenders limits our own spiritual expression. Hurting them hurts ourselves. To liberate yourself in African spirituality, you need to liberate others.

Obioha (2021) laments the current state of literature on African traditions when he argues that representations of African narratives are dominated by outsiders- non-Africans who know little about the ontology and disposition of African societies.

Scholars such as Bey (2006), and Spronk and Hendrick (2020) took the argument further by suggesting that some Western scholars who claim to have studied African history only did so for purposes of reporting back to their funders premeditated claims about such history - funders may have wished to have a report that suit their preconceived negative narrative about Africa; that Africa has no ethics, no culture, no and no proper governance system.

It is with such awareness and consciousness that scholars such as Ntshangase (2021) wonder why the current feminism frenzy led by *Westernized* Africans seem unaware of this African history. The main argument here is that the African traditional culture prior to colonization did not use -let alone believe- that gender could be a basis for discrimination.

In African traditions, the principle of coexistence of men and women has long been properly understood; that the balance of nature constitutes both male and female. African philosophy, therefore, has always considered men and women as partners in development who play complementary roles and as such, the issue of gender inequality in Africa is a new and foreign phenomenon. Olademo (2019), argues that the issue of gender inequality is not the

only matter that came with colonization; there are other issues such as, poor educational systems that are not oriented towards addressing African local needs, poor systems of conflict resolution management, and tribal politics created by divide-and-rule colonial tactics (Lumumba, 2020). It would be folly, however, to assume that African traditional systems were always impeccable, but it appears that critical issues attributed to the African normative history on gender are either colonial conjectures or hyperboles that are meant to misrepresent traditional African systems (Olademo, 2019).

Patrick Lumumba, a Kenyan professor of Law, argues that African scholars in this decolonial era need to explore their African traditional history and represent Africa appropriately.

Lumumba (2022) expounded this point when he said:

...the education that we embrace must be holistic that makes us not only possessors of certificates but possessors of knowledge that enables us to change our societies based on our needs. We must believe in ourselves because that is the beginning of self-realization. Why do we celebrate Hollywood instead of celebrating Nollywood? Why do we import fish from China? Can't we have it from the river Gambia? Why do we import solar panels from Germany and yet we have most of the sun's potential? For a long time, we have been feed on the *chicken feed* of inferiority. We knew astronomy before the Europeans came about with their astronomy...the Dogon in Mali could predict where the stars could go...we are the beginning, that is why they destroyed the libraries in Alexandria and Timbuktu. We can only build Africa if we liberate our minds.

In traditional Africa, gender inequality did not have space to prosper because in the African tradition, neither patriarchy nor matriarchy were practiced in the model of leadership (Olademo,2019). However, colonization destroyed local traditional governance systems, and then gender inequality started manifesting in spheres of governments and corporate enterprises, and that new phenomenon seemed to have caught the Africans unawares. Ben-Jochannan, a historian and cultural anthropologist argues that:

... in the ancient Kemetic spirituality, it has always been viewed as unjust to condemn any person because of their gender. Ancient Africa did not have religions ...it is the foreign religious doctrines that have locked African minds who now treat religion as a definite thing (instead of treating it as a mere concept). If Adam and Eve (in Bible) were the first people, then there were no other people to record their history... (the idea of) God is a concept. Ancient Africans were not corrupted in the belief of male domination as portrayed by (the life of) Adam and Eve (in the Bible). Ancient Africans regarded women as equal to men. Today, most black people are Christians merely because their slave masters were Christians. (Likewise) other black people are Muslims because their Arab slave trader master was a Muslim (Ben-Jochannan,1992).

In a similar thread, studies by Mbabazi (2015), Mboh and Ekobi (2022) assert that women (especially in traditional settings) have always played a significant role in conflict management and peace building initiatives. That significant role could not have possibly been played in environments where gender inequality was a prevailing norm. For the reasons outlined above, it can be deduced that female disempowerment is rooted in the colonial period. Saadawi (2009) expounds this by arguing that:

... what we (Africans) require is not a formal return to tradition and religion, but a re-reading, a reinterpretation of African history that can illuminate the present and pave way to a better future. For instance, if we delve more deeply into ancient Egyptian and African civilizations, we will discover the humanistic elements that were prevalent in many areas of life. Women enjoyed a high status and rights which they later lost when class patriarchy society became the prevalent social system. The patriarchy system under which we live oppresses men too and the discrimination from which women suffer is not good for the life of men.

The main point being advanced here is premised on Auguste Comte's argument that all polities/cultures can self-reflect and reform their systems accordingly. From this perspective, it can be argued that the precolonial African traditional ways of life provided that inherent organic transformative capacity which was disrupted by the colonial project. For instance, in precolonial Africa, there was no *bread winner* notion – a concept that came with the imposition of the copy-cat Westphalian nation-state system, which was not only alien to Africa, but was also, in many practical senses, unsustainable in the African setting that were

built upon kinship relations. The colonial system banded different ethnicities together, so the African state is not really a nation-state like most Western polities. So, whereas the kinship system encouraged cooperation, the disposition of the colonial state-system encouraged competition, rivalry, and conflict.

## **2.9 Chapter Conclusion**

The tag of war on universal human rights between universalists and cultural relativists remains a contested matter especially between the Global South and the West. On the one hand, the cultural relativism position argues that what is ‘right or wrong’ is dependent on one’s culture. Further, African traditional actors argue that every culture is equal and as such, no culture has an agency over another, and this means that not all cultures would align themselves with the universal human rights regime. Moreover, cultures have different forms of expressions and interpretations which would make a universal set of rules unattainable. What is correct in the UK might be wrong elsewhere. For instance, the idea of tipping in a restaurant is acceptable and is common in many Western countries such as the US but is unacceptable in Japan. In the Japanese frame, such an action is alien to them and might even be considered as a rude gesture. The Japanese argument on tipping is that, as a rule, any restaurant service should be always exceptional and as such should not expect extra monies. So, in the context of relativism (regarding the example above), both customs on tipping are correct, and neither is more correct than the other. So, coming to the position of the universal rights regime, universalists argue that since all UN member states have signed up to the Universal Declaration of Human Rights (UDHR) (1948), they have – as the treaty names suggests – agreed to the universalization of human rights. The key argument from universalists is that social norms are similar across cultures.

These conflicting positions on human rights norms have remained unresolved. The main challenge preventing the finding of a common position on human rights might be explained by the fact that their contrasting views have been built upon rigid and monolithic schemes. This section has argued that in the face of such an entanglement, the idea of settling for a *thin* universalism might be the way forward, noting that the UDHR (1948) provides an example of a basic converging point for both sides. Also, a cross-cultural perspective or a cultural universal perspective might assist in mitigating those differences because cross cultural frames focus on coexistence and finding commonalities as a mutual foundation on the human rights discourse.

## **CHAPTER THREE**

### **LANGUAGE DYNAMICS & HOW THEY INFLUENCE ADHERENCE OR NON-ADHERENCE TO INTERNATIONAL HUMAN RIGHTS NORMS**

#### **3.0 Chapter Introduction**

This section illustrates how colonial language regimes have shaped African national identities. To gain a deeper appreciation of the impact of colonial languages in undermining the emancipatory ideals of local people, especially marginalized groups, this section focuses only on Zambia, rather than on all three countries under study. The reasons being:

- (a) this author grew up in Zambia under the same colonial language challenges that have left many Africans trapped in cultural habits that mainly reflect the cultures of the colonializers. This anthropological experience offers a rounded appreciation of the nuances and enduring impact of colonial languages on the emancipatory efforts of locals.
- (b) by conducting a language case study only on Zambia, such a strategy helped to ensure that the information gathered was comprehensive such that its analyses and inferences could be generalized for other cases, i.e., Namibia and Ethiopia.

In this way, this section provides constructive ideas and analyses on the precise character of the colonial language hegemony and highlights lessons to be learnt from the experience of the Zambian polity. Language is what makes societies human, and as such, a deeper understanding of what underlies language systems, language images, symbols, language use and language processing is essential. This necessarily involves an investigation of language discourse and communication. The section also evaluates the influence of English language hegemony premised on the first and second language influences and how people navigate a language regime in their daily lives. The key lesson here is that the role of language in

sustaining a culture is paramount; for one cannot retain ones' cultural and traditional values using a foreign language.

### **3.1 Language, Society & Political Power in Africa**

The identity history of African societies does not start with European contact; English was one of the foreign languages that were introduced in Africa in the 1800s by the colonial project, notably through missionary schools and churches (Kula, 2006, pp.744-745). English has been the official language in Zambia from the colonial days of British rule and became even more reinforced after independence in 1964 as a platform on which official government policies were formulated. Ironically, despite being the official language, it is largely neither spoken at home nor in the community especially in peri-urban and rural areas. From the imperial language policy standpoint, English was imposed on grounds that it would have the benefit of enabling easier integration of the local population. Additionally, it was envisioned based upon the international political economy frames that the use of a widely spoken/used language could help mitigate the transaction costs associated with steering both the legislative and educational systems. Also, in the presence of multiple languages, a language that would be chosen would be seen to create discrimination against others, hence the preference to settle for English. As such, local languages remain mainly oral languages with little or no investment to promote them. However, despite over sixty years of the use of the colonial language as an official language, it is estimated by Ramachandran & Rauh (2023, pp. 52-56), that only about 47% of the local people can speak well in English. This factor demonstrates that the overall the price that the local and marginalized people pay to maintain a foreign official language is much higher than the perceived benefits. So, what then explains the continued use of English aside from the global economic benefits? Two factors might

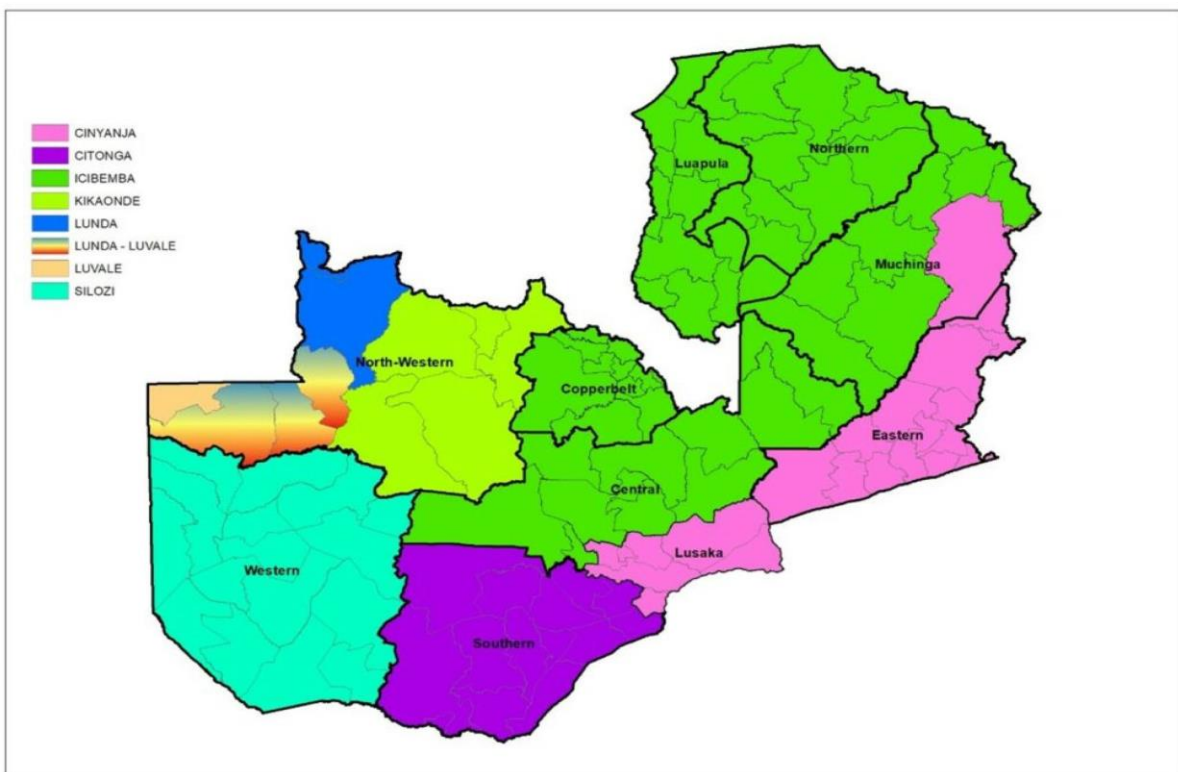
explain this: (a) due to the colonial influence, local people have negative views towards local languages' suitability as modes of knowledge creation and transmission, (b) the linguistic diversity in which Zambia has 72 languages remains a challenge in organizing the population. This diversity challenge was compounded by the historic state formation where the borders were arbitrarily drawn by imperial powers resulting in splitting of ethnolinguistic groups across the national borders (Ramachandran & Rauh, 2023).

So, how does a language regime through formal and informal education impact national, regional, and global dynamics? In what ways are languages incentivized or stigmatized in schools and workplaces in Zambia? Language is a critical component of society both in policy and practice as it forms the context in which people navigate other aspects of their lives. For instance, the mere fact that English is a compulsory subject in Zambian schools starting from grade one to university level, means that it is not a choice as such, but an imperative for *success* in contemporary life. English is the only language in Zambia without geographical restriction, yet its use remains mainly confined to urban areas. However, despite the dominance of English as an official language, local language affiliation remains important for cultural identity and national political cohesion (Kula and Lutz, 2008).

In contemporary Zambia, identity is mainly linked to the language that a person uses. Out of the total of 72 languages, there are seven main language categories that the government selected to represent all the other languages on radio and television, but English remains predominant. Compared to English, local languages are only allocated short news programs on media platforms. The use of local languages in schools is limited to those seven selected languages and are only used as optional subjects compared to English which is compulsory. The estimated percentage spread of the seven main local languages is: Lozi 6%, Nyanja 20%, Kaonde 2%, Tonga 12%, Bemba 35%, Luvale 3%, and Lunda 4%, other tribes combined 18% (Ohannessian and Kashoki, 1978, pp. 9-46).

However, despite the hegemony of the English language, Kula (2006, p. 745) asserts that local languages remain especially useful for dissemination of news such as to communicate the outbreak of diseases, or to announce specific government policies that aim to capture peri-urban and rural audiences. Further, local languages are also much more helpful in instances of crime investigations with police and in local court sessions. Crucially, all 72 tribes of Zambia collectively played an important role in the attainment of Zambia’s independence as they pulled together to fight colonial rule. This collective solidarity manifests in various forms, for instance, the local musicians often compose songs across tribal lines. The map of Zambia below shows the spread of the seven main languages.

Figure 2. Understanding the Complexity of Language of Instruction in Zambia



Source: USAID Education Data Activity 2018

One of the key arguments presented by colonialists to justify the imposition of English language was that it was to be used as a *neutral language* intended to build a national identity on a further presumption that English was an international language of communication and affinity. More knavishly, the colonial notion was that African cultures and languages were backward, primitive, and prone to tribal identity conflicts, hence not fit for advancing their international trade ambitions (Kula and Lutz, 2008).

However, those purported reasons fail to hold because one cannot build a genuine national/cultural identity based on a foreign language because language itself is a key criterion of identity and cultural belonging. So, by choosing/accepting a presumed neutral language of English, the local population were implicitly building a national identity anchored on a foreign culture – a culture of the British colonizers which consequently led to the generalized idea that English is more superior. Unsurprisingly, most Western scholarship also tends to support this false narrative of the neutrality of English and that ethnic divisions are *part and parcel* of the African social and political DNA, yet it was the colonialists themselves who created this problem through divide- and-rule politics (Kaur, 2014, pp. 285-286); (Fanon, 2008). The colonizers were apprehensive of the unity and cohesion that they found among the African people because they feared that such unity would jeopardize the design and workings of the colonial project.

Ethnicity, therefore, became a tool upon which they could propel the colonial agenda, specifically through the divide-and-rule policy which deliberately banded various ethnicities into a single nation-state and pitting them against each other. In this manipulative way, Africans would then appear to willingly accept English as a ‘neutral’ language and as a *unifying force in nation-building*, hence a buffer for the supposed African ethnic chauvinism (Chisanga, 1997, pp.89-99); (Englund, 2006); (Gellman, 2019). Ironically, while the colonialists were forcing various ethnic groups to band together, their own homeland (the

UK) maintained separate nation states (Scotland, Wales, England, and Northern Ireland). The colonial authorities created systems that did not mirror their own settings back in their home countries – all because the idea behind those Machiavellian tactics was to facilitate the control and easy movement of Africa’s resources out of the continent to propel Western industrialization.

The colonial and imperialist rent-seeking mode of mineral exploits are correlated with poor provision of local public goods, ridiculously low wages for indigenous workers and general polity underdevelopment (Kula and Lutz, 2008). They set rules that only suited their situations; for instance, they came to Africa without permission from Africans and established settlements wherever they wanted, yet today, they have tight rules for Africans who wish to enter Europe including for study purposes (Biko, 2022). Such is the character and disposition of imperialism. Not surprisingly, the legacy of the English language – of enslavement and rule by conscription - is deeply entrenched (as a *new* culture) through speech, symbols, images, mannerisms, rule systems based on European social choices, and now effectively connected to the very idea of whiteness and racial divides (ibid).

Haruyama (2022) asserts that this association of whiteness and English has produced a variety of negative artefacts: for instance, those semiotic dynamics have created widespread perception that the Chinese that run mines in Zambia today are uneducated, discreet, ‘non-whites’ simply because they cannot speak (proper) English. From the perspective and context of the power that English yields in Zambia, the Chinese mine investors are seen negatively as sub-categories of ‘whites’ and hence unfit to run the mines. The implications of a lack of knowledge of English are best illustrated by (Haruyama, 2022, pp.24-27), when he further asserts that:

...the Chinese expatriates' position in Zambia is far from being hegemonic due to the cross-cutting currents they face of racializing, social linguistic and symbolic power that promotes English and its normative whiteness. Contestations over the symbolic value and legitimacy of English are central to how most Zambians and the Chinese migrants articulate their relationships. The range of reasons relating to both the practical application that English facilitates as well as the values it indexes, makes it regarded with high esteem by most locals. It is this position that results in a disjuncture tension when Chinese expatriates who occupy structural roles of authority in the mines fail to speak in any standard version of English.

This demonstrates the extent to which a foreign language seen as a *trophy language* by locals can erode the linguistic ecology of local cultures, languages, and traditions.

So, the notion of 'whitening' the local society can be achieved twofold: First by encouraging Europeans to migrate to Africa as settlers (as was especially experienced in Zimbabwe and South Africa), and second; by imposing the (English) European languages- both motives driven by extractive and capitalist interests. In Brazil, for instance, even before the abolition of slavery, there seemed to be a systematic agenda to 'whiten' the population whereby the Portuguese colonialists opened the country to the emigration of Europeans, and later, also opened it up to the Asians. Although the Black population was not indigenous in Brazil, the idea of targeting them was to subdue the Black population socially, economically, and politically. Subduing those marginalized groups meant the privileging of the oncoming Europeans in all areas including favoring European names over the local names. This was one of the most strategic ways of colonizing local people, i.e., cultural imperialism, thereby making them continuously feel inferior to White/European people (Naritomi et al., 2012, pp. 393-400).

Most strikingly, every time a Zambian introduces themselves with their indigenous name, they must be asked for an English name as if their African name was not enough. Local names are perceived to be archaic, backwards, and uncivilized. Christianity - operating as a Trojan horse for the colonial project - aided this agenda by insisting on Africans adopting European

names, yet no European person adopted an African name. It was a requirement under the Christian doctrines that locals needed to adopt so-called Christian names, but otherwise English names camouflaged under Christian doctrines of baptism. Put simply, one could not qualify to be a 'Christian' without adopting a European name. One must wonder then, how a religion that claims to be tolerant failed to accept local names but insisted on the adoption of English names - the hypocrisy of religion is laid bare here.

Ironically, many people in Zambia today believe that it is better to have an English name because it provides 'dividends to the world out there' (Haruyama, 2022, pp.27-28). The question that may be asked is: Why do Zambians/Africans try so hard to make White peoples' lives so much easier by hiding their own local identity? In Tanzania, for instance, the Kiswahili language was made a national official language because most of the population is proficient in it. In Zambia, however, due to many ethnicities, there is no single language that commands sufficient proficiency for hegemony (Kula and Lutz, 2008). As such, English appears to fill the void as it is perceived not only to be neutral, but also cosmopolitan, and inclusive. However, post-colonial scholars such as Ngugi wa Thiong'o (1994) and Fanon (2008) argue that the promotion of a colonial languages is a result of mental subjugation and neo-imperial oppression. Elevation of foreign languages by locals was due to those local peoples' misrecognition of the symbolic and ideological bases of their own subjugation.

### **3.2 Language in Post-Colonial Africa: Conceptual Issues**

Language could be described as an interactive and semiotic system arising from the association of a variety of concepts, words, symbols, and expressions. Language may also be construed as a sustained influential system of power, control, and communication with structured vocabulary and grammar (Manchishi, 2004); (Chanda and Mkandawire, 2013). In

this context then, the dominance of English in some local African societies is inseparable from the discourse and critique of colonialism, imperialism, and racism because only language dominance facilitates such underhand machinations (Pennycook, 1998, pp. 19-47). Scholars offer varied explanations on the definition and origin of language. Jean-Jacques Rousseau asserted that language originated from emotions while Emmanuel Kant argued that those languages emanated from logical and rational thought (Senderowicz and Dascal, 1997, pp.135-148). Theories of language lend much of their orientation from both the theoretical linguistics and philosophy of language, underpinned by a variety of theoretical thought processes.

Skinner (2014) asserts that in behavioral theory of language, humans (especially adolescents) learn by imitating whoever their authority might be and then modify their use of language due to operant conditioning. In this context, operant conditioning is a learning that focuses on the (perceived) rewards, i.e., learning that leans on positive reinforcement or based on punishment of undesirable conduct. The imitation theory or the operant conditioning accounts for a large portion of linguistic phenomena, and social aspects of language and natures of meaning, hence humans are products of their environments. In social constructivism, it is argued that languages are artificial constructs yet influential in shaping people's perceptions and attitudes. Through language, individuals participate in creation of their knowledge and the learning takes place in social and cultural settings (Burr, 2015, pp. 52-72). In cognitive theory, Piaget (2002, pp.50-55), asserts that thoughts are the main motivation behind human action. This means that cognitive faculties must necessarily be developed before language itself can be developed.

In functional or nativist theory, Noam Chomsky argues that people are born with a drive for learning, i.e., born with an encoder capacity for language acquisition (Chomsky, 2002, pp.18-26). In interactionist theory, Jerome Bruner argues that humans (especially in their formative

years) require regular interaction with their caregivers/authorities to learn a language to a fluency level (Bruner, 1961, pp.21-32). In the absence of common position on origins of language, empirical judgements remain highly contested.

Colonialism of Africa brought about cultural and linguistic alienation, i.e., the diffusion of European languages into local culture made African traditional systems and languages to occupy an underprivileged position (Mokaya, 2014). African scholars such as Wali (1963, pp.13-15), Ngugi (1994), and Irele (1990) posit that any language serves a dual function in society; first as a means of communication, and second, as a carrier of culture and traditional practices and value systems. For these scholars, African literature cannot be authentic if it is not produced in African languages, for, it is through language that people form a cultural identity.

In his novel, *Petals of Blood*, Ngugi wa Thiong'o argued that literature formulated through a foreign and imperial language creates an 'impossibility' of escaping a colonial past, hence systematically leads local cultural linguistic systems to walk slowly but steadily into oblivion. Both the African intelligentsia and the political elite are captured through the perpetual use of a foreign language. What is the difference between an African politician who says Africa cannot do without the West and the African scholar who says Africa cannot do without European languages? By writing in European languages, they are effectively excluding the participation of the peasants and the working class (Kaur, 2014, p. 289).

Kashoki (1990) posits that all languages are dynamic systems and that African languages can also be associated with modernity just like English or any other foreign language.

Further, Kashoki contends that the primary function of national languages must be for national communication. This means that the demands of international communication can be met by English as a second language - as is the case for instance, in Tanzania and Ethiopia. In the case of Zambia, local languages such as Nyanja and Bemba which have wider

communication reach could in fact, serve the function of national communication even better as they are understood more widely and more clearly.

Additionally, Kashoki (1990), points out that English is not truly or genuinely a neutral language since it is used as the only official medium of education in Zambia. In this way, i.e., being the only one used among others, it ceases to be neutral as it tends to favor elites and urban people. Unlike Europe where only one language in each area became important for defining the nation-state, the Zambian nation-state was defined without any prior unification of language. In this case, no single language was able to fulfil the integrative role in national building (as was the case in Europe). In view of this development, it can be argued that the nation can serve as a feasible political unit in which many languages are spoken and where national identity is constituted by patterns of multilingualism. As such, Zambian languages (based on that historical background), should be developed fully and used in building national identity. Further, public opinion seems to be in favor of this view of developing local languages; that legislation needs to acknowledge the linguistic diversities and linguistic rights and heritage of the Zambian population (Kashoki, 1990); (Albaugh, 2014); (Banda and Jimaima, 2017). Multilingualism today is considered as an asset rather than as an impediment to national development.

The importance of elevating local languages should also be seen from the prism of other dynamics of language which always need to be factored into the equation: for instance, Siachitema (1991) argues that language choice is related to the social relations of discourse participants: A prime example is where English in Zambia is more acceptable when speaking to younger people while older people are addressed in local language as a form of established social practice and value system of respect to the elderly.

In this conundrum, one of the major weaknesses of the English language hegemonic strand lies in its purported strength: That it does not have competitors with capacity to diffuse its

influences, whether those influences are good or bad. To this end, this supposed strength is in fact, a disservice to society as it hampers local innovation, local ingenuity, and promotes a mindset of ‘monopoly of knowledge’ engrossed in one language. This position is not only destructive for English itself but also dangerous for science more broadly (Snapp, 2022). Science is about looking around and understanding that there are many things to learn out there. Homogeneous thought processes create impressions that only one model or system is the best, and that those monopoly systems do not need to learn from anyone else. This way of proceeding breeds arrogance about knowledge possession. Furthermore, such a position of uniformity not only stiffens scientific growth and breeds discrimination and indifference. In his 2011 memoir, *Known and Unknown*, Donald Rumsfeld aptly evaluated the debate on the limitlessness of knowledge when he argued that ‘there are many things of which we are so unaware of (due to the breadth of science), that we do not even know that we are unaware of them’ (Rumsfeld, 2011, pp.9-17).

Post-colonial theory exposes the power dynamics of colonialism and attempts to disrupt the dominant discourse of colonial and neo-colonial power (be it language or otherwise) and emphasize the effects of imperialism on both the colonized as well as on the colonizers. In this way, the postcolonial view on language provides a useful link with the issue of human rights and cultural practices. Africa could draw inspiration from its own culture, history, and creative imaginations, and apply local theories and challenge the status quo’s beliefs and practices of a distorted African image. Toyin Falola, a professor of African Studies at the University of Texas at Austin -US, summarizes this colonial argument by asserting that:

... decolonizing African history is an intellectual undertaking that emphasizes the study of Africa from an African perspective as well as the transmission of that knowledge through Africanized curricula, Africanized instructional frameworks, and epistemologies. It involves efforts towards ending European intellectual hegemony over Africa's political, economic, historical, and cultural ways, the reverse of its effects, and the pursuit of absolute liberation and self-determination for Africa. Decolonizing African history is also an acknowledgement of marginalized people as agents of their own histories and experiences (Centre for African Studies -Basel, 2022).

The weight of language and what it does for our knowledge organization system cannot be underestimated especially on how it influences cultural experiences. As Tennis (2012, pp. 15-20) has argued, how – for instance - do the words 'blacklisted', 'Negro', 'African' or 'Indian' work in the past and current indexing languages? However, within the body of African scholarship, some African scholars offer a contrary view on the impact and continued use of colonial languages: Chinua Achebe, Ezekiel Mphahlele and Timothy Wangusa argue that European languages can also carry the weight of the African cultural experience. The main thrust of their argument is premised on the idea that by using colonial languages to express both the colonial era as well as the post-independence era trajectories, the African scholars are implicitly performing remedial acts of resistance, hence furthering the African liberation agenda (Achebe, 1997, pp. 342-349).

It can be deduced from this argument that writing in English (a colonial language) still holds substantial emancipatory promise, notably through the genre of creative writing such as poetry which inspires a deeper commitment to critical review, and which inevitably evokes poignant and provocative lyrics. This argument is further supported by a post-structuralist view which asserts that any object of scientific examination is simultaneously its effect. According to this line of thought, the subject is not born into the world – the subject produces the world of which it is a part, at the same time as it is itself produced. By implication, this means that the subject and social order - are co-constituted – neither the subject nor the environment is ontologically privileged (Edkins, 2007). For instance, the independence

struggles of 1950s and 1960s are an important illustration of this agency to resist, to adapt and proactively shape the agendas which Edkins expounds upon here.

From many theoretical standpoints, it can be asserted that language aids to shape our comprehension of reality. In this context, English can be a tool to advance human developmental capacities but can also be a tool for undermining those human capacities to achieve Machiavellian ends. It can be argued, for instance, that William Shakespeare's works have had tremendous influence in positively aiding the elevation and shaping of the English language to a level which otherwise may not have been attained especially in the former British colonies. In his 1980 book, *Power/Knowledge: Selected Interviews and Other Writings*, Michel Foucault addresses the relationship between power (and language) and knowledge and how they are used collectively as a form of social control. For Foucault (1980), the influence of power (and language) is not simply embedded in institutional frameworks; that power is omnipresent, dispersed, and pervasive. The capacity of power, therefore, is dual: It can be both a tool of fostering social harmony as well as a weapon to cause societal disorientation.

### **3.3 Language as a Political Matter: The Case of Zambia**

Through a critical engagement, this section unveils nuanced intersectional and multidisciplinary frameworks through which the workings of dominant foreign languages operate such as through capitalistic manipulations.

Politics and the ruling classes often survive on tactful but otherwise manipulative use of language to the population. Language can be used as a medium of communication to describe and evoke feelings, hence can be a tool of unification or a tool for propaganda purposes (Banda and Simwinga, 2018). The language in which political information is channeled is

crucial because the way citizens comprehend language vocabulary, and its undertones is rooted in their cultural and social environments. The way in which language is structured and framed reflects the value attached to certain modes of rational thought processes (Albaugh, 2014); (Banda and Jimaima, 2017).

For instance, the principles and policies that certain politicians stand for, or advocate might be more ambiguous than how they present/project those principles to the population.

Politicized conceptions of language can be read as providing ideological backup to the policies of the establishment which entrench the status quo. Furthermore, political falsehoods implied in an abstract language might not easily be noticed or properly evaluated by the target audience, and as such, those falsehoods will have served to perpetuate certain agendas that subtly promote politics of exclusion. The fact, for instance, that the government of Zambia was the one that decided and picked the seven local languages to be used on radio and TV means that such selection had some considerations based on political cleavages that respond to the political psyche and expectations of various regional blocks of Zambia.

Illustrations of such selections makes language very much a political matter (Mulenga, 2006).

Language dominance manifests in various forms of control such as through linguistic imperialism, cultural imperialism and other colonial artefacts of arm-twisting tactics, aid packages, and imbalanced tariffs on commerce trade. Such policies, akin to realist politics, are often applied through mechanisms such as conquest, stalking, preying on weaker states, imposition of taxes, levies or through any other means necessary to protect their national interests. All these machinations are achieved through language monopoly and dominance (Phillipson, 1992, pp. 17-20).

Domineering imperial languages see their power paradigm through the lenses of control at any cost including through capitalist machinations, and often, to gain power for its own sake.

These Machiavellian tactics do not always appear obvious to the local societies that are preyed on and only made possible through language dominance and hegemony.

In his article, *Even Chameleons Stalk Their Prey: Twenty-First Century Imperial Sleights of Hand and the Recolonization of Africans*, Artwell Nhemachena aptly captures this chauvinist realist ambition by comparing imperialists' attitudes in Africa with the manipulative behavior of a chameleon when he argued that:

...chameleons know best how to appear to be stationary towards targeted flies, at which they suddenly dart their swift tongues once within range. The emergent post binary world order is a chameleon's world; it is a world where Africans- deemed in Eurocentric animistic discourses to be indistinct from flies – will be increasingly cannibalized (Nhemachena, 2023, pp.3-5).

To emphasize: Colonialism is like a chameleon, it does not necessarily go away but only changes its color. The legacy of Western colonialism and language dominance in Africa has left a deep negative legacy across the continent, and the continued use of foreign Western languages such as French, Portuguese and English are a constant reminder of the enduring neo-colonial dynamics that linger in the psyche of many pan-Africans. To illustrate this frustration, consider the sentiments expressed by a Zambian opposition leader, Fred Mmembe in reference to Western domination of Africa (particularly the US) when he argued that:

...if you have no respect for the dignity of others, if you have no respect for the sovereignty of other countries, you cannot claim to be a champion of democracy (as the US purports to be). Democracy takes many forms of expression, not only one. Human development is not sustainable based on plunder, on the business of enslavement, and on the business of humiliating other people. Democracy is a government in which all people participate, in which the interest of the (local) people reigns supreme, in which their country's sovereignty and honor is at the top. At the end of March 2023, there will be a conference on democracy in Zambia led/organized by the US. The US have come to southern Africa to teach us democracy. A country that was opposed to our liberation, a country that supported colonial regimes such as the apartheid regime in South Africa and the white racist minority regime in Rhodesia (now Zimbabwe), the Portuguese colonial governments in Mozambique, Angola, Guinea Bissau, and Cape Verde, today is coming to Africa to teach us about democracy. A country that has toppled so many governments in Africa and led so

many coups in Africa, a country that has killed so many of our leaders in Africa, the killers of Patrice Lumumba, those who toppled Kwame Nkrumah, those who killed Nasser and Gadhafi, today are coming to teach us about democracy. A country that has been built on the brutal force of enslavement of other human beings, on the humiliation of Africans, the exploitation of Africans, the plunder of Africa, today is coming to teach us about democracy...that is the arrogance of the imperialist, the racist arrogance that we are subjected to (The Global Herald, March 28, 2023).

The Ubuntu, ('I am because we are') theory is an indigenous (South) African philosophy which postulates that sustainable development cannot be attained without genuine partnerships based on inclusion, comradeship, empathy, and solidarity. The Ubuntu idea, therefore, forbids imperial chameleon relationships anchored on manipulation and trickery (Nhemachena, 2023, pp.5-15). Today, there seems to be a consensus among Africans that foreign language dominance now appears to have gone too far in dictating social and economic destiny of African polities. Western interference in African affairs and dominance in every day local discourses is a result of language imperialism which has infuriated many on the continent. This frustration can further be illustrated by recent remarks made by a Member of Parliament of Ghana, Sam George, who was reacting to the patronizing speech made in Ghana recently by visiting US vice president Kamala Harris on protection of gay rights in Africa. George rebuked the US vice president when he argued that:

...the US has no right to talk about human rights because they are the biggest abusers of human rights. The American government is failing to take decisive action on gun control; people who should not have access to weapons are having access to assault rifles and killing innocent children and teachers in America, and the vice president of that country wants to come and teach us human rights. The irony of it is that she is a person of color but for being V.P, what happened to George Floyd could easily have happened to her or any of the several people who have been killed in America by errand white policemen which has led to the *Black Live Matter* issue. If people must demonstrate to let the American government know that Black lives matter, they need help from us. We are ready to engage the American government and the US Congress to help them shape laws that will clampdown gun violence. But it is the hypocrisy of the US ...what they call homosexuality a human rights issue in Africa, yet they are doing business with countries where homosexuality is frowned upon...over a billion dollars of military hardware is sold to Qatar almost on a yearly basis...in Qatar, homosexuality is punished by death, not by imprisonment. Why are they (the US) not threatening Qatar? One of the biggest trading partners of the US is Saudi Arabia

where homosexuality is punished by death...why are they not threatening them? Then they come to Africa and want to come and threaten us with LGBTQ rights. The American government is a bunch of hypocrites – if they really want to flex their muscles, they should go and flex their muscles in Russia, India, China, Saudi Arabia, Bahrain, Qatar, the places they are selling weapons to (Ghana Web TV, March 29, 2023).

Deducing from the cultural identity crisis and analyses of language domination and subjugation by the West as highlighted by several African scholars such as Ngugi (1994), Chisanga (1997), Chanda and Mkandawire (2013), it can be asserted that the English language hegemony is partly responsible for the country's contemporary challenges due to its arm-twisting power tactics.

### **3.4 Two Competing Variables & Influence Language Use in Zambia: Cultural Preservation vs Economic Benefits of Modernity**

#### ***(1). Cultural Preservation***

Traditional leaders argue that society needs to ensure that local languages remain relevant through traditional teachings and cultural ceremonies; practices that are passed on from one generation to the other without relying on (English) literary skills (Ngugi, 1994). Cultural perseverance is essential in sustaining traditional customs and value systems, and these are best articulated and preserved using local languages. For instance, certain words cannot be explained properly in foreign languages because the original meaning may be lost in translation. Further, local language use also works in favor of politicians especially during election campaigns because local languages connect them better with the local population (Mulenga, 2006).

In schools, the use of local languages may attract scorn from peers and the authorities who insist that the English language should be used in formal educational settings. For a child (especially those in rural areas) whose local language is their real linguistic possession,

begins to see themselves as inferior beings. Over time, the pressure of insisting on children using the English language potentially sets them up for weak command of both their local language as well as English. In addition, the pressure of insisting on the use of English undermines the child's sense of self as a unique being and worthy of validation (Gellman, 2019, pp.523-527). Consequently, anything connected to a child's ethnic identity and heritage appear to attract shame. In Zambia, if one is only fluent in a local language, one can neither get a formal job nor be enrolled into college/ university. There is also a strong perception that if one cannot speak English fluently, one is assumed to be 'less intelligent.' So, intelligence and excellence are only seen from a prism of firm command and articulation of English language, yet there is no correlation - scientific or otherwise - between being 'intelligent' and being fluent in English. The colonial school system was designed to create an imprint in Africans that speaking English is a mark of 'intelligence' (Gellman, 2019, pp. 528-537). In Zambia, pupils are forbidden to use local languages while they are within the school surroundings and encouraged to use only English. And a failure to adhere to this rule often attracted punishment from the school authorities. Although enforcement of those rules seems to have been relaxed nowadays, they nevertheless still linger. The author (having grown up in Zambia) witnessed this situation firsthand right from the adolescent school age. This experience of privileging English over local languages in school premises is corroborated by Kenyan writer Ngugi wa Thiongo who states that:

...one of the most humiliating experiences was to be caught speaking Gikuyu (the local Kenyan language) in the vicinity of the school. The culprit (the pupil) was given corporal punishment such as three to five strokes of the cane on bare buttocks – or was made to carry a metal plate around the neck with inscriptions such as, I AM STUPID, or I AM A DONKEY (Kaur, 2014, p. 288).

The Chinese, for instance, produce sophisticated cell phones and other advanced products which they sell worldwide with virtually no English language. China has achieved these

because it has a long history of learning, literature and technology invested in its indigenous language and has a long history of a unified state. English-led education in Africa has not achieved much for the local population as it designed to produce graduates that are preoccupied with job-seeking rather than job creation, hence reducing local ingenuity ideas. In this way, Africans are not able to get out of being colonised because by sending children to schools which - to all intents and purposes - are colonial English spaces, the African children are handed over to spaces where their mindsets are colonized right from an adolescent age. By implication, this widespread societal perception -which is driven largely by ignorance and cognitive dissonance - forecloses any opportunity to explore orthodox but otherwise essential local knowledge reservoirs that have the potential to fortify local initiatives and ingenuity. In Zambia, no amount of talent or skill is fully acknowledged or appreciated if it is exhibited outside the English language realm, thereby rendering local languages redundant. English language is –by default - perceived as a ‘trophy’ language which carries prestigious connotations in society (Mulenga, 2006); (Chisanga, 1997).

To illustrate this entrenched perception of English superiority, one Zambian woman that the author spoke to about the need to use local languages said, ‘my children do not know how to speak any local language...they only speak English...my children have difficulties comprehending anything in local language’. For her, to NOT know the local language is associated with being ‘civilized’ and being ‘modern.’

Even top government officials have not been spared from this English hegemony colonial trap: a former government minister recently bragged by saying, ‘when I took my children to visit our relatives in the rural area, my children were surprised to come across people who cannot speak English’. Such is the furore surrounding the supposed prestige and use of English language. To preserve culture, Africans need to change the algorithm and tempo of the school curriculum and consider introducing home schooling. African governments cannot

afford to continue allowing the enemy (the colonialist) to educate their children because the *enemy* cannot genuinely teach one anything good. An emperor who is naked cannot teach anyone on how to be clothed. Institutions of governance need to be decolonized and change their mindsets to invent local doctrines that are framed in liberation philosophy and invest in publishing. This process of decolonization will certainly not be a walk in the park; for freedom does not come free. There is a cost to freedom. Crucially, such freedom cannot be attained when Africa is not dealing decisively with local traitors who betray the African revolution.

## ***(2). Economic Benefits of Modernity***

It can be deduced from the current economic turbulence in Zambia that the expectations of modernity and meanings of urban life have produced disappointing results to many ordinary citizens - the perceived benefits have failed to register as evidenced by the declining standard of living in Zambia affecting especially the vulnerable groups. Sentiments of a weak economy are corroborated by recent revelations by the Secretary to the Treasury at the Zambian Ministry of Finance, Felix Nkulukusa who has indicated that poverty levels have increased from 54.5% in 2015 to 60% in 2024 (News Diggers Newspaper, May 13, 2024). Although the report of the World Bank (2024) GDP figures for Zambia have shown a rise in the past three years and indicate that the country will record a GDP of approximately 30 billion US\$ in 2024, the austerity measures put in place by the Zambian government has left many ordinary people with enormous economic challenges. The population seems to be in a catch 22 situation whereby, on the one hand, they are expected to preserve their (lost) culture, while on the other hand, they must navigate to catch up with ever growing demands of modernity which at present is not producing tangible results for the poor.

In Zambia, most people learn English mainly for survival purposes such as to get a formal job, or to help them do businesses successfully given that the business environment itself demands the use of the English due to its greater communication reach (Bourdieu, 1991, pp.163-170); (Crystal,2013). Language choice in Zambia informs ones' identity, and language hierarchies shape people's preferences. One has a better chance of attaining higher education if one is fluent in English. Similarly, one has a better chance of getting formal employment if one speaks fluent English because recruiting organizations want to align themselves with 'advancement' and 'civilization', both of which are only seen through the English language use (Coronel-Molina, 2016); (Dor, 2004, pp.97-100). Because education is elite driven, the closer one is to the powers that be (through English language and educational interactions), the more prospects one will potentially get. Elite education has brought cronyism in the employment and educational sectors, whereby only friends and relatives have access to job opportunities, to career growth prospects, to higher educational facilities such as funding or bursaries. The educational curriculum itself is redundant to local Zambian needs because it is superficially designed to respond to international designs - policies that only favor the elite. For instance, today, Zambia has a critical shortage of competent artisanal workers such as plumbers, metal workers, weavers, and foresters because such blue-collar jobs (despite being important to society) are not prioritized in the educational system; only white-collar jobs (for fluent English speakers) are given prominence in the school curriculum.

### **3.5 Foreign Language Conundrums & Effects Particularly on Marginalized Groups in Zambia**

The negative characteristics associated with the English hegemony are tied to economic relations, the inequitable distribution of economic power, the inability to access justice and the overall social polarization of communities. For instance, laws are framed and formulated

based on a foreign language whose implied meanings and implications are not properly understood in local languages. Saidi (2020) argues that pre-colonial African culture did not have issues of human rights and marginalization because communities then were run by smaller entities (chiefdoms) which were demarcated along ethnic and kinship lines. So, issues of marginalization began to emerge after the imposition the Westphalian state system which privileged a foreign language over local languages. The foreign language hegemony slows down the pace of the emancipatory ideals of ordinary citizens, and instead propels opportunities for the elite. The emancipation of marginalized groups cannot be fully attained because it is tied to an elitist colonial language where access to economic gains often favor those who are *well connected*. So, for marginalized groups in Africa, the already imbalanced power relations that are embedded in patriarchal systems, now coupled with the effects of English language hegemony puts a heavy burden on them, particularly those in rural areas. In social life, patriarchies - masquerading as religion and culture - have significantly contributed to the diminished role of African women in society. This situation has not spared any African society (including Ethiopia and Tanzania who do not use colonial tongues as official languages). The Westphalian state system or the colonial system contributed to the entrenchment of patriarchy systems in two ways: (1) through labour imbalances that preferred to have a labour force of men rather than of women, hence making majority of men 'Bread winners' who now began to overlook women, (2) through dogmatic religious doctrines that put men above women in all spheres of life. This gender power challenge is aptly explained by Litchfield-Tshabalala (2022), who argued that:

...the problem of gender power relations was brought by foreign ideologies that had patriarchy systems such as Christianity, Judaism, and Islam. It follows then that Christianity which was imposed in Africa by Europeans could never have produced any other gender relations other than patriarchy relations because in Christianity, God is a man, Jesus is a man, the disciples were men, all the angels were men, the first priests were men, so there is no way Christianity could have taught Africans equitable gender relations.

In schools and workplaces, the male dominated spaces -otherwise colonial spaces - have meant that women's voices are considerably stifled, and school-child dropout levels are higher on girls than on boys. This means that over time, women become less/least educated compared to men and subsequently become less influential. Consequently, this sets them up for continuous cycles of abuse such as child/early pregnancies, early (forced) marriages, rape, violence, divorce, abandonment, and single motherhood.

Often, in the employment sectors, for one to get a job, they must bribe the relevant authorities. For many women, they are pressured to engage in sexual affairs with their male work superiors (in many job sectors, males are often the superiors/managers). Due to such vulnerable and desperate living conditions, other women who cannot find their way into formal employment, are forced to opt for full-time prostitution. Instead of taking responsibility for these distortions and imbalances, the authorities (often males) resort to blaming victims, which has now become the familiar penchant that authority figures use as a ploy to divert from the real causal factors of women's challenges (Author's personal experience). These examples are instructive: the government needs to eliminate unequal structures that limit individuals' actualization of their life potential; for only a truly free society can optimize the potential of its people.

Studies carried out by (Mkandawire et al. (2022, pp.2-11) suggest, for instance, that literacy and language instruction in Zambian schools could be much easier for students (especially girls) if conducted in local languages. The main argument here is that given the predominance of patriarchal systems which already marginalize certain groups, the imposition of a foreign colonial language deepens that marginalization, especially for women and rural dwellers. Local languages are much more transparent in orthography than the English language which has an opaque orthography. In addition to this language challenge,

there is also a distinctive vowel length in the local languages compared to the English language whose vowel length can alter the meaning of the word/sentence. Other differences/confusions identified by Mkandawire et al. (2022) on the differences in the syllable structure and grammar of English versus local languages can be illustrated, for instance, in the following English words (below) which have the same sound:

*cite, site, sight*

*flower, flour*

*hole, whole*

This is not the case in local languages where word tone/sound distinguishes the meaning of any words used. The concept of education driven by English language hegemony is designed to undervalue, overlook and demean all local skills. As a result, school systems are seen with misgivings especially in rural areas where the tangible benefits of education have not really trickled down as evidenced, for instance, by high unemployment levels despite students attaining college certificates. In most rural areas, English education is seen merely as an enterprise championing the degradation of local initiatives and traditions: For example, rural women's daily homestead tasks such as taking care of children, drawing water from the river, fetching firewood, and cultivating their agricultural land are – in the English capitalistic definition of work – classified as; *women who do not work*.

Such a classification of work is not only demeaning to local traditions but in fact alienates local people from the very school systems that are supposed to be championing their cause. So, the talk by government authorities that education is a real societal game changer is seen by traditional actors as empty rhetoric. Scientific novelties from marginalized people have been erased through the English language curriculum which sees anything local as inferior. Through English, local natural history specimens have been taken without consent from traditional authorities and genetics data has been manipulated to support the eugenics theory. In the absence of redress of these manipulative English/foreign language driven systems,

local people do not feel welcome in academia, and certainly do not trust the English/foreign language school systems (Snapp, 2022).

### **3.6 The Impact of the Enduring Legacy of Colonialism through a Foreign Language on Local Social Practices**

To comprehend the machinations of the colonial project, we must first begin with the question: What did the ‘legislation’ on the use of the English as official language in colonial Zambia seek to forestall? By insisting on English as the official language, the colonial administrators’ aim was to disrupt societal cohesion and solidarity which was an embodiment of the African polity then. In a bid to underline their nascent authoritarian imperial project, the British colonisers imposed English language -the Machiavellian way. In this way, the colonizers played a subversive role in setting Zambia on the course for the ‘disappearance’ of indigenous languages (Posner, 2003, pp. 127-131).

Since the local people were united through their languages, such unity posed tremendous threat to the existence and sustenance of the colonial system, hence the ploy to ‘dismantle’ that unity by subduing it with an imposition of a foreign language. To ensure the success of the imperial dictates, the colonial administrators used *divide and rule policy* which pitted locals against each other along language/ethnic lines. This way, divisions were fermented, and hence the ‘stigma’ of rival local languages was subtly ‘planted’ in societies (Phillipson, 1992).

Further, during colonial rule, access to education by locals was carefully screened and tied to an agenda of control to ‘prevent’ the creation of educated elites emerging from among the ordinary people who ordinarily would be critical of colonial rule (Gellman, 2019). Education, therefore, worked simply as a functional enterprise to groom those most useful to the colonial system. Post-colonial Zambia has only done modest reversals of that selective and

discriminatory educational system. To date, the formal educational sector (a copy-cat of the British educational system) remains a utilitarian Westernization tool for those with the means to access it, i.e., the elite and regime cronies who equate the English language proficiency to being ‘modern’ or ‘civilized’ (ibid). In law making, language hegemony influences how laws are designed through propaganda, conscription, and fraud. Through legislation, colonial machinations keep local populations subservient and controlled by way of enactment of unjust laws that foster discrimination and exclusion. Not surprising - because discrimination, intolerance, brutality, exclusion, and humiliation of locals were the hallmark variables that sustained the colonial project. In Zambia, for instance, one such discriminatory law was the 1931 imperial enactment of the anti-homosexuality law (Sishuwa, 2023). The irony of this imposed legislation was that it was frivolously justified in the name of religion, yet this purported premise is fundamentally flawed in two ways:

(1) the law was imposed by the British colonialists - this means that the law in question was alien to the locals as they did not participate in its formulation given that they were a disenfranchised population that had no meaningful role to play in governance.

(2) the reliance on religion as justification for the enactment of the law is a bizarre argument to present because Christianity - like colonialism itself – was an imposed worship system and therefore, its practices and designs - to all intents and purposes - did not reflect the will of the indigenous people who had their own spiritual way of life which was not religious in disposition. This legislative confusion is aptly argued by Sishuwa (2023), who asserts that:

...instead of repealing the anti-homosexual laws after independence in 1964, successive Zambian governments have preserved it on the statutes in the name of religion or culture, effectively pandering to a deeply conservative population that falsely believes that homosexuality is a Western imposition. We Africans have more reason to reject Christianity than homosexuality, for the latter existed even in pre-colonial societies, long before the arrival of European missionaries or Western religion on the continent. Homophobia, like Christianity, is a colonial era import now masquerading as an indigenous tradition.

Due to this colonial legislative and religious influence, most people in contemporary Zambia still believe that homosexuality is a Western concept and a choice rather than an orientation. However, it is important to emphasize that mainstream views in the West on the LGBTQ question are much more liberal than is the case in Africa. So, the reasoning in Africa that homosexuality is a choice, is flawed on two basic accounts:

(1) If indeed homosexuality was a Western import, it makes little sense, if at all, why colonial rulers could have enacted a law to ban an activity that was non-existent in that society. The decision to ban a particular activity is informed by its (perverse) existence, otherwise it makes no sense to ban something that does not exist.

(2) If homosexuality was indeed a choice as most Zambian religious people claim, why would someone choose to be a homosexual in a hostile environment where stigma, discrimination, and possible imprisonment (14 years in jail upon conviction) awaits those who identify themselves as homosexuals as is the case in Zambia? Again, it makes little sense, if at all, why a person would choose to be gay in such an intolerant and risky environment. It is ironic that Africans who, not long ago were victims of discrimination, colonization, and racism are today victimizing other people merely for being different from others. Sishuwa (2023) aptly argues this point by positing that:

... not long ago, people of different color were legally discriminated against, for they were seen as less human. Today, they are accepted as human as anybody else. Not long ago, people of different sex (especially women) were legally discriminated against, for they were seen as less human. Today, they are accepted as human as anybody else. Now we have people of different sexual orientation being legally discriminated against for they are seen as less human. Among their oppressors today are those who only yesterday were at the receiving end of discrimination based on their color and sex – namely, the black person and the woman.

This discrimination problem seems to have kept haunting the African populations. The former president of South Africa, Thabo Mbeki once observed that the African people dehumanize themselves when they start seeing other people (such as gay people) as beneath

humanity. The spirit contained in the Africa Renaissance project asserts that Africa shall overcome its economic, social, and cultural challenges through inclusive governance, and that the freedom that Africa seeks cannot be fully attained without the liberation of all marginalized groups (Ndlovu-Gatsheni, 2019).

### **3.7 Implications of English Language Hegemony on the Future Local Development of Zambia**

The study has illustrated the ambiguity of English as a lingua franca in Zambia and how ways of speaking English (including its accent) constructs identities in multilingual environments and how struggles for identity and belonging are captured in the marginalization and empowerment of local people. Despite the colonial baggage that the English language carries, it still occupies a space of social prestige, economic power, and political dominance (Bourdieu, 1991). Although the colonial project in its classical sense is no longer physically present in Africa, neo-colonialism is still in Africa in a nuanced and surreptitious, yet diabolical way. This continuous manipulation of Africa by outsiders has meant that the continent cannot realize its full potential (Ngugi, 1994).

In the context of post-colonial institutional adjustment -notably through the liberalization of the economy in which local systems have systematically been undermined and marginalized, the living conditions of ordinary citizens have declined considerably. This has resulted in the feeling of abjection and expulsion from contemporary global systems that promise modernity. As such, the country is locked in a situation that is predominantly neo-colonial in disposition where foreign artefacts such as the English language continue to dictate the social economic and political pendulum of Zambia.

English has often been used to exclude and demean all those who do not have perfect mastery of its standard versions (Loomba, 2015). English is used by most Zambians as a tool to stake a claim to certain kinds of modernist aspiration and cosmopolitan identity, as well as to overcome linguistic divisions in the contemporary nation-state of Zambia. For these reasons, the notion of neo-imperialism are relevant discourses to the Zambian context due to the continuities of the colonial dynamics. English language hegemony continues to lend its position as a certain kind of neo-colonial system or a system that aids the entry of colonialism through the back door. English has hindered local sustainable social and institutional innovation through stigmatization of local ideas, local inventions, and local conventions (Simpson, 2003). Zambia continues to suffer from structural deficiencies such as language and cultural imperialism that were inherited from the colonialists.

Marginalized groups bear the brunt of these deficiencies. For these groups, the struggle is not theoretical, but something that bites into their lives every single day. The country now needs to identify agencies of mobilization to create a new African epistemology that will drive an agenda that benefits local groups. The current trajectory that ignores or humiliates indigenous practices pose considerable odds for the future of local and home-grown ideas. Reform or the entire change of the curriculum is key to correcting this trajectory, starting from grade one, which is the key entry point of formal education for children – an educational space that is still occupied and shaped by colonial, racist and patriarchal undertones (Litchfield-Tshabalala, 2022). The hegemony of English language in Zambia has meant that while people may appear to willingly seek out learning it, the choice and acquisition of the English language is often a result of coercive circumstances. Language hegemony also brings about elements of distortion of ethnic identity especially on how people can access their cultural rights (Kula, 2006). While the colonial empire had the capacity to rule over the local people, it had no commitment whatsoever to improve their lot.

For instance, in the 79-year colonial rule of Zambia, the British colonial regime did not build any university, yet their homeland Britain had several universities at the time. So, limiting African education was part of an imperial design to keep local populations passive, in addition to language imperialism which effectively eroded the African agency (Gellman, 2019). During colonial rule, there was no social contract between the colonizers and the local population. For Hobbes, Rousseau and Locke, the legitimacy of the state is measured by its commitment to fulfil the social contract commitments entered with citizens. The absence of such an arrangement in colonial Zambia meant that the colonial regime was an illegitimate authority that imposed its will on the population (Saidi, 2020).

A brain drain of highly educated Zambians goes to Western countries, in part, due to global mobilities that provide avenues for better incentives than those found within local constellations. Also, local education is perceived to be ‘inferior’, and as such, those with financial means prefer to migrate and get education in Europe. These incentives abroad (especially remunerations) are the factors that will continue to allow the English language to be pursued and regarded to be more relevant than local languages. What might help local languages retain their precolonial pedigree is to re-design the educational curriculum so that it is aligned with the requirements of local Zambian situations; for instance, why should it be a necessary condition that a weaver, a plumber, or a forester be fluent in English? Local languages continue to be subdued in contemporary Zambia because successive Zambian political leaders - having been fed on *poisoned chalice of modernity* - are themselves ‘highly Westernized’ and as such, are not able to galvanize and harness local skills and local initiatives. Successive Zambia leaders have contributed to the country’s weak agency in deterring foreign language influences through their complacency. Given that the rope is as strong as its weakest link, the entire polity should be blamed because leaders are products or a reflection of the aspirations of a given society. Zambia is failing to advance due to pursuit

of misdirected copy-cat goals which have affected the pace of the country's active integration into the global value chain (Mills, 2021).

A polity can penetrate the global value chain without the need to rely on English, as Chinese and Singaporean industrial growth have proved. Despite abundant natural resources, Africa is still poor and dependent on Western aid. The continent sits on gold yet begs for silver.

Governance in most African states resemble the farcical play of William Shakespeare's, *Comedy of Errors*. Local leaders' credibility is in substantial discredit for understandable reasons: In the eyes of the wider population, the regime authorities have lost face due to the perception that they are 'Europeanized Africans' who are out of touch with local realities.

The African leaders seem to be desperate to conform to Western systems at all costs, adopting systems such as democracy in a blanket fashion even where such systems have proved to offer no effective dividends to enhance societal growth.

There is no single model/template of democracy because democracy – like language - is diverse, and so are civilizations and cultures. As such, there is no single language (as English tends to purportedly position itself) that is better than others because the utility of a given language depends largely on epistemological and ontological underpinnings (Edkins, 2007).

Among the factors that have aided the growth of the English hegemony, and the subjugation of African agency is the lack of genuine cooperation amongst the African states, for instance, African regional blocks could adopt common languages: in Southern Africa and East Africa, for instance, the adoption of Swahili could be beneficial.

African states have not taken advantage of the benefits that accrue from economies of scale. If Africans had a pan-African currency, the continent would be able to extract better value when dealing with the outside world. This absence of a unified position for dealing with the West, i.e., the absence of agency has meant that English and Western hegemony have been given a blank cheque to deconstruct local African institutions. In this way, the West finds it

easy to pit African states against each other and continue to dominate the political direction of the continent. This desire by African states to push foreign policy objectives singularly and prioritizing bilateral deals instead of multilateral policies, is a position that has only worked to perpetuate Western hegemony. This lack of a unified policy approach means that English has unduly remained dominant and hence enjoys unchecked status; a homogenous status engrossed in ideological positivism – a status quo that is dangerous for growth, scientific innovation, and self-introspection. This lack of unity is the reason why the English language is still propelling an imprudent but otherwise outdated neo-imperial agenda in Africa (Sishuwa, 2023).

As Sishuwa has argued, the absence of strong pan-Africanist leadership on the continent has dealt a heavy blow to Africa. The current crop of leaders is a lacklustre bunch that cannot inspire the emergence of a new and formidable Africa. Leadership from influential African states such as Nigeria, South Africa, Kenya, and Ethiopia leave much to be desired because leaders have failed to tap into local aspirations as they seem to be preoccupied with personal aggrandizement and disreputable tactics (like their former colonial masters) to remain in power *for life*. It can be argued that by copycatting Western systems which have undermined local initiatives, the leaders have contributed to the destruction of the once authentic, indigenous polity systems of the continent and now seem haunted by their own betrayal of Africa: In essence, they have become *Lady Macbeth* in William Shakespeare's play. The liberation spirit and philosophy can re-invent African mindsets. The Black consciousness theory as articulated by one of South Africa's iconic liberation freedom fighters, Steve Biko, asserts that:

...the first step is to make the black man to come to himself; to pump back life into his empty shell; to infuse him with pride and dignity, to remind him of his complicity in the crime of allowing himself to be misused and therefore, letting evil (colonialism) reign supreme in the country of his birth (Biko, 2022).

Therefore, local populations can still overcome these challenges brought about by English language hegemony if they re-energise the Black consciousness ideology as a remedy to pull themselves out of this neo-colonial malaise.

### **3.8 Chapter Conclusion**

The English language has left a trail of colonial undertones in Africa and despite the exit of the British from their African colonies, such an exit masks the enduring traces left by colonialism which still run deep. Through English language teaching, colonialism permeated the cultures and discourses of locals, the effects of which are still evident today. Cultural, moral, and racial differences created by colonialism continue to have a wide range of ramifications for the way in which subordinated races are defined and Othered in relation to dominant privileged categories. English has been a monumental institution of oppression, suppression, and exploitation. As such, the problems of the local society will also be the problems of the predominant language of that society; for that language is – by default - the carrier of perceptions, attitudes, and societal objectives. Consequently, local languages have suffered the mortification of being associated with negative qualities of backwardness, humiliation, inferiority, and underdevelopment. It can be argued that today, local populations have come to see the English language hegemony for what it really is: an imperial enterprise that subtly uses its language power dominance as a lever to pursue a variety of concealed agendas in Africa. These agendas include the facilitation of the systematic exploitation of Africa's natural resources using legislative mechanisms drafted in a foreign language; a carried-over, rent-seeking trend that dates to the days of slavery and colonialism.

## **CHAPTER FOUR:**

### **EMPOWERMENT THROUGH CIVIL SOCIETY ORGANIZATIONS: AN EXAMINATION OF THE ROLE OF CIVIL SOCIETY IN CHAMPIONING HUMAN RIGHTS**

#### **4.0 Chapter Introduction**

This chapter aims to assess the emancipatory contributions of civil society in Namibia, Ethiopia, and Zambia towards the push for the attainment of human rights protection, respect for the rule of law, accountability, and transparency in governance. In the wake of greater importance being attached to good governance practices globally, these relations are critical to the realization of human development of citizens. Civil society is a political space where voluntary organizations seek to influence and shape societal rules. Although civil society assumes different forms of advocacy, a notable commonality is that they all work to champion the interests of marginalized groups.

As such, the role of civil society in contemporary society is undoubtedly an essential pathway to the attainment of greater freedoms which could help in the attainment of universal human rights. Because of this, the impact of their advocacy on good governance practices and respect for human rights cannot be underestimated. This tough stance on good governance often leads civil society to be at logger heads with the government. Cheerleaders of government often see civil society as having a belligerent anti-establishment prejudice, while on the other hand, civil society argues that the state's abuses of power and lack of respect for human rights continue to hinder the full realization of human rights especially of marginalized groups. Therefore, civil society needs to strengthen its agency by forging new and otherwise

unconventional collaborations with other stakeholders. It is only by expanding the network of synergies that civil society may successfully champion the cause of the citizens.

#### **4.1 Theoretical Conception of Civil Society**

Twenty-first century global politics are grounded on the firm belief that civil society organizations are indispensable partners in national development and democratic consolidation. This study examines the extent to which the state and civil society see each other as true partners in enhancing good governance practices. The focus areas were on human rights protection, respect for the rule of law, economic accountability, and transparency because these governance aspects are fundamental to growth. It is contended that civil society, being a volunteer organization, is a critical organizing concept in contemporary social, political, and economic theory (Diamond, 1997).

Adam Smith (1723-1790) argued from a growth perspective that the organized state is a potential impediment to the social symmetry and economic growth of a polity. As such, the utility of civil society can only be viable in environments where a free-market flourishes as it possesses a greater ability to ward off the potential arm-twisting power of the state (Hills, 2010, pp. 450-454). Scholars such as Korpi (2006, pp. 167-206) also argue that the success of civil society largely depends on the broader structure of alliances with other actors within the political economy such as the labour unions. In most hybrid regimes such as Namibia, Ethiopia, and Zambia, scholarship on civil society from researchers such as Lewis (2013, pp. 325-340) show how the structure of NGOs may easily be influenced by political elites through coercive ploys; whereby the expected relations between the strength of NGOs and democratic consolidation remain fallible (Klein and Cheol-Sung, 2019, pp. 62-88). Therefore, the expansion of synergies by civil society is identified as an imperative

component of bridging the potential constrictions that may arise from powerful political elites.

Despite the popularity of the ‘Africa rising’ narrative that has spread over the past ten years regarding Africa’s pace of economic development, the continent continues to face significant challenges in unlocking the benefits of a human rights-based governance system. The governments of Namibia, Ethiopia and Zambia seem to have failed to adequately address the national question on inequalities and class struggle. The question arising from this is: How is it possible that, after so many years of self-governance, these countries have found themselves in governance systems where almost every institution seems to be fundamentally broken? As Mills et al. (2019) have argued, one cannot break up systems overnight - but one can slowly chip away at the fundamentals, and if no organized groups of concerned citizens intervene to stop that, then very quickly, all the traits of a democratic society begin to fall apart. Civil society organizations argue that politics must be built around a collective network of stake holders who value human rights protection, constitutionalism, the rule of law and a sound social contract mechanism with the population (Putnam, 1993). Many governments seem to be at sea on how to resolve their country’s challenges due to the absence of issue-based politics, hence the frequent confrontations with civil society (Akpan, 2004, pp.39-45).

#### **4.2 Governance Challenges: The Problem of Illiteracy & the Fallacy of Democracy**

For Africa’s challenges to be overcome, citizens will need an aggressive civil society that ensures that political leaders set the right development priorities for the country. However, in the process of those developments, Munalula et al. (2018, pp. 17-20) observe that civil society can also be uncivil in the sense that they may be organized by a narrow base of elites or could be mere brief case organizations allied to surrogate state institutions.

Generally, civil society organizations in Namibia, Ethiopia and Zambia appear to be disjointed and as such, their ability to champion the cause of the citizens is weak. Sishuwa (2019) points out that in addition to the fragmentation within civil society, academics who are supposed to be in the vanguard of championing human rights issues have generally remained mute. At the center of Africa's institutional decline are gutless professionals in state institutions and disunited civil society organizations. In the countries under study, citizens need role models in public institutions such as academics but most of those officials have let people down due to their corrupt and compromised activities. Academics rarely speak out against government injustices. Sishuwa adds that what academics have done by remaining tongue-tied on government misrule is the ultimate betrayal of public trust. To remain silent in the face of abuse, injustice, inequality, and rampant corruption is to actively participate in sustaining the status quo.

The Afro Barometer Report (2019) indicates that educational achievement remains the best predictor of popular commitment to democracy in Africa. Today, the key opinion leaders are those with post-secondary education. Urban dwellers - a group that has been at the forefront of political change, usually take the lead. Also, the use of social media nowadays has increased levels of awareness and socialization. Less educated citizens are prone to underestimate the threats inherent in government takeover of independent bodies of restraint such as the legislature, judiciary, and the media. This suggests that the defense of human rights in Namibia, Ethiopia and Zambia depends critically on the active political engagement by educated citizens. Politicians seem to profit from people's illiteracy and ignorance as that allows them to continue abusing state power (ibid).

To change the world, citizens need to change their illusions; the greatest risk to the development of human rights and democratization in Namibia, Ethiopia and Zambia is not the threat of military coup d'états but from the gradual erosion of the hard-won political gains

at the hands of an elected civilian regime bent on expanding its power. Due to lack of genuine autonomy, most electoral commissions in African states have arguably become the channels of ‘new coup d'états’ by manipulating electoral votes in favor of the sitting authoritarian regimes (News Diggers Newspaper, December 25, 2019). This underscores the need for citizens to re-evaluate their understanding of what citizenship is all about. Advocacy is an inescapable duty and responsibility of every citizen. The vibrancy of civil society depends on the active participation of the general citizenry. The chain, after all, is only as strong as its weakest link (Fanon, 2008).

Conversely, the increase in the number of elections taking place in Africa since 1990 has often been read as a positive indicator for the continent’s democratic prospects. However, elections in themselves are not enough to bring about good governance. While under previous regimes polls were generally peaceful, today general elections have become increasingly violent, and electoral credibility has been considerably eroded due to persistent dispute of election results. For instance, apart from being petitioned in the Constitutional Court, the 2016 general elections in Zambia were the most violent in the country’s history (Resnick, 2016). The major obstacle in the electoral mine field is state-sponsored violence and electoral fraud. These machinations occur because countries have not been able to move from the ‘big man’ syndrome to the ‘big idea’. African politics have been dominated by ‘authoritarian strong men’ instead of strong institutions.

For this reason, civil society organizations have been encouraging citizens to move to the politics of big ideas so that the country follows ideas and not individuals because the demise and betrayal of individuals is always going to haunt the nations (Zambia Conference of Catholic Bishops, 2020). African politics have tended to focus on personalities instead of political party ideas and national policies that would move the country forward in advancing transparency and accountability. It is, for instance, suspicious in Zambia that ballot papers for

the general elections are always printed from outside the country; nearly sixty years after independence, Zambia is still unable to print its own poll ballots? It is no wonder then that the economy is in a difficult situation since the government cannot even fix basic requirements such as ballot papers. The ballot paper printing issue has generated mistrust among stakeholders and civil society have expressed fears that ballot papers coming from outside may be manipulated (Young, 2012). Further, the so-called *democratic elections* held in Namibia in recent years have been won by the long-time ruling party, SWAPO, through political arm-twisting tactics often marred by political corruption. The seeming desperation by SWAPO to win elections can be illustrated by a statement reportedly made at a rally in November 2020 by senior official, Martin Shalli who urged people ‘to slit the throats of SWAPO defectors.’ Such statements underscore how entrenched political zealotism and corruption is in the system where the regime is prepared to retain power at any cost (Melber, 2020).

In Ethiopia, the regime’s tactics of authoritarianism resurfaced in 2019 where the regime disbanded the ruling coalition, the EPRDF, into a single political party, the ‘Prosperity Party’. Critics argued that Ethiopia’s population of over 100 million people come from over 80 ethnic groups and as such, attempts to impose unity through the formation of a single political party will spell doom for Ethiopia’s future (Markos, 2019, pp. 12-13).

Citizens generally adopt the convenient fallacy that by simply going through the motion of holding elections, a country will have gotten matters all right. This laissez-faire analysis of political events tends to overlook the extent to which elections themselves can become a smokescreen (Schaffer, 2007). The nullification of presidential poll results by the courts of law in September 2017 in Kenya, and in February 2020 in Malawi, testify to this election fallacy. The Malawi court decision is particularly significant as it reinforces the precedent set in Kenya – it draws a line in the sand – and says elections must be credible (The Guardian,

February 3, 2020). The first few African cases that followed Kenya may have indicated that this would be a one-off, but now we seem to have a trend. The next African Court can confidently cite Malawi and Kenya. The frequency of elections is much easier to observe and to simply tick the box rather than adherence to the rule of law, yet primarily, it is the rule of law that determines a country's ability to function properly.

#### **4.3 Accountability Challenges: Political Corruption & Non-Adherence to Human Rights Protocols**

When the rule of law is undermined, a country can follow a downward spiral that may lead to state collapse. Political observers opine that currently, the rule of law in the three countries under study need significant strengthening (Mills et al., 2019). The people are not treated as citizens, but as subjects who have no constitutional rights and owe allegiance to the regime in power. Civil liberties have been severely curtailed, and the trend continues to show a downward spiral (Freedom House, 2020).

In such environments, grand corruption, nepotism, and cronyism have found a haven. To give an example, a former Zambian cabinet minister who served in the 1990s, is reported to have defended the practice of nepotism by arguing that 'if I do not appoint people from my region, who will'? In the judiciary, the courts are generally held in low esteem by most citizens due to apparent political interference in their operations (Bartlett, 2000, pp. 426-446).

Consequently, the court's judgments are perceived to promote impunity and immunity among political elites, thereby perpetuating the domination of the society led by a few privileged individuals. An average person believes that the process of justice is being intentionally obstructed by the authorities to achieve their personal political ends - it is justice behind closed doors (Ndulo, 2017). The government's pronouncements that they are committed to fighting corruption are widely seen by the population as empty rhetoric. Civil society

organizations have accused Anti-Corruption agencies of deliberately turning a blind eye to crimes perpetrated by political elites while only focusing on crimes of poor people. Arguably, justice is only available to the highest bidder. Justice has been turned into injustice and civil society organizations that are critical of these machinations are labelled as unpatriotic citizens (Financial Intelligence Centre Report, 2018).

The government is always quick to water-down condemnations from civil society when they expose abuses related to theft of public funds. The governments often argue that such abuses do not only occur in their countries. In Zambia, a government minister in 2020 was reported to have said, ‘every country has got thieves’, in an apparent attempt to divert people’s attention from a string of unending corruption incidences (Lifuka, 2020). While in the past corruption was also a challenge, graft today has become much more prevalent due to weak accountability and transparency mechanisms. Misappropriation of state funds and a general lack of financial prudence have led to frequent donor freezes of aid (BBC News, September 18, 2018). Due to such imprudent fiscal management, the annual GDP growth in Zambia, for instance, shrunk from 7.6% in 2010 to minus 2.7% in 2021, a result that reflects weak accountability mechanisms. Inflation also shot up from 7.9% in 2010 to over 22.7% in 2021 (Zambia Statistics Agency, 2021).

These economic indicators demonstrate the absence of transparency and accountability in government operations or monetary policies. This way of running a government translates into poor distribution of national resources, which simply prioritizes political leaders’ personal survival at the expense of state survival (Clapham, 1996). Given that governments’ explanations on how they utilize state resources are hardly convincing to the population, the regime(s) often ‘sponsor’ small ineffective political parties and individuals to operate as government mouth pieces in a bid to justify corrupt and illegal decisions. This ploy ensures that critical voices are diluted and silenced (Schaffer, 2007).

In Namibia, the infamous fish rot corruption scandal that involved top brass Namibian officials who stole state revenue to the tune of over USD 650 million. It has torn to shreds, the credentials of a country that not long ago was regarded as a poster child for good governance practices in Africa (Al Jazeera News, April 2, 2021). Namibian officials working in collusion with Samherji, an Icelandic fishing corporation, engaged in acts of bribery, money-laundering, and tax evasion to loot state income. As a result, the US has issued travel bans to two former Namibian ministers who were part of this scam (Oirere, 2021). Many African governments have been found wanting for failing to respect the norms and values embedded in regional and international agreements such as the Harare Declaration (1991). This declaration reaffirmed the commitment of member states to the promotion and protection of human rights. Other conventions with similar human rights commitments that the governments have not fully honored include the CEDAW (1979), ACHPR (1981), the UDHR (1948), the ICCPR (1966), and the ICESCR (1966).

Ironically, in today's plural politics, regimes seem inclined towards intolerant and repressive traits. To shift attention from the regimes' atrocities, the authorities resort to exploiting religious and cultural dogmas. For instance, the government's grandstanding on non-economic bearing issues such as homosexuality is a convenient tactic to divert attention from its perennial corruption scandals which donor agencies and NGOs have been exposing. In Zambia for instance, in 2019 the US ambassador to Zambia, Daniel Foote denounced the regime's growing authoritarianism and lack of respect for the human rights of gay people. For speaking out, the regime swiftly expelled Ambassador Foote. His expulsion gives a glimpse how challenging it is for civil society organizations in Zambia, Namibia, and Ethiopia to champion the cause of marginalized groups. Due to threats and other arm-twisting tactics, many civil societies prefer to remain silent due to self-censorship which means that advocacy messaging does not impact the wider population (Hinfelaar and Kaaba, 2019). In an

economic downturn where unemployment is rife and educational facilities are unaffordable, the discussion on homosexuality is not only trivial but irreverent to how economies can grow. It is a documented historical fact that homosexuality has always existed in Africa. Oral history of the middle 1800s about African lifestyles testify to this (Tendi, 2010). It is, therefore, hypocritical for the government to pretend that the gay issue is ‘foreign’ and was brought by Europeans. Tendi argues that what Europeans brought to Africa was not homosexuality, but homophobia clothed in religious doctrines. Homophobia, therefore, is more alien to Africa than homosexuality. Gays are not responsible for Africa’s economic malaise; neither are they responsible for Africa’s endemic corruption. So, why sacrifice them for the governments’ poor performance? In view of this, it is crucial that education for all is given priority to help debunk some long-held myths and conspiracy religious and cultural dogmas that are not supported by empirical evidence.

#### **4.4 The Need to Expand Synergies**

Given the extent to which democracy has deteriorated across the continent, civil society collaborations have become more crucial than ever before. Synergies with various associations at the grassroots level need to be vigorously forged to ensure that those links actively highlight the lapses in governance to ensure transparency, accountability, and economic justice. The diasporas must also be engaged because diaspora populations of today can be powerful actors who can influence political events such as wars, conflicts, peace, or the dissolution of states. Diasporants in other jurisdictions have played pivotal roles, for instance, in terms of funding to boost the agency of political reforms back in their homelands – the case of Eritrea and Northern Ireland is testimony to the critical role that the Diasporants can play in shaping the political discourse of their homelands. In the case of Eritrea, the state

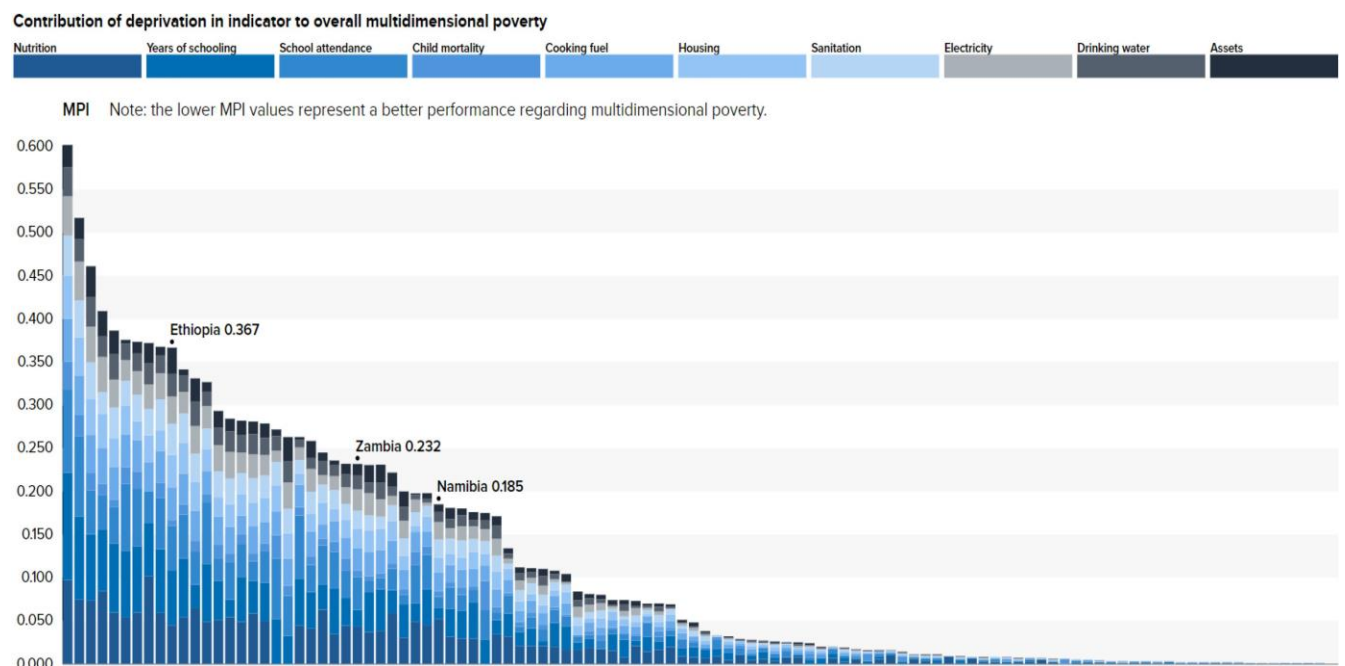
was able to mitigate the negative effects of the UN sanctions through diaspora tax remittances (Hirt, 2015, pp. 115-135). In Northern Ireland, past grievances, the repression, and other unresolved political issues occasioned by the British government's role in that territory served to radicalize the diasporas' approach to the conflict in Northern Ireland: diaspora funds were channeled to Sinn Fein political party and to the republican paramilitary, the Irish Republican Army (IRA) to support their families thereby sustaining the war (Delaney, 2006, pp. 35-45). Other African countries can learn from such experiences. For instance, the former Ethiopian Prime Minister, Hailemariam Desalegn has pointed out that active youth involvement and strong activism from civil society groups is essential to change any political discourse. Further, Desalegn posits that aggressive intellectual discourse, which is generally lacking in Africa, is an important ingredient that could positively alter the political path. By shying away from politics, African intellectuals have contributed to the perpetuation of mediocrity of service delivery by their governments. Majority of government officials lack intellectual depth of comprehending the basics of the national development agendas. Desalegn emphasizes the need for the youth to get involved, arguing that it was youth activism that brought political change to Ethiopia (SABC News, May 24, 2019). Youth participation in civic duties is critical for maintaining a strong civil society - for instance – Africa's independence was fought mainly by the youth. The African Union (AU), through its periodicals, encourages African youths to rise to the occasion and influence decision making.

The history of Africa itself shows that the youth are key to political change; from the days of Kwame Nkrumah of Ghana in the 1950s to the Arab Spring of 2011, the power of youth activism cannot be underestimated. Good governance can only be sustained by a politically active society - this is the only way that the agency of civil society can be infused into political institutions (Institute for Security Studies, 2020).

#### **4.5 Significance of Civil Society in Polity Governance & Local Challenges They Face**

Namibia, Ethiopia, and Zambia are listed as poor countries and many of the people live in poverty. Predictably, the rural population makes up most of the poor. Political analysts forecast that poverty levels are expected to increase due to poor fiscal management by the governments, making it difficult to attain the Sustainable Development Goals (SDGs). For instance, a survey carried out in Zambia by the Southern African Institute for Policy Research (2019) shows that 90% of civil societies are innately committed to addressing poverty reduction as it is the major stumbling block for the attainment of other rights. The reports from the World Bank (2024) show that the poverty levels in Namibia stand at 17.8%, while Zambia's figure Zambia stands at 60%. In Ethiopia, the poverty figure stands at 68% based on the report of the Borgen Project (2024). These figures are in synchronicity with a recent 2024 report of the UNDP Human Index Report on multidimensional poverty levels which indicates that although Namibia has performed better than Ethiopia and Zambia, more still needs to be done to improve ordinary people's lives (UN Human Development Report, 2024). The figure below shows comparative figures on multidimensional poverty of Namibia, Ethiopia, and Zambia.

Figure 3. Multidimensional poverty figures (Ethiopia, Namibia & Zambia)



Source: UNDP, 2024

The main objective of civil society organizations is to provide avenues of promoting and influencing social change in the process of national development and sensitizing citizens. In this way, people can link the services they access from government such as health, education, water, and sanitation to the way resources are being managed i.e., linking expectations with capacity. This is one of the ways of educating the masses so that they begin to see development as a framework for achieving other freedoms (Sen, 1999).

In contemporary Africa's over thirty years of a multi-party trajectory, civil society organizations can mainly be categorized as Western donor-dominated and who have played a seminal role in ensuring that excesses of the state such as abuse of power and poor fiscal discipline are exposed. Civil society has demonstrated their commitment to continue promoting quality education for all as well as being voices of the voiceless masses. This

unwavering stance coupled with the fact that most civil society organizations are donor-funded has often led to clashes with the government. They are usually accused of leaning on the ideological orientations of their donors, and hence operating as front organizations for the so-called 'imperialist forces' (Zambia Conference of Catholic Bishops, 2020). Civil society organizations have been encouraging dialogue as an avenue of informing policy, that is, through engagements such as workshops, briefings, public meetings, and open debates. Media platforms that have wider coverage such as community radio stations are particularly useful due to their availability in various rural districts. Other platforms that have recently gained traction among citizens include social media such as Facebook, YouTube, Twitter, and Instagram. Civil society has consistently preached non-violence as a tool to engage and democratize. As vital drivers of change, the civil society's work has enabled citizens to assess their governments' performance and hold those in power to account (Munalula et al., 2018, pp. 21-26).

This way, civil society has brought a rich and dynamic epistemology to African politics embedded in justification of political activities which help in countering false propositions that are often peddled by the state. Civil society has also invested in science diplomacy which seeks to bridge the world through science, that is, the use of scientific collaborations among organizations to address global commons. Key among these interactions are ideas of developing policies for sustainable development, mitigation mechanisms on climate change, and an appreciation of the universality of science. Therefore, what unites civil society is a political inquiry with an explicit emancipatory purpose. The idea of this unity is to uncover the potential for a fairer system of class relations resulting from already existing practices that would expand the human rights discourse (Hinsch and Stenonians, 2006, pp. 117-133). Concrete examples of the works of civil society in Zambia include the successful lobbying by civil society to stop President Fredrick Chiluba (in office from 1991-2001) to circumvent the

constitution that would have allowed him to go for a third term of office (Kabanda, 2010). Another milestone was in 2018 when civil society lobbied the population to reject a proposed oppressive *Bill 10* in parliament which if implemented, would have severely curtailed civil liberties. Another milestone was in 2021 when civil society again helped to mobilize the population to vote out a notoriously corrupt and inept regime of former president Edgar Lungu (Nshimbi, 2021). In Namibia, examples of civil society works have been shown through aggressive social mobilization. A notable incidence was in 2014 when stake holders joined hands and demonstrated over the shortage of urban living space by way of occupying plots in elite suburbs of Windhoek. This mass action compelled the authorities to negotiate with the leaders of the movement (Konrad-Adenauer-Stiftung, 2016, p.5). Unlike Namibia and Zambia where civic space was opened in the early 1990s, Ethiopia did not have such luxury because civic activism was severely curtailed until 2018. So, until 2018, research and reports on human rights in Ethiopia were usually done undercover due to extreme regime repression which saw several activists incarcerated on trumped up charges (Association for Human Rights in Ethiopia, 2020). Regime intolerance and political repression of opponents under the guise of *security measures to maintain law and order* has been long been the *modus operandi* in Ethiopia.

In 2018, the political reforms introduced by a new regime was a milestone that marked a new era that opened civic space and human rights advocacy. Today, there are more trainings and workshops that provide capacity development to several local rights-based activists.

Although remnants of regime repression on activists remain, the reforms of 2018 were, in themselves, a tremendous step that has facilitated the opening of more avenues of advocacy (ibid).

#### **4.6 Key Facets of Civil Society**

An essential necessity of civil society is to assist the government to identify where developmental gaps lie so that necessary remedies can be provided. However, on the flip side, this same effort by civil society may be construed suspiciously by the government as an attempt to expose its inadequacies and hence discredit its standing in the international community.

Despite these conflicting positions, the significance of civil society in Africa can overall be summed up in the following five ways. First, they are local; that is, they are invested in and committed to the country. Since they are local, they are sensitive to the traditional context and responsive to the local people's needs and complexities. This way, they supplement government efforts in the provision of education, health, and social services though in a small way due to their limited capacity. However, standing up for the poor is not always viewed in a good light by the state. While educating people is a good initiative on the part of civil society, it may not always be so for the regime(s). Authoritarian regimes prefer to keep their population illiterate so that they can perpetuate their brutal rule over a docile population. Tyrants are usually not comfortable with an educated population because from their point of view, an educated and enlightened citizenry is difficult to govern (Sishuwa, 2019). Second, civil society organizations have developed collaborative approaches in terms of partnering with the government and other stake holders to improve policy and practice. By providing support, these partnerships make it possible for civil society to bring about tangible change. For instance, civil society organizations contributed to the advocacy to demand for an expanded Bill of Rights in the Zambian constitution. Through their advocacy with partners, civil society organizations also contributed to Zambia's qualification for debt cancellation in 2005 under the category of Highly Indebted Poor Countries program, HIPC (Norwegian Church Aid, 2016). In 2020, civil society organizations led a fierce campaign against the

governments' maneuvers to pass an ill-fated constitution amendment *Bill 10* through parliament. The 'evils' of the infamous *Bill 10*, among others, included the vague but otherwise dubious clauses which sought to increase executive powers and subsequently reduce the powers of oversight institutions such as parliament and the judiciary. Civil society and other stake holders such as the Catholic Church of Zambia warned that if passed, *Bill 10* would destroy the very fabric of democratic governance. Their campaigns were able to bear fruit as *Bill 10* was defeated in parliament. However, this influence that civil society yields, does not always sit well with the government(s) who consider their actions to be subversive (Zambia Conference of Catholic Bishops, 2020).

Third, civil society has endeavored to build trust with the public by being credible, independent, and committed to the best interests of the population. Because of trust, they can successfully mobilize citizens to support or reject government programs. For instance, an NGO called Alliance for Community Action (ACA) advocates for government accountability and is active in organizing and leading protests demanding good governance.

NGOs advocate for the protection of the rights of minorities and an improved quota system for women to enhance their participation in democratic discourse and governance.

Affirmative action is also encouraged as an alternative method to redress the inequalities and injustices suffered by minorities. However, the trust that civil society enjoys from citizens is not usually a welcome development to the state who see this as a threat to their legitimacy

(FAWEZA, 2020). Fourth, civil society harness networks within the country as well as internationally to build connections and influence debates and decisions in a constructive manner. For instance, they get support from international donors to fund community-based projects with aid from Norwegian organizations and from British charities such as Oxfam.

This way, they help the government to meet its obligations of providing social services at the grassroots level. However, these international connections do not usually sit well with

governments due to paranoia about the real intentions of civil society networks overseas; whereby there is suspicion of possible conspiracy with both the opposition political parties and the overseas ‘imperialists’ to undermine the regime (FAWEZA, 2020). Fifth, civil society research responds to local priorities and therefore, relevant in informing policy and practice. It is argued that the best solutions for the country can only be defined when accurate information and critical analysis has been conducted. For instance, an NGO called, Jesuit Centre for Theological Reflection (JCTR) provides periodic reports of the Rural Basket (household food research) to encourage structural change as part of the efforts to alleviate poverty. Another NGO, Transparency International Zambia (TIZ), provides annual updates to the population on corruption related matters.

#### **4.7 Complementary Roles Between Civil Society & Governments**

Munalula et al. (2018) elucidate that in terms of donor funding, it has been observed that much of the international aid goes through the government because donors prefer to channel their funds through the state. The main reason for this is that the state has a higher capacity and more mechanisms to reach out to areas of the country where NGOs may not access. Donors argue that it is much easier to hold government to account than the individual NGOs. The capacity issue is the biggest weakness of NGOs. Therefore, collaboration between the state and civil society is necessary because on one hand, the government does not have enough resources for the implementation of all its projects, while on the other hand, civil society organizations are usually too small and confined only to selected parts of the country. As Munalula et al. state, an insufficient resource base from a government means that the state needs support from NGOs to fill up that gap. It is this limitation from both sides that underscores the need for cooperation, after all, they all claim to be championing the cause of

the population. These collaborations have become more relevant following the New Policy Agenda (NPA) that came into effect at the beginning of the new millennium. The NPA requires active stake holder participation if donor funding is to be sustained. For the donors, this is a critical evaluation threshold for further aid to continue flowing.

This requirement by donors means that the state is left with no option but to use all necessary means to cooperate with civil society. In this vein, the government has set up platforms at district and provincial levels where state officials periodically meet with civil society and other stake holders such as the business community to provide appraisals on the donor-funded developmental projects. Analysts, however, argue that government's invitations of civil society for participation is purely cosmetic and meant only to fulfil the donor's criteria for continued funding. Political observers point out that government invitations of civil society are often done when major decisions have already been made, thereby rendering the contributions from NGOs merely as window dressing (Kaliba, 2014). From these deliberations, it can be argued that a major criticism of the government's higher-capacity mechanisms lies in its purported advantage: that it has greater capacity to reach out to the remotest areas of the country where civil society cannot reach - which also means that it has a higher capacity to engage in propagandist politics that would potentially ruin the reputation of civil society thereby jeopardizing their developmental agenda.

#### **4.8 Analysis of Civil Society & Population's Perception of Government Performances**

Political space has not been fully realized in all three countries under study due to the snail's pace of law reform processes. This poses an existential risk to the hard-won independence and freedoms mainly due to lack of political will. Most ordinary people, however, are not prepared to sacrifice their rights of freedom of speech, but they are also wary of openly

confronting the powers that be. Statistics by the Afro Barometer Report (2019) provide grim reading in respect for human rights; for instance, in Zambia at least 70% of the population in 2019 believed that the government were not forthright in handling the fight against corruption, while a similar proportion say that they feared retaliation or other negative consequences if they report incidences of corruption.

The World Bank Report (2018) indicates that the fiscal management practices of these countries do not favor an upward economic growth. For instance, the annual economic performance indicators conducted by the Zambia Statistical Agency in 2021 revealed an alarming increase in the national inflation rate from 15.7% in April 2020 to 22.7% in April 2021 (Zambia Statistical Agency, 2021). This means that fewer people are getting access to basic social services needed to sustain their daily lives. The gap between the rich and the poor is getting wider. Civil society argues that this ‘manufactured poverty’ by the regimes is for purposes of exploiting economic problems to achieve political ends. In a climate of inflation, acute poverty, and deprivation, it becomes much more convenient for the regime to engage in vote buying and bribery of citizens. This pattern of events makes the election triumph of the ruling party officials a foregone conclusion (Schaffer, 2007).

The Afro Barometer Report (2019) showed that in democratization, ordinary Zambian people’s satisfaction with the way democracy is working in the country sunk from 68% in 2012 to a staggering 49% in 2017. Analysts expressed fears that the country was fast sliding into a dictatorship. Statistics also indicated that there was a decline in freedom of speech and association. Further, the Afro Barometer Report (2019) indicated that the percentage of Zambians expressing a need to be ‘careful what you say about the government’ had increased from 62% in 2012 to 72% in 2017 and only 36% of the population felt free to criticize the government (ibid). In general, citizens seem inclined to judge the extent of the growth of democracy according to the quality of elections. Data also shows that incompetent regimes

generally, dissent the work of the civil society compared to regimes that are more accountable and transparent (Mills et al., 2019).

Part of the other challenges in Africa today seem to be that most of the population is trapped in religious dogmas and orthodoxy. The population is consumed with state-backed religious theologizing, religious obsessions and intoxication leading to religious fanaticism - all at the expense of economic development. A strong belief in religious superstitions, witchcraft and magic has taken a new twist: politicians promise miracles to an impoverished population and so do the false prophets and false evangelists. Religious indoctrinations and illusions have implicitly encouraged laziness among citizens due to the naïve belief that their poverty will cease with divine intervention (The New Africa Channel, January 15, 2023). Due to high levels of illiteracy and poverty, some false prophets and crooked church leaders have been riding on a culture of Christian fanfare to exploit vulnerable souls. These self-styled prophets have found fertile ground among the passive population whom they use as easy prey to swindle their money in the name of the church and prayers, and or under the guise of providing so-called 'anointing holy oil'. In Africa, religious institutions which were previously considered as the pylon of society have apparently sold out.

The reputation of religious people nowadays seems to be in tatters: the church is perceived to be entertaining religious morons – con artists purporting to be priest and bishops. The African church today, or simply the religious fraternity, has lost much respect from ordinary citizens due to the perception that religion is now a conduit of 'get-rich-quick' scammers. It can be argued that the church appears to be learning the craft of crookedness from the governments in power, regimes that are known by a cross section of citizens to be an uncaring entity of elites (News Diggers Newspaper, January 25, 2020).

Could it just be a coincidence that most polities that are deeply embedded in cultural dogmas are also the lowest in terms of achieving world literacy levels? Could it also just be a

coincidence that most communities that believe in superstitions, witchcraft, magic, and who claim to be highly religious are also the poorest in the world? These are fundamental questions that need to be explored if the narrative on Africa's growth is to be productive. Education is a necessary tool that would bring in the freshness of ideas to reform outmoded cultural and religious dogmas. Political theorist, Frantz Fanon offers a challenge when he points out that each generation must, out of relative obscurity discover its mission, fulfil it, or betray it (Fanon, 2008).

In Africa, everything seems to rise and fall with leadership. When citizens get their leadership right, they get everything right. The shortage in Africa is not a shortage of resources but a shortage of sound political leadership which is manifesting itself in a shortage of other things as well. When one sees disease (such as cholera), one is not seeing a disease but seeing a dearth of leadership and that is the first thing that needs to be cured. How do we cure this? It is by ensuring that the population puts Africa on a path to free and fair elections, through electoral reforms, so that a trajectory to new elections produces poll results that are not disputed. That is why civil society counts on international observers – for instance, in Africa, through the African Union (AU) and the Southern African Development Community (SADC), and in the wider world, the European Union (EU), and the UN. Civil society counts on these bodies to put a case for good governance and human rights protection (Mills et al., 2019). In Ethiopia, the Afro Barometer Report (2020) suggests that 76% of the population disapprove of the idea by the country relying on a single political party to contest general elections while 50% of the population believe that Ethiopia's democracy is marred by severe problems. Nearly 60% of the population believe that there is no freedom of speech. In Namibia, the political dominance by the SWAPO ruling party since 1990 has -over time - turned into a hegemony, i.e., a kind of democratic authoritarianism or otherwise de facto

one-party political system which jeopardizes the consolidation of democratic governance (Melber, 2017, pp. 155-173).

#### **4.9 Chapter Conclusion**

Today, Namibia, Ethiopia, and Zambia are at a crossroads in terms of their measure of good governance and human rights protection through the advocacy work of civil society. In Africa, civil society emerged as a response to regime excessive abuses of power especially in the areas of human rights, resource accountability, and transparency. From a normative angle, civil society is seen as a sphere of life that has not been 'contaminated' with the instrumental character of the market and the state. In a world that is dominated by sovereign states, the social and political discourse that revolves around civil society is crucial for creating conditions for the attainment of universal human rights. As such, civil society provides a plural discourse that generates enquiries from the wider public on matters relating to societal injustices. This makes them essential actors in the processes that may lead to the fulfilment of citizens' fundamental rights. In this way, civil society is a watchdog for abuses on rights because they exert pressure on state authorities by way of providing a formidable voice on perspectives that might otherwise not have had the chance to be heard. They not only mobilize and educate people on their freedoms, but also have the capacity to take legal action against the government, pro bono, given that some civil societies do have attorneys working within their ranks. The realization of human rights is a process which cannot be implemented purely through amalgamation of rights in legislative structures. Civil society doctrines have also found expression in regional conventions such as the Maputo Protocol (2003) which champions the rights of women.

However, in many instances, civil society remains weak and underdeveloped given the historical centralization of power which is exacerbated by the government's idea that civil society is against political action. Civil society can also be the home to conflicting claims for justice through fragmentation which ultimately creates competition for space, voice, and resources. In this way, they break the solidarity which is needed to consolidate their fight against state injustices. Another key weakness is the fact that a larger portion of their funding comes from Western donors; this position makes them lose appeal especially in the eyes of ordinary citizens who perceive them as stooges of Europeans funding institutions.

Despite the various forms of challenges they face, it can be argued that a lot of progress has been made so far, especially in the areas of social action mobilization at the grassroots level. There is also an increasing awareness on the part of both the citizens and the state of the necessity of genuine implementation of human rights as a fundamental step towards national cohesion and national development.

## **CHAPTER FIVE:**

### **HARMFUL CULTURAL PRACTICES THAT CONSTITUTE ABUSES OF WOMENS' RIGHTS**

#### **5.0 Chapter Introduction**

This chapter aims to identify harmful cultural practices that violate women's rights in Africa (generally), but more focus on Namibia, Zambia, and Ethiopia. Cultural and traditional practices in Africa play an important role in society and continue to inform many aspects of social life. Traditional practices also teach young people transferable skills that are favorable to societal harmony and development as they prepare them for future adult roles. The focus in this chapter is on girls/women because there is strong evidence which suggests that polities that prioritize girls' rights and girls' access to quality education attain greater development than those who do not. It is critical to address this challenge particularly for adolescent girls because that is the time when they are most vulnerable to those harmful traditions that potentially have detrimental effects for their future lives. A girl who has been violated in the name of traditional norms cannot compete favorably with boys in school.

Harmful traditional practices, including those that seem to appear to be non-harmful, confine women and girls to bear the brunt of societal injustices. The main reason why some harmful cultural practices do not make headlines is that they are very localized and often take place within the frames of secretive initiation rites where intervention poses a challenge. Given the secrecy that often surrounds these traditional practices, it is no wonder then that research data cannot account for them; this means that official cases reported are an underrepresentation of the actual reality on the ground.

Joyce Banda, the former president of Malawi and now campaigner for African women's rights, asserts that each additional year of education for women decreases child mortality by at least 10% (Banda and Atansah, 2016). In recent years, African states have made progress

as evidenced by the gradual closing of the gender gap in primary schools where the number of unenrolled girls has dropped by at least 22% (between 1990 and 2012). Further, Banda and Atansah state that maternal mortality has also decreased by at least 42% in that same period and today, women are increasingly occupying positions of influence in society. For instance, the president of Ethiopia is a woman while in Zambia and Namibia, the post of vice-president is currently held by women.

The reports from the UNDP (2022) and World Bank (2022) suggest that women as a social category constitute approximately 51% of the total populations of Namibia, Ethiopia, and Zambia. This figure, whereby, half of the population is potentially marginalized, underscores the need for governments to redesign policies that would allow more women to participate meaningfully in development discourse. Such actions might include the provision of more quotas for women and policies and legislative processes that support affirmative action.

Despite the progress made so far, in the promotion of women's rights especially through the relevant government ministries such as the MGEPEWSW in Namibia, the MoWSA in Ethiopia, and the MCDSW in Zambia, there are still many cultural practices that continue to hinder girls' and women's progress. Significantly, this chapter precisely answers the first research question that was set out in the thesis introduction, which is: (a) What cultural practices constitute violations of human rights?

### **5.1 The Role of Religion in Influencing Societal Beliefs & Lifestyles**

In contrast to the colonially imposed religion of Christianity where women's spiritual role is insignificant, traditional African religions had long recognized the female as an equal participant in the divine, and thus played a parallel and complementary role in ritual and spiritual leadership. This means that both genders had influential power bestowed upon them

in the cultural governance of the polity (Frey and Wood, 1998). In pre-colonial Africa, traditional practices of worship and thanksgiving had great influence on societal ways of life. However, these practices changed with the coming of colonization in the second half of the 1800s where Christianity took center stage in many British colonies. In Zambia and Namibia, British missionary work began in the late 1800s resulting in the forceful conversion of many locals to a foreign religion, Christianity.

As part of the colonial agenda, missionary societies worked to teach locals to impart religious messages to them which, over time, turned them away from their cultural beliefs, demonstrating the ‘cultural arrogance’ that defined colonial attitudes. Ironically, the crusade to denounce traditional spirituality was, in part, strengthened by a few local collaborators who upon being converted to Christianity, began to view their own African traditional ways of life as backward. In fact, some of the colonial sources of information that down-graded local cultural practices were from local traitors, who were themselves products of missionary teachings that spoke ill of local practices. From a research perspective, given the colonial style of governance that had manipulative agendas, the cogency of missionary sources of information on African cultural practices, remain questionable (Adima, 2020, pp.23-24).

Unlike Zambia and Namibia, Christianity in Ethiopia (in the ancient kingdoms of Aksum and Abyssinia) was practiced long before colonization began in Africa. Orthodox Christianity in the kingdom of Aksum began before the fourth century CE and was widely acknowledged as part and parcel of the culture of locals and is believed to be the first kingdom in sub-Saharan Africa to have adopted Christianity. Tales of saints, holy figures and miracles have occupied the church doctrines which also combine myths and folklore as an integral part of Ethiopian culture. To date, the Ethiopian Orthodox church has significant sway in the cultural, and political lives of the people. One of the most notable symbols of medieval religious artefacts of the ancient kingdom of Aksum (Ethiopia) is the architectural remains of the Church of St

George at Lalibela which is located about 800 km north of the capital Addis Ababa (Cartwright, 2019). The picture below shows the remains of the medieval church at Lalibela.

Figure 4. Lalibela Church of St George of the medieval kingdom of Aksum in Ethiopia



Source: FORMLAB 2023

In most African societies, Christianity is more than a system of religious beliefs; it has become a combination of a living tradition of the faith and the culture that those believers pass on to future generations. Often, the teaching of religion is integrated with patriarchy and used to perpetuate gender inequality and subtle suppression of women. This has resulted in a superiority mindset among men over women which makes men unaccountable for how they treat their wives and other women in the community. Religious norms and teachings are often exploited and interpreted outside the context of the period in which those scriptures were crafted. Furthermore, religious teachings are also often framed outside the spirit in which those scriptures are situated (Boateng and Sottie, 2021).

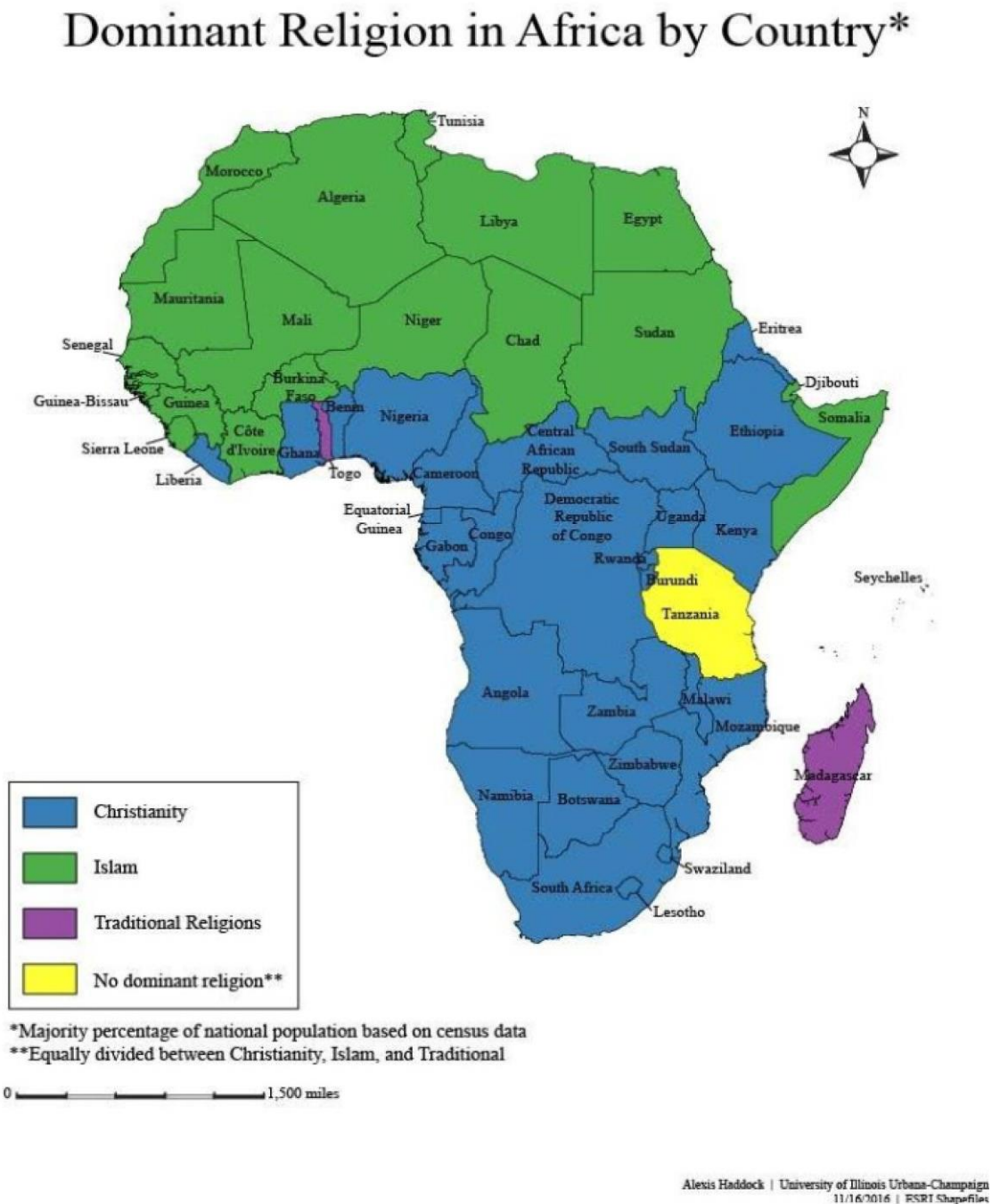
As of 2019, the percentage of Christians in Namibia was nearly 80% while Muslims were only 3%, and Ethiopia had around 62% Christian population with 35% Muslims while Zambia had around 87% of the Christian population with Muslims at only 3% (Statista, 2019). Although these figures are predominantly Christian, there are some deep seated non-organized religious groups on the continent whose systems of worship are recognized by state authorities. In many cases, people tend to associate themselves with some form of religion because if one is seen to be non-religious, one is perceived negatively in society as a pagan or uncivilized.

So, Christianity or religion more broadly, is associated with assumed notions of civilization that makes it occupy some form of social status which many people like to be associated with. The stigma associated with those who do not go to church might lead to someone being isolated, excluded or bypassed in community activities. The only non-religious people that are 'accepted' in society are the traditional spiritual healers and traditional medicine practitioners. This is the main category of people that operate outside the established realms of religion, and despite their lack of religious affiliation, they hold considerable clout in society. In South Africa, for instance, traditional healers are popularly known as, 'Sangoma' or 'Inyanga'. In Zambia, they are well known as 'Ng'anga' (Martin, 2014). The Pew Research Centre (2015) found that over 93% of the total African population subscribe to some form of religion. The categorization of religion is as follows:

- 49% are Christians.
- 41% are Muslims.
- 3% are from Traditional faiths.
- Muslim population in Ethiopia 34%
- Muslim population in Namibia 0.4%
- Muslim population in Zambia 2.7%

The diagram below illustrates the prevalence of religion across the African continent.

Figure 5. Dominance of Religion across Africa



Source: Alexis Haddock, University of Illinois Campaign-Urbana, 2016

Religious figures such as bishops, prophets, priests have enormous influence in societal cohesion and unity of the state. It can be argued however, that the biggest challenge with

religion seems to be that it does not offer opportunities for verification of its assumed facts and scripts. This observation is in synchronicity with the views expressed by an interviewee of this study, Asnake Kefale, a professor of social sciences at Addis Ababa University who argues that:

...societal conceptions, whether scientific or religious, are 'works in progress'...there is need therefore, to adjust any conception from time to time so that its ideals respond to institutional deficits and to new challenges. By not revisiting their conceptual structures, religions tend to limit a human mind's capacity to explore new perspectives that might enhance a sustainable trajectory to societal growth. A tendency to rely on unproven ideas as a framework of operation may not be the best way to champion societal development (Personal Interview, January 15, 2020).

This view above concerning the rigidity of religion is also supported by Richard Dawkins, who doubts the cogency of religious doctrines, and bluntly states that:

...religion and culture teach people to believe in trivial, supernatural, non-explanations that we have within our grasp. Religion teaches people to obey authority, they teach revelation and faith instead of insisting on evidence (Dawkins, 2002).

In African societies, religion is deeply engrained in the both the social and political fabric. In Ethiopia, for instance, the Orthodox church stands out as one of the most organized bodies of society that play a dominant role in the life of the people. The Orthodox church also serves as a repository of literary tradition such as poetry, song lyrics and other forms of the arts. Cultural heritage resides mainly in religion and families where old age earns a person prominence in society mainly due to their wisdom, prudence and knowledge that usually come with age. Although Christianity in Africa remains a dominant religion (about 62%), the status of Islam (around 35%) has been elevated, for instance, by way of recognizing key Islamic holidays such as Ramadan. A small percentage of the population is made up of traditional spirituality such as animists who worship a range of deities. The percentage of those who believe in traditional ways of worship is only 1%. Cultural and religious history is

found at various archival sites and one of the most well-known fossils remains in Ethiopia is a skeleton of a female, known as Lucy, regarded by anthropologists and historians as a key species in human evolution dated to about 3 million years ago (Marcus, 2023).

In Zambia, Christianity is the predominant religion (at around 87%) which holds considerable sway on the social life of people. In recent years, Zambia has witnessed the phenomenal growth of religious fanaticism and fundamentalist churches, many of whom are run by self-proclaimed prophets, bishops, and evangelists (Lusaka Times, November 25, 2023). Religion has also taken on a political dimension where the political elite exploit it for Machiavellian ends.

For instance, in 1991, then president of Zambia, Fredrick Chiluba, proclaimed Zambia as a Christian nation, a pronouncement which critics argue was a ploy intended to tame the church which previously was a critical voice against misgovernance by his regime (Mumba, 2004).

The exploitation of religion for political ends in Zambia can further be illustrated by the declaration in 2015 by former President Edgar Lungu when he decreed that the 18<sup>th</sup> of October would be observed annually as a day of what he termed, 'national prayers and repentance'. According to Lungu, the essence of that declaration would be to pray to God for economic growth in difficult times; that is, people 'appealing to a higher power for assistance'. Such has been the illusionary conception of Christianity in Zambia where the population has, over time, been tricked to believe in dogmas and other falsities. One does not need to be qualified in political economy to know that the biggest hindrance to economic growth in Africa is mainly a result of bad governance practices such as corruption, misallocation of public funds, cronyism, political patronage, and impunity among the political class. Christian fanfare is so entrenched that only 1.8% of the population believe in traditional religion. Today, the church in Zambia has mainly become a convenient arena for politicians to spread their political agendas under the guise of prayers and offering solidarity

to the church (Days of the Year, 2014). Unlike Ethiopia and Zambia, Namibia is not as deeply engrained in religious convictions because it is a secular state whose status provide a clear separation of religion and the state allowing all citizens to practice or not to practice any form of spirituality or religion. This state neutrality might explain why Namibia has a larger percentage of those who practice traditional beliefs at 15% compared to Ethiopia at 1% and Zambia at 1.8% (World Atlas, 2024).

## **5.2 Harmful Cultural Practices that Limit Women's Emancipation**

Harmful practices are those that affect the welfare, dignity, and development especially of girls and women. Such practices are discriminatory and detrimental to the overall well-being of women particularly in their adolescence which shapes their future attitudes and choices (Saharso and Dekker, 2020). The Maputo Protocol (2003) on the rights of women in Africa insist that states must prohibit and condemn all forms of harmful cultural practices which negatively affect women and girls, and which are contrary to established international human rights standards. The Maputo Protocol is significant because previous conventions that support women's rights such as the CEDAW (1979) and the ACHPR (1981) are not sufficiently equipped to deal with the unique problems of abuses faced by women, hence are not able to adequately address the resulting violations against victims of abuse. Therefore, the Maputo Protocol filled this gap, and that is why it is regarded as a landmark regional human rights treaty.

For instance, on the question of FGM as a harmful cultural practice, article 5 of the Maputo Protocol (2003) unequivocally states that:

...State parties shall prohibit and condemn all forms of harmful cultural practices which negatively affect the human rights of women, and which are contrary to recognized international standards. States shall prohibit through public awareness and legislation, backed by sanctions for all forms of FGM, and to protect women who are at risk of being subjected to harmful cultural practices, and others forms of violations and abuses.

In some cultures, certain traditional practices cannot be discussed openly because doing so constitutes a violation of their sanctity. Secrecy about some harmful traditions means that some practices such as FGM might go unnoticed within certain cultural groups under the guise that discussing them openly constitutes a violation of the sacredness of cultural norms. There are many harmful traditional practices in contemporary Africa that negatively impact the lives of women.

### ***Child Marriages***

The practice of child marriage is common in rural areas and in most cases, marriages are arranged due to poverty – this defies relevant human rights protocols such as the CRC (1989) and the ACRWC (1990) which state that consent from the girl must be obtained before any marriage can take place. For poor families, marriage of a girl to a wealthy old man who may have property such as livestock, is a way out of poverty. In most poor families, girls are not enrolled in school due to funding challenges, so to avoid a child getting pregnant out of wedlock, parents prefer to marry them off early to (perceived) wealthy men. In this way, they will have avoided the high possibility of a child falling pregnant to a random poverty-stricken boy/man. These arranged marriages are performed mainly to preserve family honor and are usually done without the consent of the girl. These decisions on child marriages constitute a violation of individual freedom of choice and speech as provided for under the Convention on the Rights of the Child (CRC) (1989) which categorically states that:

...children have the right to say what they think should happen when adults are making decisions that affect them and to have their opinions considered. Children have the right to get and share information if such information is not damaging to them or to others. Children should be protected from any activities that could harm their development, and governments should make the Convention known to all parents and children (CRC, 1989, article 12, 13, 36 & 42).

In most African traditional communities, a bride price called ‘Lobola’ needs to be paid before marriage to the bride’s family. For women, Lobola has a dignified social status attached to it and the bride is often traditionally considered to have (spiritual) connections with ancestors. However, this practice is also considered by others to be a harmful cultural practice as it tends to limit women’s autonomy from husbands who might want to control them on the basis that they paid to marry the woman. In this connection, a woman might be treated as a possession which makes her vulnerable for a range of marital abuses (Sennott et al., 2021, pp. 58-59). In two focus group discussions and interviews held with traditional actors in Namibia and Ethiopia, the elders do not support the idea of rights for children, arguing that giving children too many rights would mean having no control over them. This way, the human rights of the child (i.e., the universal human rights regime) is seen to be too critical of traditional values. The following excerpts illustrate this concern by traditionalists.

A focus group in Ethiopia based at the Entoto Church Youth Centre, Addis Ababa, argued that:

...there are no such things as harmful traditional practices on children. These are our children...how can we harm them? Children cannot make their own decisions as they are minors...children need to seek permission to do anything because if we allow them to decide on their own in the name of human rights, they may choose decisions that can bring problems in our society. For example, in Court, children they are not allowed to testify. Also. in the government, children are not allowed to vote (until they are 18 years old) because they are young. These rules are applied by the government because they know that children cannot make good decisions. So, why is there an issue for us here to make rules for our children? ...why is it wrong for us? (Personal Interview, January 19, 2020).

Many elders in African traditional settings believe that today’s African young generation has sold out to ‘Western practices’ such as homosexuality, drugs, pornography, and crime which are all promoted by the Western movie industry in the name of universal human rights.

A focus group from Namibia located at the Ben-Hur Rural Development Centre, Gobabis, argued that:

...punishment to children is not abuse because it is intended to make them become responsible adults in the future. If we do not control them now, how can we blame them when they grow up into irresponsible adults? Children should not have total rights...they need to be given tasks early in life as a way of training them to become self-sufficient in the future. Also, it is not a problem to get married at a young age if both sides of parents have consented to the idea. Our mothers got married early and we have grown up well in this way...we did not experience family problems...no one complains about early marriages here...it is our way of life. In the cities, girls delay getting married because they want to complete their education. That system (education) is not favored here because even if our girls finish school, there is no employment in the country. Employment is given to those who are connected to the higher government authorities. Here, we are poor people, and we have no connections with those officials (Personal Interview, August 8, 2022).

The matters discussed above underscore the importance of constructive engagement between the state and the traditional actors to see how discrepancies between the ideal and actual situations could be reconciled. In Namibia, for instance, the government in 2010 passed an amendment Bill which abolished marital power and gave both the customary and civil marriages the same rights. The amended Act of 2010 states, in part, that:

...the common law position of the husband as head of the family is abolished if nothing herein shall be construed to prevent a husband and wife from agreeing between themselves to assign one of them, or both, any role or responsibility within the family (Married Persons Equality Act, 1996, Part I (3) b, Amendment Act, 2010).

So, while the official legal age to marry is 18, those below that age can still marry provided they have parental consent, and it is estimated that at least 9% of marriages in Namibia are between children under the age of 18. Despite the legislation, some children still get married even before they reach the age of 15. Part of the challenge is that Namibia, being a multiethnic and multiracial country, has its own specific regional ways of performing and implementing customary marriage rules. In this context, the concept of ‘child marriage’ remains contested as it fluctuates and hence, remains provisional depending on the regional

boundaries and their associated legislative provisions. In most cultural settings, the term ‘child marriage’ does not exist in their vocabulary; instead, such marriages are referred to as, ‘early marriages’ (Marry on Chain, 2023).

An interviewee of this study, a woman aged 26 from rural Namibia who sought anonymity concerning her early marriage said:

...I got into a forced marriage when I was 14years old. I grew up having a big body so, sometimes I was mistaken for someone who is around 16 years old. It was impossible to refuse the marriage because I was not enrolled in school so there was no excuse to give. My family told me that the man (husband to be) who was 32 years old would look after me well because he was well known by my family even though he already had another wife. Some men here (in the rural areas) like marrying younger girls because they say that after a few years of marriage, the girl quickly grows into an old woman. By the time I was 19 years old, I already had 3 children with him but later when I became more mature at 22, I divorced him. I stayed single for about 5 years until I met and married someone else; at least It was my choice this time (Personal Interview, June 15, 2022).

The effects of child marriages include health risks which create life-long fertility problems and increase maternal and infant mortality and robbing girls of their childhood. Further, child marriages might increase the vulnerability of girls who could be exposed to the risk of contracting STIs and HIV/AIDS. This might potentially lead to further isolation, stigma, and discrimination in society as people with those diseases are seen as, ‘loose women’ or prostitutes. Child marriages also contribute to the perpetual poverty of girls as they are often unable to complete school, thereby depriving them of the economic benefits that come with education. Another compounding effect is that this situation creates many single mothers in society as most teenage girls are impregnated by married men who initially give those girls an impression of economic support but later abandon them. This vicious circle of poverty also increases the girl’s risk of GBV which might take the form of physical or emotional violence. In the end, this pressure (of lack of economic independence) and excessive vulnerability is what pushes many women to go into full time street prostitution.

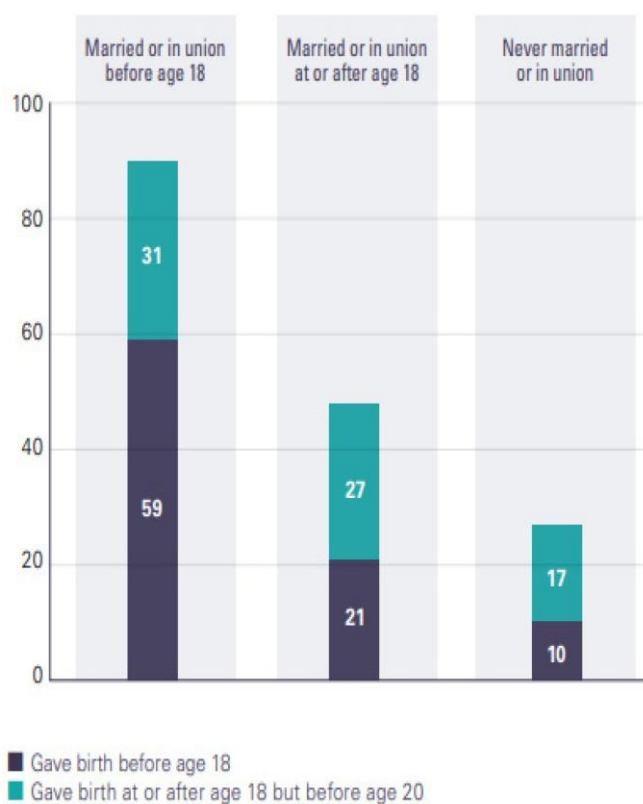
Another interviewee of this study, an 18-year-old girl also from rural Namibia and who sought anonymity dropped out of school when she was 15 years old. She told her story of being involved in sexual affairs with a married man as a teenager and said:

... when I was 13, I was living with my aunt who was supporting me in school. However, I started going out with a married man and eventually, I stopped school because my concentration was weak. Having come from a poor family, I was easily swayed by the man's financial capacity, and he promised that he would divorce the wife and marry me instead. But the wife discovered this plot because people secretly informed her about our affair, and she confronted me about it. One day his wife met me on the street, and we had a big fight until the elders came to my rescue and settled the matter. Although the elders proposed that they would support the idea of me going back to school, I have no desire to go back to school (Personal Interview, July 29, 2022).

Zambia has a very high prevalence of child marriages and early child births. For instance, 70% of women aged 20-24 report they have given birth before they were 18 years old. Zambia's percentage of teenage births is of particular concern as it far surpasses Ethiopia (at 51%) and Namibia (at 59%) (Equality Now, 2023). As is the case in most parts of Africa, the main challenge in Zambia of ending child marriages is a combination of poverty and the ingrained cultural practices that see little or nothing wrong with the practice. In response to this overwhelming challenge, the Zambian government in 2023 passed a landmark Bill which makes it illegal for anyone to marry before the age of 18 regardless of whether the marriage union is under civil or customary law. Sally Ncube, the Regional Representative for Southern Africa at Equality Now, applauded the new legislation as it responds to the enormous challenge where the country has at least 1.7 million child marriages of which at least 400,000 were married before the age of 15 (ibid). Unlike in Namibia where people below the age of 18 can marry provided they have parental consent; this new amendment Act in Zambia leaves no room for that flexibility. Despite government efforts to combat the issue, it is unlikely that those efforts will be sufficient to meet the SDG of ending child marriage by 2030 (UN Women Africa, April 29, 2020). In Ethiopia, the legal age to marry is 18 years although in

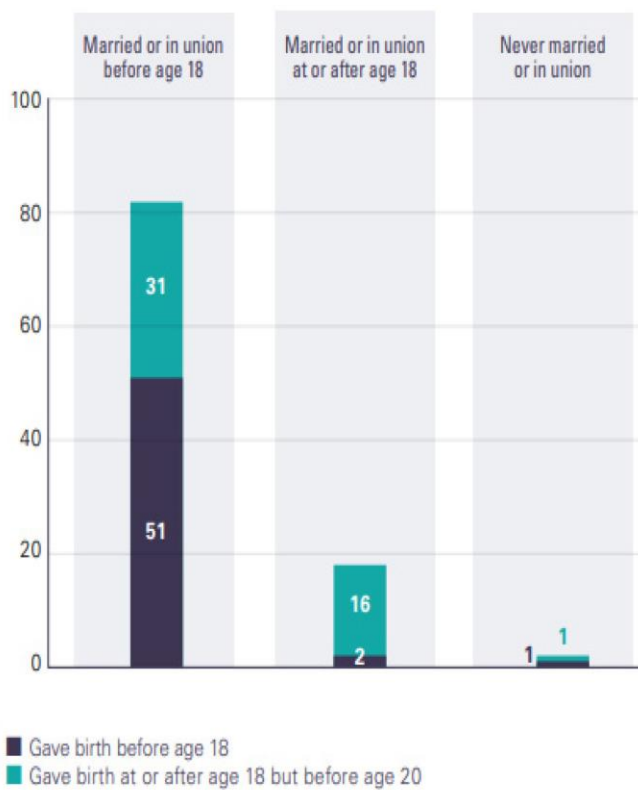
certain cases, that may be waived by the court of law. Despite the progress made by the Ethiopian government in the overall reduction of the poverty, many girls remain vulnerable to the problem. Child marriages take three forms, i.e., arranged marriages, marriage due to abduction and marriage by choice. Most parents continue to arrange teenage marriages and figures show that at least 70% of married girls between the ages of 12-24 had their husbands chosen for them by their parents. On the practice of child marriage through abduction, kidnappings are common especially in the southern region of Ethiopia. Given that bride price is required before one can marry, those without the means to pay the bride price might resort to such schemes where they abduct a girl and impregnate her. In such cases, the girl's parents often do not resist, and they then give away their child. Other child marriages (i.e., by choice) are also becoming common, especially amongst late adolescents (or early adults). In many such marriages, the girl might decide to live with her in-laws as that also works (for her husband) as filling the role of older brother (UNICEF Report, 2016, pp.11-12). In all the cases across the three countries under study, one noticeable element is that girls who come from well-to-do families, especially from urban and peri-urban areas and who are educated, take much longer to get married than their rural peers who are less educated and poorer. The three statistical diagrams below illustrate the challenge of child marriages in the three countries under study.

Figure 6. Namibia: Burden of child marriage and percentage of women aged 20 to 24 years who gave birth before ages 18 and 20



Source: United Nations International Children's Emergency Fund (UNICEF) June 2022

Figure 7. Ethiopia: Burden of child marriage and percentage of women aged 20 to 24 years who gave birth before ages 18 and 20



Source: United Nations International Children's Emergency Fund (UNICEF) June 2022

Figure 8. Zambia: Burden of child marriage and percentage of women aged 20 to 24 years who gave birth before ages 18 and 20



Source: United Nations International Children’s Emergency Fund (UNICEF) June 2022

### ***Child Labor Due to Lack of (Quality) Education***

Child labor takes many forms of manual work and includes commercial sexual exploitation. An aspect that seems to be common is the idea by some parents to stop children from attending school in preference for them to go to the streets to sell foodstuffs and other merchandise to support the family. In some cases, children become street beggars to help the family make ends meet. Through these ‘street businesses’, many young girls have ended up having affairs and being impregnated mostly by male (married) adult ‘customers’ who make those young girls their mistresses. The issue of street children is so prevalent that now it compromises the health and general well-being not only of those children, but the entire community. This way, illiteracy has continued to permeate communities and has become a

dominant feature among vulnerable adolescents. Street children are especially at risk of child trafficking who are easily lured to go and work in affluent residential areas of the cities as domestic workers. Often, however, such domestic labor is associated with forced sexual activities with bosses or house owners in those affluent areas. An interviewee of this study, a 23-year-old woman in rural Namibia who sought anonymity due to shame and stigma said:

... I dropped out of school when I was 17 years old. My parents were not keen on the possibility of me re-entering school. So, after one year, I was lured by those who had connections in the city to go to Windhoek and work as a domestic worker in one of the affluent residential areas of Windhoek. The household work involved cleaning the house, cooking and washing/cleaning cloths. The owner of the house (my male boss) has a wife and 3 small children. One day, his wife was away so my boss called me to his bedroom and started caressing me. I was very scared and asked him to stop but he continued until I was forced to have sex with him. He warned me that I should never report this to his wife. So, each time his wife was away, our sexual enters continued and later, I discovered that I was pregnant. Fearing that his wife would know, he told his wife (pretentiously) that I should be chased from my work due to pregnancy. I left and went back to the village, but my boss told me privately that he would be providing me with financial support. A year after my child was born, the support I was promised slowly began to end. Although my parents assist me, life has been quite tough for me, especially since I cannot go back to school (Personal Interview, July 8, 2022).

Other girls are recruited to go and work in peri-urban commercial farm areas as agricultural laborers. Most of the recruiters run unregistered businesses to avoid accountability on remittance of taxes to government and other laws pertaining to child labor. So, although the government has labor inspectors, those officials do not inspect commercial ventures or businesses that are not officially registered; yet that is where much of the child labor abuse takes place. In rural areas, some families force boys to stop school and become cattle herders as an income generating source (Zambia Statistics Agency, 2022).

Education for young girls can be a useful empowerment tool that could make them become more aware of their rights and how they can avoid being trapped into harmful cultural practices. The topic of rights is empty rhetoric if individuals are unaware of those rights, so sensitization by the state and NGOs is critical to the realization of human rights.

An interviewee of this study, Rebekka Namwandi, the Deputy Director for Marginalized Communities in the Ministry of Gender Equality in Namibia weighed in on the issue of children's rights in relation to cultural norms when she argued that:

...the government (of Namibia) is aiding the realization of child rights so that they are free from abuse. The sensitization is being carried out through an extensive and countrywide outreach program under the Ministry of Gender Equality to provide educational bursaries to vulnerable children especially those from marginalized communities such as the SAN ethnic community. However, there are challenges along the way. In traditional settings, abuse of children is a fluid term and therefore, a matter of opinion. For instance, while human rights activists would prefer that children should be released from harmful cultural practices, the traditional actors may argue that removing children from their cultural settings would deprive them of growing up without knowing their cultural heritage (Personal Interview, July 14, 2022).

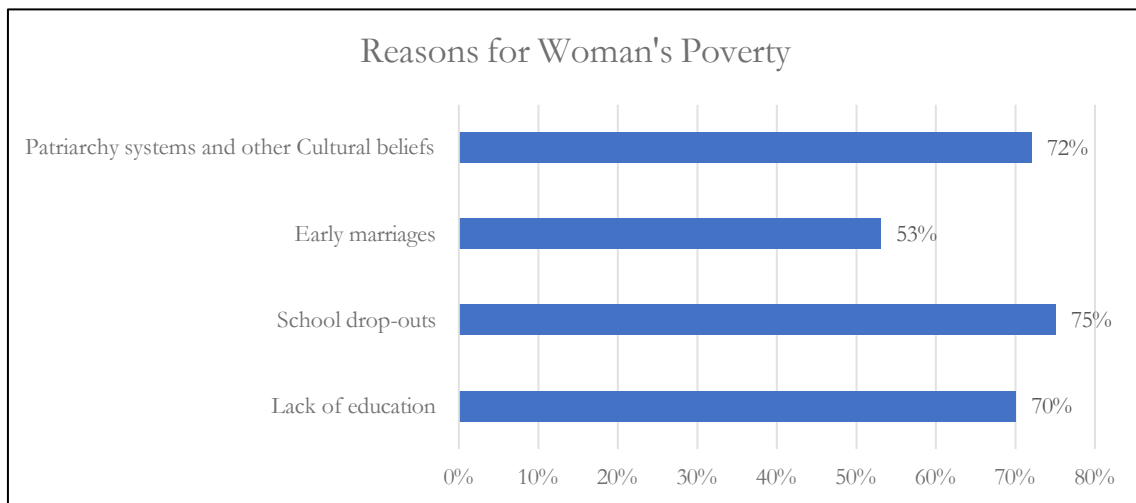
The report of the Borgen Project (2021), an NGO dedicated to fight extreme levels of poverty, suggests that while Zambia prides itself with a national primary school completion rate of nearly 92%, when comparing the completion rate between rural and urban areas, the discrepancies become more apparent. For instance, in the rural areas of northern Zambia, that national completion rate drops by 11% and stands at 81%, clearly indicating geographical discrepancies. Despite the overall high primary school completion rates, only about 66% of students proceed to secondary school. The main barrier to enrolment at secondary schools is the lack of secondary schools' ability to accommodate all those who progress to primary school. Until recently, school fees in Zambia were a major roadblock for students to enter secondary school as most parents could not afford the school fees. In addition - for rural students whose areas do not have many secondary schools - long distances to educational centers pose the challenge of transport costs considering that rural areas have a higher rate of poverty compared to urban areas. In 2015, it was estimated that rural poverty in Zambia stood at 76.6% while urban poverty was at 23.4% (The Borgen Project Report, 2021). The implication of this development is that children who do not manage to go to school end up in the category of child labor providers who are now expected to contribute to the household

earnings. Often, young girls are married off to ease this household economic burden. In Ethiopia, the situation is not very different: recent studies by Devonald et al. (2020), indicate that several intersecting barriers continue to put rural pupils out of school. Crucially, most of those barriers are shaped by gender norms that restrict girls' education for a variety of traditional factors that are justified under the banner of culture.

Namibia equally suffers from similar challenges. Based on the works of Shikalepo (2022), the challenges in Namibia also include the lack of attractive incentives for rural teaching staff. The teachers' conditions of service are characterized by adverse conditions which discourage rural recruitments thereby exacerbating the problem for rural students. My own independent survey information in all three countries under study suggest that to improve access to education especially in rural areas, the most critical bottleneck to education, i.e., poverty, must be classified as a foremost imperative by governments and should be prioritized in all external ventures of donor funding. Furthermore, geographical location, which also poses a significant barrier, must not be allowed to stand in the way of girls' advancement in school. This can be done by increasing the number of primary and secondary schools in each district; this could significantly reduce the distance needed to be covered by pupils to access the nearest school.

A survey on post graduate students carried out in Ethiopia in 2020 (Addis Ababa University), and Namibia in 2022 (University of Namibia) and Zambia in 2022 (University of Zambia) gave the following results in the diagram below, on why most women are in poverty compared to men. In this graph below, the number of respondents is not mutually exclusive.

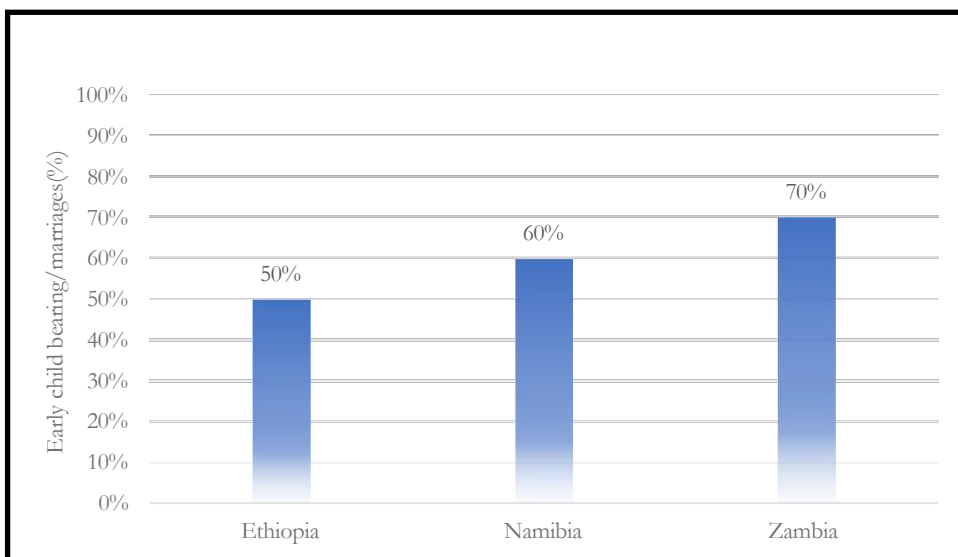
Figure 9. Why most African women are in poverty



Source: Author survey at three universities in Namibia, Ethiopia, and Zambia 2022

The graph below shows the percentage of early childbearing in Namibia, Ethiopia and Zambia.

Figure 10. Percentage of early childbearing among girls

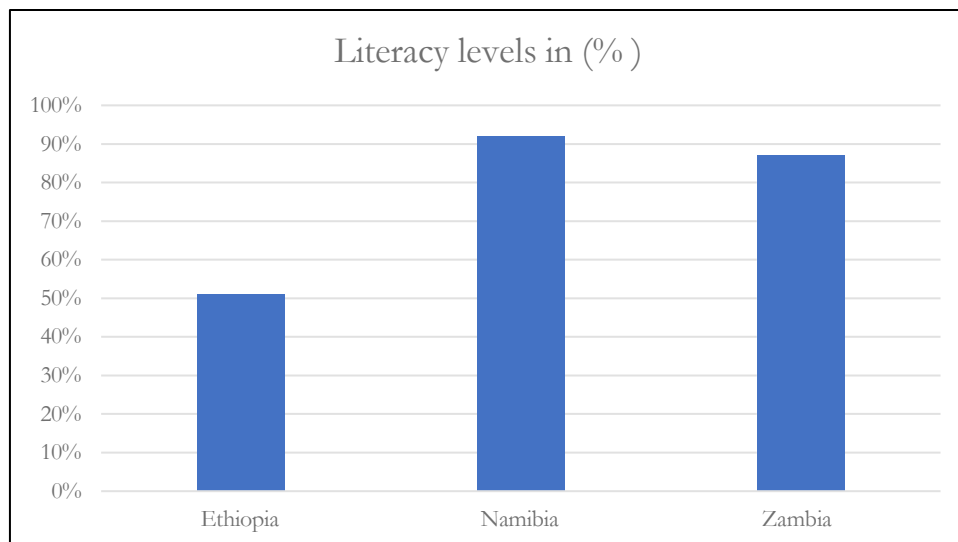


Source: UNICEF, 2022

To achieve a future where women can rediscover their identities and freedoms, more writings by Africans themselves should be done and documented on African feminist advocacy and

human rights. Also, an emphasis on improving literacy levels is imperative for the attainment of human rights. The graph below shows that more needs to be done in this area.

Figure 11. Literacy levels in Namibia, Zambia, and Ethiopia



Source: World Bank Report, 2023

The above graphs underscore the need for education to be made key development imperative especially for women in Ethiopia. This is correlated with the comments made by one of the interviewees of this study in Namibia, Victoria Hakandume, who states that:

...education has additional benefits for women living in extreme poverty and their children because it also improves health-related practices. Women are at the heart of most societies, and regardless of whether they are working or not, mothers are influential in children's lives. Education has a profound effect on girls and women's ability to claim other rights and achieve status in society such as political representation (Personal Interview, April 8, 2022).

Education is an important national development imperative that could alter the fortunes of many marginalized people, especially women in rural areas. The negative impact of lack of education among women is reflected in many walks of life. For instance, parliament is an

important state institutional avenue where laws are made, and which could improve the welfare of marginalized groups, yet the representation of women in African parliaments and other legislative assemblies is woefully low. Among the three countries under study, Namibia has the highest percentage of women parliamentarians at 44% (Afro Barometer, 2022), while Ethiopia has 39% women Members of Parliament and Zambia has the lowest percentage at 17% of women MPs (UN Women, Zambia report, 2024); (UN Women-Ethiopia report, 2024). These low levels of representation in important national bodies means that women's emancipation will continue to be a tall order for the foreseeable future.

### ***Witchdoctor Trials***

Belief in rituals and superstition are rife in many African cultures. In all three countries under this study, the focus groups revealed that occasionally, when community members complain about certain unusual and negative happenings, they hire a witchdoctor (traditional healer). Community misfortunes that might compel village authorities to call a witchdoctor include situations where someone is suspected to practice witchcraft, or a strange illness coming to the village, or unusual incidences of barrenness by some women. A witchdoctor's primary role in those cases, is to cleanse the village by performing some rituals and to catch the witches responsible for those misfortunes. People who look different, in one way or the other, such as old people, people with disabilities, albinos, gay people, or those whose ways in which they acquired their wealth is questionable, often become easy and vulnerable targets of witch trials. In many instances, village authorities use fear of witchcraft to explain why certain individuals do better than others. For instance, in some cultures, a baby that is not born with its face upwards is considered as a witch. Such babies are blamed for societal calamities such as strange illnesses. Because of those fears, most of those babies are killed to avoid assumed future problems (National Geographic, 2024).

An interviewee of this study, a 69-year-old man in Mbala district of Zambia who sought anonymity on this matter said:

...a baby whose first teeth grows from the upper front side of the mouth (rather than the expected lower side) is cursed and would be believed to grow up simply to bring bad luck in the family and in the community. Such children were taken at dawn to secret locations where near the rivers and thrown in fast-running river water. Many of the hard-core criminals are believed to have been born with those supposed teeth deformities. These matters are done secretly, that is why these days, people rarely hear of them, and they fear possible intervention and penalties from the government (Personal Interview, August 30, 2018).

In Zambia, albinos have been murdered to get their body parts for rituals. In Tanzania, more than fifty albino people have been killed since 2007 for their skin and body parts because it is widely believed in some societies that albino parts have special spiritual magic which would bring luck in love and in business for clients. Witchdoctors use spells, i.e., they perform rituals using words and phrases that are believed to have mystical powers that sway otherwise complicated human conditions. It is also widely acknowledged that a witch cannot match the powers of a witch doctor as the witchdoctor possess unmatched powers that can dislodge the activities of a witch (This Day, February 15, 2023). Those found guilty by the witchdoctor are subjected to humiliating situations (shaming and naming) which carries a stigma on offenders. Other punitive measures on offenders could involve being asked to make payments in kind, or shaving their hair until the head is completely bald. In other cases, victims are expelled from the village, while in other instances, they are made to forfeit their livestock or surrender part of their harvest (Boateng and Sottie, 2021).

Another harmful cultural practice in Zambia is called, 'chikondo', i.e., a magical moving coffin performed by some ethnic groups to ascertain who is responsible for the death of their family member. In this case, charms are administered on a coffin carrying a dead person with the belief that it will lead mourners to the person responsible for the death. For instance, in January 2023, in a rural district of Mushindano, two people were killed while three others

sustained injuries during the performance of the ‘chikondo’. A report leading to those events suggest that a man died after a short illness and his relatives consulted a witch doctor to perform rituals, and during the funeral procession, the magical moving coffin hit certain individuals which, according to those rituals, signaled that they had identified the witch responsible for the death. Immediately, the mob descended on the supposed witches and by the time the police were alerted, two ‘witches’ had been killed leaving three others badly beaten and injured. From a scientific perspective, the superstitious notion that a coffin can move seems impossible because a coffin cannot move on its own unless it is magically manipulated (This Day, February 15, 2023).

In another case, an adulterous couple (secret married lovers) who were caught cheating on their spouses found themselves in a sticky situation (they got stuck while having their sexual encounter). According to information from family members, prior to the event, the husband of the cheating wife consulted a witchdoctor to perform rituals so that one day, he could catch his long-time promiscuous and cheating wife. Apparently, the rituals were performed in such a way that only the husband of the cheating wife had the ‘magical key’ to ‘unlock’ the two secret lovers who were stuck together. So, when the secret lovers were found in that sticky situation, the husband demanded a colossal sum of approximately \$2000 USD to ‘unlock them’ but unfortunately, the extended family of the adulterers failed to raise that amount and so, the cheating lovers ended up dying while still stuck together (Africa World Report, March 26, 2023).

In Kenya, a woman who had her money stolen while walking in the city streets (about \$675USD) by a group of young men, went to consult a witchdoctor so that she could recover what she termed as her hard-earned money. The witchdoctor performed his rituals and cast a spell on the thieves which caused a swarm of bees to viciously follow the thieves and

tormented them so badly that they had to be led to find the woman from whom they had stolen the money and returned it (IHeart News, October 10, 2023).

In Ethiopia, some cultures consider people with physical disabilities as impure who they believe exert evil influences in society. So, some infants who are born with disabilities are murdered by way of abandoning them in the thick forests or drowning them in fast-running river water. Like Zambia, some Ethiopian cultures regard babies whose teeth starts to grow in the upper jaw (instead of the often-expected lower jaw), to be possessed with evil spirits who would later cause misfortunes in the community. So, either they must undergo rituals with a witchdoctor to cleanse them, or the baby might be killed to avoid ‘future’ problems (Niall, 2003, pp. 407-432). In Namibia, an old woman was suspected in November 2018 to be behind the disappearance of a young cattle-herd’s boy. The back story is that one day, a cattle herds boy met this old woman, and as per tradition in the villages, they exchanged greetings, and the old woman wished the boy a good day. However, in the evening, the boy did not return, so word went round that earlier that day, the boy had met with the old woman. After about two days of the boy’s disappearance, the village authorities suspected the old woman to have had a hand in this matter, so they called in a witchdoctor to ascertain the cause of this mysterious disappearance of the boy. The witchdoctor performed his rituals and the only way to prove that the old woman was not a witch was to drink a cup of ‘mwadi’ (ritual herbs), and only the witchdoctor could know the ingredients of the mwadi drink. The logic of administering the ‘mwadi’ is that if the accused died after drinking it, then they are guilty, and the opposite is the case. So, the old woman - realizing that it is nearly impossible to survive this trap – refused to drink the concoction, and this was the evidence that the traditional court used to find her guilty of the offence and she was ordered to pay seven cattle as punishment. In the village, the fine of seven cattle is often something that is ‘impossible’

for someone to manage, so in such events, offenders are often compelled to flee the village and go into exile (The Namibian, November 16, 2018).

People accused of witchcraft, if ever they survive their ordeal, often end up with completely ruined lives and in many instances, the stigma they suffer is so profound that that leaving the village to go into exile (even if they are not chased by village authorities) becomes a more feasible option. In general terms, witch trials are not necessarily a thing of the past, and the fear of witches has not lost vigor, nor is it limited to poor rural people. Many urban dwellers, including wealthy people and the political elite, still believe in the power of witchcraft. Even educated people do believe in witchcraft and when confronted with difficult situations, they often blame supernatural powers for their misfortune.

For instance, in the Gambia, the former president, Yahya Jammeh lost his aunt in 2009 and suspected that witchcraft was involved in her death, so he invited witchdoctors to eradicate the witchcraft practices. President Jammeh organized some witchdoctors who were accompanied by his military personnel and rounded up several hundreds of people who were suspected to be practicing witchcraft. They were taken to secret locations where they were detained and forced to drink unknown concoctions which made victims behave in an erratic manner to force them to confess to being witches. A testimony from one of the victims of this ordeal is reported to have said:

...at 5.00 am, the paramilitary police armed with guns and shovels surrounded our village and threatened the villagers that anyone who tries to escape will be buried 6 feet under...fear gripped the village. They randomly identified about 300 people who were forced at gunpoint into waiting buses and ferried to the president's hometown. Once there, they were forced to drink dirty water from unknown herbs which made them develop diarrhea and vomiting... (the confusion arising from this drink forced people to confess that they are witches) ...one woman was stripped naked and forced to say she was a witch (Amnesty International, March 18, 2009).

In Nigeria, a 69-year-old woman together with four others were killed in 2022 by a group of angry men who accused her of practicing witchcraft which they alleged had caused a recent

motorcycle crash. Prior to her murder, suspicions had been dogging her for some years, apparently arising from perceived jealousy of her prosperity (Federici and Markham-Cantor, 2023). When doctors are hired by village authorities, anyone who refuses to cooperate with these traditional arrangements normally suffers more severe consequences that would render their continued stay in the village untenable. A focus group in Zambia based at the Kabwata Village Cultural Centre argued in favor of witchdoctors. The sentiments expressed by this focus group resonate with the views expressed by the other two focus groups in Namibia and Ethiopia. The focus group argued that:

...this system (of hiring witchdoctors) helps our communities to know who is disturbing the peace in the community. The issues of the village cannot be decided by the State Court system because often, they have piled many other cases, so, by the time they examine your case, the culprit in the village will have run away or will have done more harm to innocent community members. So, this local community system of justice is an efficient justice system which punishes offenders by way of shaming them and requiring them to pay compensation to victims, or in some instances, they must be ordered to leave the village and settle elsewhere (Personal Interview, May 1, 2018).

State authorities hesitate to investigate cases of witchcraft for fear of reprisals; as a result, the (illegal) actions of witchdoctors normally go unpunished. Cleansing rituals in villages are performed on any person found guilty including children who may be suspected to have ‘inherited’ witchcraft from their (deceased) parents. Some accusations of witchcraft are made simply on account of victims being in old age. Those found guilty by the witchdoctor are subjected to humiliating ordeals. Traditionalists argue that these punitive measures keep communities with a sense of justice and protection from cruel community members as opposed to relying on the formal state court systems which are woefully unreliable and often take long to dispose of civil and criminal cases. The state legal processes are usually marred by bureaucratic corruption and incompetence where justice is only available to the highest bidder: Effectively, this situation implies that ordinary citizens - the village community

members - do not benefit from those state legal systems which often fail to build a sense of confidence and trust among ordinary citizens. To illustrate this state judicial deficiency, consider what a Zambian veteran constitutional lawyer, John Sangwa decried about the appalling Court system when he said:

...today, going to Court in Zambia is like going to a casino because there is no consistency in court decision making. In most cases, the outcome is a matter of chance. Court decisions are rarely informed by the law and facts governing the case but by variables such as the temperament of the judge, the affluence of the parties to the proceedings and whether the judge is receptive to bribes. The judges have failed to check on the lawlessness often exhibited by the Executive and in certain instances, the judges themselves have legalized such lawlessness. Some judges are openly partisan and defend the personal interests of the President in appreciation of their appointment or promotion within the judicial hierarchy. Some judges do not know or ignore that the sovereign authority does not belong to the President but to the people (Lusaka Times, October 3, 2021).

Due to lack of trust in the state legal systems, in some instances, community members take the law into their own hands through mob killings of suspected wizards and criminals. These mob justice practices take place with little intervention from the state authorities. They are reluctant to intervene because, (1) they fear retaliation from community members, such as spiritual curses, otherwise 'witch curses' upon them that may arise due to their lack of respect for the collective will of the village authorities (2) the state prosecuting system itself is not competent enough to handle such sensitive cases as offenders often end up with no court convictions due to 'lack of sufficient evidence'. This implies that potential culprits end up going scot-free. But worst of all, most police officers are prone to corrupt practices and once they are bribed, they turn a blind eye to the case and, even if the matter goes to court, the prosecuting officers play tricks to keep adjourning the case with hopes that it will eventually fade out. The additional challenge to such cases is that community members often refuse to cooperate with police believing that once the case goes to the formal state legal system, victims (criminals) would easily bribe officials and *bury* the cases, hence the need to mete

mob justice punishment. If a community member dies under suspicious circumstances of witchcraft, the concerned family members of the deceased may consult a witch doctor to perform rituals to identify the culprit. Once the rituals are performed, the coffin refuses to be interred (buried) until the culprit comes in the open to confess. Revenge also follows, for instance, by burning the homestead of the culprit.

### ***Gender Based Violence (GBV) & its Link to Lack of Education***

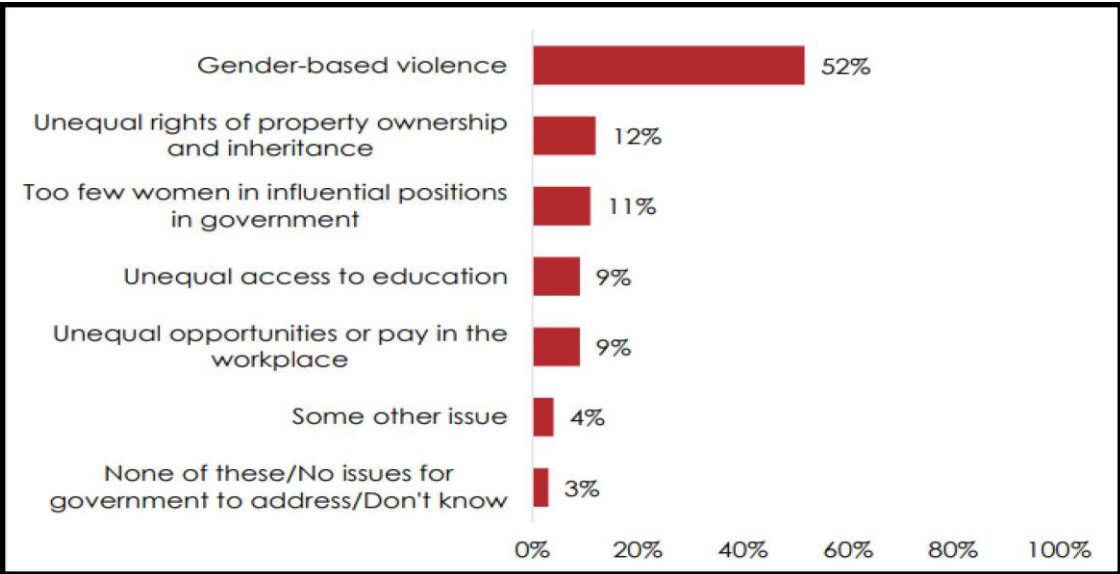
While gender-based violence (GBV) may not necessarily be directly connected to the main topic of this study, it has been observed that GBV is often linked to lack of education and lack of economic independence; hence most young women lack empowerment. This point, i.e., of lack of empowerment, makes GBV a relevant reference point in this study. This position is also supported by an interviewee of this study, Princes Matapo, a medical doctor working at a village Mission Hospital at Mbereshi in Kawambwa district of Zambia who is also an advisory board member of the NGO, Restored Hope Zambia. She argued that:

...violence against women is more prevalent in homes where the wife is less educated than homes where a woman has got good education. Even in relationships such as boyfriend/girlfriend, it is the same...the more educated a girl is, the less abuse they suffer from their partners. Most women/girls stick to their partners even if they are abused or beaten because they have no financial means to liberate themselves. In most of our communities, financial means are normally a result of good education. As a counselor myself, I always encourage girls to focus on school so that when they graduate, they can make informed decisions regarding the choice of their partners/spouses. Right now, most girls go out with any man who has money regardless of his manners or his abusive behaviors (Personal Interview, June 11, 2023).

Since many women are not as educated as their male counterparts, they are often found in vulnerable situations and conditions where they must put up with various forms of abuse from their spouses. Both physical and emotional abuse in most relationships/marriages mainly go

unreported due to those power imbalances coupled with the shame and stigma they carry. In Zambia, GBV cases are commonplace and heavily linked to gender power imbalances compounded by lack of education. For instance, a total of 8790 cases of GBV in the Third Quarter alone of the year 2022 were recorded by police in the country, out of which 2101 cases were child victims. Out of the total number of these GBV cases, only 150 cases secured successful court convictions. These figures may just be a tip of the iceberg as many GBV cases go unreported to maintain family credibility (Lusaka Times, November 10, 2022). In Namibia, occurrences of GBV are also rife despite the efforts from both the civil society and the government to tame it. A survey carried out by Afro barometer in 2021 on what people believe to be the most pressing matter for women, suggests that 52% of those surveyed assert that GBV is the topmost human rights issue for women. For instance, from 2020 to 2022, there were over 10478 reported cases of GBV in the country. It is important to note that the reported cases do not necessarily represent the true picture of the scourge as other cases go unreported due to shame and stigma attached to the vice (The Namibian, September 22, 2022). The picture below illustrates the GBV challenge in Namibia.

Figure 12. Most important women’s rights issue in Namibia, 2021



**Respondents were asked:** In your opinion, which of the following issues related to women's rights and equality do you think is the most important for our government and society to address?

Source: Afro Barometer report, 2022

In Ethiopia, GBV is also high with 35% of married women aged between 15 -49 years having experienced emotional and physical violence from their spouses. As of 2022 there were 5.8 million reported cases of GBV country wide. Paradoxically, around 68% believe that wife battering is a justified cultural practice. Young women are disproportionately affected by GBV. It has been observed in Ethiopia that state conflicts, instabilities, and ethnic clashes, have exacerbated the pre-existing patterns of discrimination against women. These instabilities have heightened the risks of GBV and other harmful traditional practices. Furthermore, it has also been observed that there is not enough awareness within the society on the human rights of women, so education for women remains a key component that could help reduce the GBV cases (Relief Web, 2022).

The subject of gender equality has also brought to bear the hidden fears and battles from some men who prefer to marry uneducated women on the belief that a less educated woman will likely be more loyal to them (due to vulnerability). So, some men profit from the illiteracy of

women, fearing that an enlightened woman would make it difficult for them to be abused arbitrarily. While this might seem bizarre, the 'disloyalty fear' cannot simply be dismissed as idle speculation because many educated women today have a wrong conception of feminism which they naively mistake for an equal 50-50 notion with men. This assumed proposition is not only unrealistic in real life situations but also utopian because the biological make up of men and women differ, and as such, there are certain tasks that can be performed better by women while other tasks can best be done by men. A proper examination of the feminist concept needs to be done by women to see gender roles in a more objective and situational manner.

So, gender equality occupies the limelight of democracy while on the other hand, the ideals embedded in the project of the African renaissance pivots on limiting the influence of Western culture in African polities. Career women in African societies suffer the mortification of being judged as traditional misfits, and their recognition -in a traditional sense - as 'real' women is often questioned, while at the same time, their assertiveness is also judged as being too forward. Broadly, the mainstream social spectrum tends to judge women much more on their looks rather than their intelligence which by implication reduces their societal value to mere possessions and objects (Adichie, 2014). Like homosexuals, feminists believe that they live in a culture of contempt where they are still devalued based on what they are or what they look like. These stereotypes are rife among both men and women, locking people into roles that they believe are expected of them, preventing them from pursuing their potentials as individuals (Prinz, 2012).

The compounding problem is the weak representation of women in key governance institutions such as parliament. However, many women are reluctant to join mainstream politics where they can make a societal difference due to the unhealthy political environment

and stigma, whereby women who are active politically are perceived to be ‘prostitutes’, anti-culture, and anti-men, hence the role of a woman is only seen from a prism of a ‘kitchen’.

### ***Polygamy and Forced Initiations***

In most African countries customary law and civil (state) law are both recognized and practiced accordingly. This overlap has created many discrepancies in the application or implementation of marriage practices. On the hand, civil marriage laws do not permit polygamy, customary laws on the other hand do allow polygamy and men can marry many women provided they can afford to look after them all. Unlike customary marriage law, under civil law, the husband no longer has full control over his wife because both are recognized to have equal rights. This also means that a wife can enter any contract without necessarily seeking permission from the husband; they both have equal financial and work rights including owning assets separately, obtaining loans or having a bank account (Marry on Chain, 2023). In many instances, the practice of polygamy is deemed to be both religious and traditional, yet in those same cultures, there are several others who chose monogamy. Proponents of this practice argue that there are many benefits of polygamy such as reducing prostitution and assisting the first wife with homestead chores such as in the agricultural fields. The practice is even bolstered in cases where a wife is barren or where the wife only bears girls as boys are preferred. In other cases, polygamy also attracts social status in the community because those with many wives are viewed to be wealthy people. Polygamy can also be a way out for women who are single parents. In most cultures, single parent women are regarded with less respect as they are perceived to be ‘irresponsible people or prostitutes’ who cannot run a home and that is why they have failed to find a husband. So, these negative connotations might force single parent women to conveniently hide the stigma by agreeing to

be in a polygamous marriage. A respondent of this study from a focus group at Ben-Hur Rural Development Centre in Namibia said:

...I grew up and raised by a single parent (mother) in a rural area where such situations (being single) are often shunned and looked down upon. While growing up without a father, I did not realize the dimension of being raised by a single mother and how the community perceived it. Later, I came to realize why my mother was often excluded by other community members. My friends could ask where my father is (since they never saw him) which insinuated that my mother was assumed to have been a 'prostitute' having many casual men. I found it traumatizing to grow up in an environment where people have a particular way of classifying what they believe is the standard way of living. Mine was considered to fall short of that established standard.

Others assert that since most men have other women on the side, polygamy might as well be legalized. In this case, it can be argued that polygamy is a way for men to conceal their adulterous hearts (Musunte, 2023). In Namibia, the Himba ethnic group are among the most polygamous people and their marriages are often arranged by parents from within their ethnic group and it is rare for them to marry from outside their group, and in some cases, girls as young as 12 are married off. There is also a practice called, 'Okujepisa Omukazendu' among the Himba people which means, when a visitor comes to the home, the wife is given to the guest to spend a night while the husband sleeps in another room. The woman is bound by tradition to do that and even if she does not want to sleep with the visitor, she is still expected to stay in the room with the guest. According to the Himba people, this practice is a sign of hospitality and there are consequences for those who fail to carry out this practice. Penalties could include being isolated and eventually excluded in community activities (Scelza et al., 2021).

Opponents of the practice argue that polygamy has the potential to spread HIV/AIDS. An interviewee of this study, Lois Sikwenda, an attorney specializing in family law, and member of the advisory board of an NGO called, 'Restored Hope Zambia' which provides counseling services to victims of abuse and trauma said:

...our culture accepts that a man can have many wives. That means HIV/AIDS disease or other STIs can spread far. In polygamy, it is difficult to see real love and there is also a possibility of quarrels due to competition among wives who might engage in activities to outbid the other wives. For instance, there is the practice of dry sex by some women (including those in monogamous relationships) who apply traditional herbs to their private parts to make them more stimulating for the man. These herbal applications can lead to abrasions and tears. Although the government through the Ministry of Health has condemned these practices, they still go on because they carry a cultural dimension which makes intervention very difficult. At any rate, these practices are done secretly so intervention from government authorities is hardly seen (Personal Interview, September 18, 2022).

On property ownership, women who are married under traditional law (especially those in polygamous unions) are not offered the opportunity to own property because it is assumed that once they get married and leave their biological family, they will join the husband's family and as such, will now be considered to belong to the husband's family. Essentially, the right to use and own land or any other property remains in the hands of men whether women are with their natal families or in marriage life with their husbands. The abuses of women are aptly summarized by an interviewee of this study, Habtamu Wondimu a professor in behavioral sciences at Addis Ababa University in Ethiopia who argued that:

...violations of human rights are commonplace here (in Ethiopia) at all levels of society. For instance, domestic violence...beating of children and wives is practiced by many ethnicities here. Raping of women and abductions are also quite prevalent. Women exploitation is notoriously common, and while all these violations are going on, the government seems aloof about the happenings. More worryingly is the fact that apart from abrogating international human rights conventions to which Ethiopia is a state party, these traditional abuses also violate Ethiopia's constitution which equally does not permit those abuses (Personal Interview, February 14, 2020).

(Forcible) Initiation is another common practice which is binding to all community members and no member is allowed to question those traditional decisions because they are part of the sacred ancestral codes passed on from one generation to another. Failure to follow ancestral codes is associated with societal calamities such as droughts, locusts, poor harvest, floods, strange illness and strange deaths, inability to bear children and general disharmony in the

community. Consequently, traditional actors involved in (forcible) traditional initiations have not been brought to book because state authorities are unwilling to intervene in practices that are sacred and perceived to have consequences that could potentially ruin their life and that of their families. Due to this leverage, traditional actors do not feel bound to comply with state legislative human rights requirements (Coe et al., 2013).

Critics argue that the fear of the supernatural is used as a tool to exploit vulnerable community members, especially women. Often, women are targets of many forcible initiations and as such, they bear the brunt of those harmful practices. Critics also argue that the idea, for instance, of getting married to more than one woman undermines gender equality because what men can do, women should also be able to do. The first challenge arising from polygamy is that it is common in rural areas and is a social choice which is also supported by some religious teachings that argue that polygamy is a solution to the ‘crises’ of dozens of women who are not getting married, and hence, reduces extra marital affairs. However, critics argue that a wife’s status as partner under those circumstances is diminished because at that point, the woman is rendered as mere sexual object (Seid-Mekiye and Kreitzer, 2021). The second problem of polygamy is associated with widow inheritance. Boateng and Sottie (2021) assert that widow inheritance is a practice where women are compelled to marry their deceased husband’s brother or the heir of the deceased. This decision is often made without the consent of the women. To put it more aptly, sexual cleansing is meant to get rid of the ‘ghost’ of the dead spouse which requires that the wife of the dead man should have sex with his brother to the deceased. The inheritance practices ensure that the widow continues to be supported through the deceased’s estate. A woman who refuses to undergo this traditional process is not only likely to forfeit the deceased husband’s properties but also risk being isolated in the community. In this context, the question of inheritance suggest that women are

considered simply as property of the husband rather than as partners. It is also argued that such practices might lead to the spread of STIs (The Gurdian, December 28, 2005).

A third problem of polygamy arises not only from rivalry with other wives and may also give rise to the possibility of infections such as HIV/AIDS (ibid). Fourth, there is also a tendency within single marriages (i.e., one man one wife) of overlooking women who bear girls – most communities see boys as more important than the girls, hence the appetite for polygamy to increase the prospects of bearing boys from many women (Seid-Mekiye and Kreitzer, 2021).

In the event of death of a spouse, widowhood rites are performed. These rituals constitute various traditional rites that the bereaved spouse undergoes when the spouse dies. While both men and women go through those rituals, women are subjected to harsher rituals. These may include isolation and seclusion, cutting the hair on the head to make the head completely bald, and the woman must prove innocence of the husband's death by the way she conducts herself during the period of bereavement, i.e., by following rites reposed on her strictly. Widows are generally considered as 'impure' and hence required to undergo cleansing. Failure of compliance to those rituals is believed to bring bad luck to the woman and sometimes to the whole family (Boateng and Sottie, 2021).

### ***Sexual Assault, Rape & Abductions as a Direct Consequence of Poverty***

Poverty disempowers people and makes them vulnerable to harmful practices such as sexual assault, especially for young women. So, there is a direct correlation between sexual assault and poverty which itself is often associated with lack of education. Defilement of underage girls (taken as easy targets), especially for ritual practices is commonplace. Some people believe that sex with an underage child will give them wealth or power or will cure certain illnesses. In rare cases, some rapes take place on accusations that the affected women had

defied cultural rules (Owusu, 2022). Due to the power imbalance created by poverty, many women are pressured into sexual exploitation as a way of securing/maintaining employment. A typical example of the effects of the patriarchy can be illustrated by the following example from one of the interviewees of this study, a 31-year-old woman in Zambia who wished to remain anonymous. She said:

...often, while working at my job in a marketing company, my manager could ask me about my background. I told him that I came from a poor family in the countryside of the state. The odd questions persisted until one day he approached me and said, here, if you are good to me, I will also be good to you. This means he was expecting me to maintain my job by giving him sexual favors. In the beginning, I thought he was joking, but when it became clear that I was not going to do his bidding, he told me a few months later that the company currently wanted to cut down on the number of staff in the department and that they would call me if the vacancies became available again. That is how I lost my job...if I had agreed to his sexual favors I would still be in the job. Sadly, despite this abuse, I did not report the matter to the authorities (Personal Interview, August 14, 2021).

In the case above the male perpetrator used his position to manipulate her into giving him sexual favours, to maintain her job in the company. The manipulator first gathered information about her background purporting to show an act of care, and building trust, yet the information gathering was merely intended to assess her vulnerability. Once he found out that she came from an underprivileged background in the countryside, he used this to exploit her situation. The fight for women's rights has been aided by the arrival of the digital age where feminism is gaining more visibility, and feminists are regaining the space that was formerly denied to them by customary media. However, this has also resulted in a considerable increase in backlash. Identifying oneself as a feminist in Ethiopia, Namibia and Zambia can be a challenging ordeal. The task of feminists becomes even more tougher because their activities are deemed by mainstream society to be 'unproductive' in the real-life situations (Nyabola, 2018). As a result, many fear to identify themselves as feminists. To

illustrate this feminist challenge, one interviewee of this study, a 36-year-old woman in Ethiopia who also sought to remain anonymous said:

... the idea and identity of being labelled as a feminist is seen in a negative light where you become an outcast. There is both the fear of the unknown, and the fear of the known which are all aspects of the problem of identifying with the feminism. Many women prefer to advocate feminism in the shadows for their own safety and sanity (Personal Interview, January 17, 2020).

For feminists, despite facing opposition in public spaces such as the traditional media, and religious circles, they are increasingly using new media to expand their political, social, and economic influence. Another method of resistance used is the theory of liminality which essentially means the passage/transitioning of people from one status to another, or the rites of passage or a period of transition. Such transitional phases can be utilized to marshal substantial resistance, albeit in a somewhat shadowy manner (Mutua-Mambo, 2020).

Women are deprived of essential advocacy tools, especially in rural areas, which means that they face a future where there is not much awareness, no or little accessibility, and no general knowledge about feminism due to stigma that is rooted in the social fabrics that discriminate and oppress critical voices.

Ironically, defilement cases are also common within homes and are sometimes committed by close family members, acquaintances, and those in authority of power in workplaces, who are – in theory- supposed to be the guardians or protectors of those same girls. In Zambia, police estimate that in the Third Quarter of 2022 alone, Zambia recorded at least 540 cases of defilement (Lusaka Times, November 10, 2022). Cases of defilement, especially within family circles, usually go unnoticed and unreported due to the stigma they carry, and as such, the cases on official state records may only represent a fraction of the actual numbers. An interview of this study, a 35-year-old Zambian woman who sought anonymity regarding sexual assault said:

...my father died when I was 13 years old, so my uncle decided to take me from the rural area to stay with him in the capital city, Lusaka. He was a senior government official and had a family of his own with six children, many of whom were much older than me. Unfortunately, he started sleeping with me until I became pregnant. It was quite difficult to imagine that my father's young brother could impregnate me. As a result, I had to stop school, and due to shame around his family, I was sent back to stay with my mother in the rural area and after I gave birth, my mother looked after the baby while she arranged for me to go back to school. Fortunately, I re-enrolled in school and completed my secondary education. Later, I got married to a man who is an officer in the military, but up to today, I have never revealed to him who the father of my child was because if I tell him that it was my uncle, he might divorce me and consider me as a prostitute (Personal Interview, January 6, 2021).

Often, there is a tendency within cultures to keep family issues private as a way of avoiding ridicule and shame on the family. Discussing family matters is considered as 'washing dirty linen in public' which can attract judgement, gossip, and stigma.

A similar issue of concern is the question of marital rape which, in the African traditional setting, 'does not exist' because sexual intercourse with a wife is considered as a man's immutable right (Nkealah, 2014). Cultural dispositions in Africa do not only drive how people perceive their environment; they also form the core of their personalities. In a society where less than half a century ago it was deemed 'improper' for a couple that is not yet married to hold hands, remnants of what is 'expected' are still subconsciously influential. The way in which the African people have been socialized has reinforced the idea, for instance, that women should be submissive to men while men should be seen to be strong and masculine (Whipple, 2012).

Paradoxically, this position is also supported by a senior judge of the Court of Appeal in Zambia, Chalwe Mchenga, who recently stated during a local radio interview program that a married man in Zambia cannot be charged for marital rape because such an offence does not exist in Zambian statutes (News Diggers Newspaper, April 14, 2022). With such stand points coming from leading state officials, the men's control and sexual abuse of women is somewhat reinforced. The nuanced message to the women could not be clearer; that they are

expected to toe the men's line. In Zambia, most sexual offences (incest, defilement, and rape) involve children below the age of 16, and in cases where victims are very young, the police decide to close the cases if no suspect is identified. Further, the conviction rate of the reported penetrative sexual offences is around 15% - the conviction rate is low because accusations made by minors need to be fully corroborated otherwise culprits will go scott-free (Makasa and Heathfield, 2018, pp. 23-33).

Sexual abuse has not spared religious circles: There is a lot of rape going on in religious organizations perpetrated by people who claim to be the clergy, i.e., pastors, bishops, and prophets. Religious organizations find it difficult to respond effectively to sexual misconduct by church authorities because they lack agreement on what constitutes abuse. Loose definitions of abuse lead to forms of spiritual side stepping where abuse is pictured as a mistake that needs to be prayed about instead of treating such as acts of abuse. Often, church leaders get away without accountability for their sexual abuse of women due to unequal power relations inherent to religious organizations. So, the main barrier faced by survivors of church rapes in reporting those cases is that the church abuse is often subtle and as such, awareness of the boundaries of abuse is needed. Often, those pastors and prophets would manipulate victims to show that the sexual encounter was consensual when in fact not (Zambia Monitor, March 9, 2023). In Zambia, for instance, incidences of church bishops and prophets raping church members, especially underage girls and married women, are commonplace. Some married women hide behind their marriage as a cover to engage in secret sexual affairs with multiple partners including the clergy because it is more difficult to identify their promiscuity as they masquerade as 'dignified married' women. So, promiscuous married women become easy targets of sexual abuse by prophets and pastors who will easily exploit them. Most of the prophets turn out to be imposters, conmen, and fraudsters who prey on women church members instead of praying for them. Recently, a

high-profile prophet in Zambia was caught red-handed committing adultery (or rape) with a married woman who is a fellow church member, and the case is still active in the courts of law. Many unsuspecting victims of sexual assault by pastors and bishops initially go to them to seek spiritual help with their problems such as barrenness and the assumed ‘bad luck’ in their financial endeavors (Lusaka Times, November 25, 2023).

These examples underscore the need for women to be educated and economically independent because vulnerability comes in when one is poor and uneducated. An educated mind would be aware, for instance, that barrenness and poverty cannot be resolved through prayers – only education can enlighten women to see through the façade of the purported prophecies of those rapists- masquerading as bishops and prophets.

Going by the high prevalence of rape and defilement offenses, such cases have been ‘normalized’ in society and that is why perpetrators (and would-be perpetrators) are hardly deterred. It is argued that the criminal justice system on sexual violence is based on misconceptions that negatively affect women and survivors of sexual violence because the law demands a very high standard of corroborating evidence to prove sexual abuse. The way in which rape or defilement cases are conducted negatively affect women which also means that the laws themselves are discriminatory against victims based on their gender (Siang’andu, 2021, pp. 87-107). Many cases of rape, defilement and incest are not reported due to the stigma and the shame attached to such incidences. Also, in many African polities, the police can be a very intimidating institution hence many choose not to report their cases. Police yield enormous power in society, and they usually abuse victims, especially using sarcastic language against them. On occasions, people have been arrested on petty misdemeanors or otherwise trivial offenses. A prime example of this fear of police intimidation and sarcasm is illustrated through a narration of a rape case in Zambia in 2018

by a 19-year-old woman who was raped by a gang of young men and later reported the matter to the police. This interviewee of the study sought anonymity and said:

...one evening, I was coming from the city market going back home when I was attacked and raped by some boys. I reported the case to the police, but they asked me some shameful questions. They asked for an exhibit (such as a torn or disfigured dress) that should confirm some level of physical or forceful engagement by perpetrators. I showed my torn skirt, and they said, 'why were you wearing such a short skirt?' and why were you walking alone in the evening? Don't you know that it is dangerous to walk alone in that area? (Personal Interview, June 13, 2018).

From the above interview, it is easy to see how some police officers use victim-blaming to humiliate victims of rape. The question of wearing a short dress is intended to indirectly remind the victim that the dress code for women should be determined by cultural preferences rather than by individual desires. The other question of walking alone in a 'dangerous place' assumes that women are not allowed to be free to move as they please; that only boys or gangsters have the 'right to rule' the streets. Instead of being tough on offenders, such responses from the police might indicate that the society has somewhat encouraged lawlessness to prevail in relation to rape cases. Abductions and human trafficking, especially of young women who are often seen as easy prey, are also common, and in some cases, done for political expediency: For instance, in December 2019 a bus carrying schoolgirls from Dembi Dolo University in the Western part of Ethiopia was ambushed by gangsters and an estimated number of 18 schoolgirls were pulled out of the bus and abducted. The schoolgirls were held in captivity in the forests for over three months without any meaningful intervention from the government led by Prime Minister Abiy Ahmed (BBC News, March 16, 2020). The capture of the girls for such a long time exposed the incompetence of the state machinery in providing safety assurances to vulnerable citizens. Indeed, the government itself did admit that it had no clue as to which specific gang or rebel group was holding the schoolgirls hostage and whether all the captives were still alive or not. In frustration, one

Twitter blogger (Meti Yilma) directed her anger at Prime Minister Ahmed's failure to secure the girls when she twitted and complained that:

...(today) you (and your fellow government officials) woke up knowing the whereabouts and safety of your families, but not the families of the abducted students of Dembi Dolo university. God knows how the students woke up (BBC News, March 16, 2020).

Political observers argue that the abductors had links with the Oromo Liberation Army – a militia that was (and is) fighting the federal government over the question of marginalization of the Oromo ethnicity in Ethiopia. To this end, the kidnappers went for soft targets (schoolgirls) arguing that the 'real' target were not the girls, but to draw attention of the federal government to address the grievances of rebel fighters. Ethnic conflicts and killings are commonplace in Ethiopia with the government's intervention capacity in those security situations reduced to that of a bystander. The compounding problem is the general insecurity in the Greater Horn of Africa region where all Ethiopia's neighbors have mounting human security challenges (ibid). Recently in Zambia, 13 girls were kidnapped and held hostage in the capital city of Lusaka in the suburbs for over six months. One of the girls managed to escape (after several months as a hostage) and alerted the authorities. By the time all of them were freed, one girl had fallen pregnant by the abductors.

These kidnappings are a humiliating blow and an indictment on state authorities on how human rights have done little to re-assure the population on the safety of girls, women, and marginalized people more broadly (Lusaka Times, October 4, 2022). Further, this apparent pattern (in Zambia and Ethiopia) of abductions of vulnerable community members for several months without the government's knowledge of the victims' whereabouts, not only exposes the government's incompetence on managing societal security, but also strengthens the cultural argument that traditional systems provide better human rights protection mechanisms than the state system. Several other isolated cases of kidnappings seem to be on the rise.

Related to abduction are ritualist killings which are used for perceived increase in wealth, or political power, especially the killings of albinos and children. Some people believe that albino body parts can be used as charms to attract wealth. Others believe that those charms provide unyielding power to gain advantage in business or in politics. State prosecutors and relevant law enforcement agencies fear to investigate such ritual killings because high ranking government officials are said to be heavily involved in those sacrificial and ritualistic killings for perceived acquisition of supernatural powers and influence. These murders, which leave victims with body parts missing, such as genitals, arms, or eyes missing, are common especially during the election campaign periods (Owusu, 2022).

In Zambia, for instance, during the 2016 general election period, a young woman college student was found dead in bizarre circumstances in the capital city with her entire face ripped off for suspected ritual practices. In many such instances, suspects go scot-free for lack of sufficient evidence - mainly because the suspected perpetrators of these heinous crimes are political elites and their cronies. Recently two bodies of children in the city of Livingstone were found in a defunct vehicle, with their bodies stark naked, illustrating that ritual performances were done on them (Zambian Observer, October 31, 2022). Several other children have been found dead in similar circumstances. Children are targets mainly for two reasons: (1) they are easy prey, and often naïve to the manipulative tactics of adults, hence easy to sway (2) given that children are assumed to be ‘pure souls’, it is traditionally believed that rituals work better on such pure souls. The ‘failure’ by authorities to investigate and prosecute crimes associated with such child murders tend to foster impunity among (elite) perpetrators (Zambian Observer, October 31, 2022).

In Ethiopia, the often ethnic-related armed conflicts in Ethiopia have taken a toll on sexual violence against young women. For instance, since the start of the Tigray conflict in 2020, hundreds of women have been left traumatized by sexual violence and those who contracted

HIV/AIDS or other STIs could not access medical help due to insufficient medical supplies. To date, many young women have remained with heavy burdens of living with those contracted diseases and on top of that, they are raising children of their rapists whom they cannot even identify. After the end of the Tigray war, human rights group randomly selected some of victims of rape (about 300 women) which showed that 76% of them were raped by multiple people and one victim claim that she was raped by 19 men (PBS News, August 24, 2023). Rapists brandished knives and guns before the rape could occur: these incidences have left lasting trauma in the minds of victims who now suffer from anxiety, sleep deprivation and emotional distress of feeling unworthy. The pattern of sexual violence shows that the vice is widespread even in areas that are not necessarily at war. In most conflict zones in Africa, rape, like tribalism, may be used as a political tool to advance narrow political agendas. Paradoxically, rape is often construed or classified as a ‘normalized occurrence’ of civil strife (PBS News, August 24, 2023). A 21-year-old rape victim said:

...I was kidnapped on 5th November 2020 and held for 40 days alongside an estimated 30 other women. They held us captive, and we were not given enough food and water. So, they raped us and starved us due to lack of sufficient food. They were too many who raped us in rounds (Amnesty International, August 10, 2021).

It is critical to understand that women are often targeted because they are more vulnerable due to their lower status in society arising mainly from poverty and lack of education. This lack of economic and social independence makes women particularly vulnerable to people from outside of their communities. Another victim of rape, a 17-year-old girl said:

...I was abducted by eight men and held captive for two weeks. They took me to a rural area in the field. There, I was raped by the eight of them. Usually, they went out to guard the area in two shifts. When four of them went out, the rest stayed and raped me (Amnesty International, August 10, 2021).

So, above all other factors, poverty remains the key driver that pushes women into vulnerable positions where they are attacked and abused with impunity. Amnesty International (2021)

reports that during the Tigray war, twelve survivors said they were raped in front of their family members including children. In a separate incident, a 20-year-old woman who was raped said:

...three men came into the room where I was. It was evening time and already dark...I did not scream because they gestured to me that if I made any noise, they would kill me. They raped me one after the other...I was 4 months pregnant then. I don't know if they realized I was pregnant. I don't know if they realized I was a person (Amnesty International, August 10, 2021).

In assessing factors pertaining to civil and ethnic related conflicts, no analysis of civil wars can afford not to factor into the equation, the aspect of gender: Combatants use sexual exploitation of women to weaken the social fabric of the community. In other words, by disempowering those whose voices (such as women) who might mitigate the lure of political violence and other forms of sexual abuse, combatants effectively lower the bar of extremist violence which then allows them to engage in arbitrary acts that perpetuate wanton abuse of human rights and impunity. Accurate rape statistics are difficult to obtain as many victims do not report due to fear of reprisals or insufficient laws. Furthermore, the legal definition and methods used to count rape cases vary from one country to the other. Some countries consider non-consensual sex as rape; others do not consider digital penetration as something that necessarily counts as rape. Some states record any reported case while others only consider those that proceed to courts of law; while others only track male-on-female rape (World Population Review, 2024).

### **5.3 Chapter Conclusion**

Harmful cultural practices such as child marriages have tended to decline nowadays mainly due to government sensitization and intervention efforts that are being forged together with

traditional leaders. For instance, in all three countries under study, the legal age for marriage has been moved from 16 to 18, a significant legislative step to curb child marriages.

Harmful cultural practices clearly still form an essential part of African societal life. Duality of societies in Africa confirms existence of cultural practices that harm, especially women and children. Though geographically different and culturally diverse, Namibia, Ethiopia and Zambia share one distinctive feature, namely, possession of cultures that harm the dignity of women in the name of tradition. For instance, FGM in Ethiopia, child marriages in Namibia and Zambia continue to undermine the dignity and human existence of women. Culture is highly controversial in Africa where, despite bouts of democratic advances, culture largely remains deeply infused in traditional practices.

However, drawing a line on what really constitutes harmful cultural practices remains a highly contested subject between the state and traditional actors. For instance, in FGM-based societies like Ethiopia, an uncircumcised woman remains ‘dirty’ and outside mainstream society, so is an uncircumcised man. Similarly, cultural practices like sexual cleansing are said to be important for practicing societies and not seen as harmful. Whereas human rights advocates would scoff at assumed barbarisms inherent in such practices, the practicing countries would see nothing wrong in them. In traditional settings, the idea of giving children too many rights in the name of curbing child labour, are seen to be counterproductive. The fear is that children might grow up as lazy adults who would not have acquired the necessary adult life skill necessary to further the cause of the society. There is also a thin line regarding the categorization of child marriages. The labeling of such unions as ‘child marriages’ rather than as, ‘early marriages’ is seen to be disrespectful to in traditional settings. For instance, what material difference does it really make to suggest that a girl can marry at age 18, rather than at age 17? This confusion on what ages exactly constitute a ‘minor’ continues to be polarizing.

In Zambia, for instance, until 2023, a girl could get married at age 16 yet was not, on the other hand, allowed to vote in national elections until they reached the age of 18. The paradox here is that it seems to be illogical to stop a married person from voting on account of their young age; for if they can look after their homes as responsible married people why should those 'responsible married people' not be allowed to vote? So, the influence of modernity in traditional settings is detested and seen to be an invasion of cultural norms. On the other hand, however, exposing potential harmful cultural practices assists the community in deepening the sense of dignity especially of marginalized groups. Some cultural practices are undergoing aspects of reform due mainly to their governments' proactive engagement with traditional authorities.

## **CHAPTER SIX:**

### **WHY HARMFUL CULTURAL PRACTICES HAVE PERSISTED DESPITE THE EXISTENCE OF HUMAN RIGHTS TREATY CONVENTIONS**

#### **6.0 Chapter Introduction**

Although observations in Namibia, Ethiopia and Zambia suggest that engagements on human rights protection mechanisms between traditional actors and government officials have - in theory - improved, much more needs to be done to actualize or implement those human rights tenets. What seems to be the major hindrance is the lack of understanding by traditionalists of the broader implications of allowing harmful practices to continue. The existence and recognition of customary laws has also seemed to jeopardize the advancements made in national and international conventions on enhancing human rights.

Often, cultural leaders assume the role of formal judicial functions – these acts turn out to be impediments to the full attainment of fundamental rights. Also, many of the harmful practices are rarely questioned because they assume a social aura of morality in the eyes of those cultures. Therefore, there is need to engage traditional leaders continuously and constructively at the grassroots level to ensure effective implementation of human rights obligations. African traditional actors have criticized the universal rights regime for appearing to interpret democracy and human rights for African societies from Western perspectives. In this way, African traditions and subaltern rules are shunned.

It is argued that the tenets espoused in the Bangkok Declaration (1993) and the African Charter on Human and People's Rights (1981) provide sufficient roadmaps to guide the populations of the Global South on the aspects of human rights. In principle however, both the ACHPR (1981) and the Bangkok Declaration (1993) do recognize other international human rights protocols, but Africans point out their desire for universal rights to consider the virtues of the global South traditions and civilizations.

Importantly, this chapter explicitly answers the second and third research questions that were set out in the thesis introduction, which are: (b) Why have those cultural practices persisted, and what can be done to minimize them? (c) How have those practices affected the social, economic and political emancipation of marginalized groups such as women?

### **6.1 The Clash Between Perceived Harmful Cultural Practices (Liberalism) & the Right to Practice Specific Cultural Customs (Communitarianism)**

Since its inception, the idea of harmful cultural practices has been a manifestation of global solidarity which is extensively highlighted in human rights treaties but has also been a subject of major disagreements. Some also argue that the term ‘harmful cultural practices’ itself is deeply problematic and toxic which hinders efforts aimed at addressing such practices. It creates resistance from culturalists thereby removing the opportunity to modify or reform those practices. From the perspective of traditional leaders, cultural practices reflect values and beliefs that span generations, and which cannot simply be thrown away at the whims of international human rights organizations (Saharso and Dekker, 2020, pp. 1042-1061).

In Africa, such descriptions are regarded as a simplistic vilification of culture which overlooks the gendered nature of those practices which ultimately evokes a colonial discourse of supremacism. Practices considered to be harmful cultural practices by outsiders are not regarded to be harmful by cultures that practice them. Further, it is argued that every group around the globe has specific traditional practices and beliefs, some of which are perceived to be good to all stake holders while others are harmful to certain sections within that society (Roux et al., 2017). Also, the description of certain practices differs considerably between liberalists and communitarians; for instance, what libertarians call, ‘child marriages’ has a different connotative reference among communitarians who instead, regard such marriages as, ‘early marriages.’ In some communities, domestic violence is not viewed negatively

because to them, it symbolizes love and affection for the spouse. As such, the overlapping consensus of the defense of human rights requires cautious navigation because societies perceive cultural issues in different ways (Jones, 2001, pp. 27-30). In Zambia, for instance, a former government minister in 2013 was openly bragging that he beats his wife because according to his culture, the beatings are a sign of love. Ironically, some women also believe that being beaten by their husband or their boyfriends. i.e., the practice of domestic violence, is a sign of love (Lusaka Times, May 23, 2013).

As a result of these standpoints which are viewed from different lenses on what constitutes 'harmful cultural practices', scholars have long debated if, and how, liberal views can be balanced with cultural relativism. For instance, the use of cultural defense in the court of law is also common, whereby, defendants (the men) resort to the use of culture as a scapegoat for abuses against women (Longman and Bradley, 2015). Often, this tactic is used to reduce the men's liability for their abusive crimes against women by arguing that their culture led them to believe that those actions were acceptable. In some cases, men have had their sentences or charges reduced, or altogether dropped, on account of culture. This legal loophole has enormous consequences for victims, and the legal system itself might be viewed negatively by victims as a system that aids harmful cultural practices (Longman and Bradley, 2015, pp. 11-30). In some cases, the victims – realizing that the government court system is 'weak' – prefer to seek redress through alternative traditional court systems which are managed by village elders and village headmen/women.

Therefore, recognizing that cultural practices raise challenges for human rights is itself an important step that may allow human rights practitioners to move beyond the polarity of the rights debate and seek a minimalist position between universalists and cultural relativists. In political theory, the issue at hand is always the moral acceptability of the intervention since cultures are highly recognized even by UN bodies like UNESCO. Those UN organs see

culture in a positive light as an additional avenue for the promotion of international collaboration, cooperation, and development. Due to diversity and freedom as virtues that are inherently embedded in organizations such as UNESCO, a minimalist position on human rights might need to be navigated (Cohen, 2004); (Kukathas, 2003).

On the one hand, a liberal defense of human rights argues that human rights activists have illustrated on many occasions how the violation of fundamental rights is aided by a broader traditional atmosphere which aims to normalize human rights abuses. Practices that harm the well-being and rights of a person because of that persons' gender are particularly worrying to liberals (Fagan and Fridlund, 2016). Given that the majority of those affected by harmful cultural practices are female, those practices are grounded on unequal power relations.

Because of the pervasiveness of the tradition of patriarchy, de facto discrimination continues to be perpetuated against marginalized groups. However, when juxtaposed against universal rights standards, certain traditional practices are incompatible with the dignity of human beings especially women. Notorious practices such as FGM and child marriages take place with impunity under the guise of culture and religion (Fagan and Fridlund, 2016, pp. 21-39); (Nozick, 1977).

But communitarians argue that the justification for traditional rights stems from a person's dependency upon the communities they develop within and hence the right should apply to individuals' accessing their own traditional preferences (Kymlicka, 1995). It is also argued that a human rights-based explanation of what constitutes 'harm' cannot be based upon victims sharing other people's evaluation of certain practices as 'harmful'. Due to this, there is need for a shift away from the view of culture as being incompatible with human rights. More needs to be done by human rights practitioners across cultures towards an appreciation of how culture can and does support the fulfilment of fundamental rights. Communitarians argue that universal rights are only an envisioned proposition which has limited applicability

due to diverse interpretations of the meanings and application of certain human rights laws (Mutua, 2003); (Pollis and Schwab, 2000). Harmful cultural practices are not just limited to the global South but also occur in West societies (Jeffrey, 2014). For instance, from the African perspective, the assumed Western cultural supremacy as an attitude embedded in many white societies, itself constitutes a form of ‘subtle informal harmful cultural practice’. Furthermore, the pervasiveness of racism in the West - though not legally or officially recognized by European states - is a practice that – to all intents and purposes -count as an informal harmful cultural practice. So, the question that might arise is: How does racism as a ‘cultural Western practice’ harm fellow White people? The answer is twofold:

(1) It harms those Whites who do not believe in it, because - by virtue of association – they are projected by outsiders as people who believe in it, and yet not.

(2) It harms especially mixed-race children (i.e., Black Europeans by birth) who are sometimes subjected to racist slurs, creating an impression that they are sub-humans.

Mobilities, migrations and intermarriages have also increased the chance of people being potentially influenced by other traditions thereby making them have intertwined lives, hence narrowing, or diluting what might count as harmful practices (Jeffrey, 2014); (Mackenzie and Stoljar, 2000). Vladimir Kartashkin, a former UN Advisor at the Human Rights Council (HRC) argues that all international human rights conventions, whether regional or international, must be based on, and not contradict, traditional values of humankind. He further asserts that if this is not the case, those international human rights cannot be regarded as valid. The context of this argument is that human rights that are formulated without wider consultations from specific constellations or those that do not reflect the concerns and values of certain cultures become meaningless because they will not be respected or implemented (Kartashkin, 2011).

## 6.2 The Influence of Ancestral Codes, Spirits & Rituals

Contrary to Western education, the African traditional education is based on informal systems, yet it has produced firm educational foundations that are durable; they are built around oral laws, oral history, oral literature, folktales, dance, songs, and storytelling. To sustain this system, each generation has a duty to pass on the acquired knowledge to the next generation through forms of apprentices that involve a mentor who molds younger people with essential life skills. Fundamentally, culture is a culmination of what a specific group of people do, think, and envision (Hasty et al., 2022, pp. 80-81).

In the cultural life of most Africans, ancestors (as part of the knowledge system) are important symbols of cultural heritage and traditional life – they once lived and now have departed and become living spirits. When they lived, they were believed to be model citizens of moral social fibers and, as such, they command great respect and influence even in their death. In fact, their spiritual authority as supreme beings, is even more profound in their demise (Mudzudza, 2024). On the value of ancestors, an interviewee of this study, Nghipudilo Ya Shiindi, a spiritual Oshiwambo community leader in Namibia said:

...we are living in the physical realm while the ancestors who have passed on are in the spiritual realm...their bodies died but not their spirit. We are here because of the ancestors and that is why we honor them, they protect us, they guide us, they walk with us...they are always with us. For us, God is not a human being but nature itself, not somebody in the sky watching everything (not like Christianity which talks about heaven). Today, we are living in an evil world where the erosion of our culture is called, development (Personal Interview, August 10, 2022).

Ancestors maintain a spiritual connection with the living and their spiritual influence is seen in the trees, rocks, forests, in the rivers and mountains and, as such, their spiritual influence is omnipresent. The connection with ancestors is also revealed through dreams which are regarded as an inscription of the real events to come (MacGaffey, 1986, pp.43-50). They are

believed to look after the welfare of their descendants and have power beyond human control such as the power to bring rain or calamities such as drought. In this context, ancestors are seen as mediators and a means to God who can make the prayer of a believer successful. Because of this spiritual power, ancestors can harm or protect the community (Buhring, 2022, pp. 21-43). For instance, when strange illnesses occur, or when there is crop failure, the community believes that it is a warning from ancestors that there is something wrong that people in the community are doing such as failure to follow ancestral codes. Because they are parents (although dead), ancestors have a duty to discipline their children (the living people) when they go astray (Mudzudza, 2024). One of the most paramount ancestral codes that needs to be practiced by all people in the community is obedience to those in authority. Other cultural codes include, not breaking sexual taboos and, ensuring that one looks after widows and orphans. Justice is also an important aspect of the codes: since ancestors are custodians of ethics and morality, dispensing justice (making decisions without bias) in a case involving community members is an important virtue or code to maintain.

Hospitality is another ancestral code in traditional culture which requires that guests are welcomed with generosity and offered food and drink. A guest who refuses such offers may be out of step with the norms and would be viewed to be impolite. Ancestral codes also involve acts of pleasing and respecting cultural heritage; this includes honoring ancestors in sacred places where rituals and sacrifices are performed (Mekoa, 2019, pp.99-103). For the celebration of births, and marriages, a calf or a lamb may be slaughtered as a way of honoring ancestors for those blessings. Rituals – in a broader frame - are special kinds of practices that take various forms and are associated with symbols, objects, gestures, meanings, music, and ceremonies. They also involve special offerings, special dance and rhythm, folktales, storytelling, and the use of proverbs to explain certain enigmas. Refusal to offer a sacrifice or failure to perform ritual festivals would amount to disregard for the ancestral codes. In most

African cultures, music and dance are not mere activities but important cultural and ritualistic practices that symbolize a sense of human existence. Through music, a variety of moral expressions and meanings of life as guided by ancestors are manifested (Hasty et al., 2022). In Namibia, for instance, rituals include music such as reggae (Jamaican music) which was very popular during the struggle for independence because such music was and is still seen as a symbol of resistance against injustices such as apartheid, racism, and colonialism. Even after independence, reggae music especially in Namibia, South Africa and Zambia is still played as a form of ritual that connects the soul with the days of emancipatory struggles. So, reggae often plays a dual role: as sheer entertainment as well as a form of ritual that honors the sacrifices made by fallen heroes and legends of the independence struggle. In Ethiopia, reggae music is also played as a ritualistic symbol to pay tribute to the courage of the late Emperor Haile Selassie (Tsoubaloko, 2013, p.8). The punishment that is associated with failure to adhere to the traditional ancestral codes could lead to a variety of calamities and misfortunes such as failure of crops, or domestic animals being killed by a mysterious disease. The misfortunes would signal to the community that the ancestors are angry (Coe et al., 2013, pp. 110-128). The withdrawal of those ancestral protective powers is believed to bring long-term negative effects upon the lives of the community. In some cultures, to date, diseases such as HIV/AIDS are viewed as a curse upon the people for not honoring the ancestral codes. An interviewee of this study, Joe Simfukwe, a theologian, counselor and advisory board member of the NGO, Restored Hope Zambia, said:

...ancestral codes were very important to follow and the punishment for such failure took a toll on the lives of offenders. One of the important codes for men was for them not to sleep with other people's wives. Adultery was associated with bringing a curse in the family by way of certain misfortunes happening such as the failure to be successful in one's career. This is why in some cases, tradition permitted polygamy so that men who cannot hold their sexual urges with one wife, could find sexual relief with other wives. When it comes to women, adultery was a real abomination that carried wider consequences because women were regarded with much respect as central features of the homestead. Wives were widely seen as key to family cohesion, family success or family

failure. So, a cheating wife would normally be punished by the ancestral spirits by them contracting an STI. Once the faithful husband noticed that he had an STI, he could confront the cheating wife and ask the elders to facilitate a divorce. To be divorced due to cheating was a very shameful thing to happen. Cheating wives were normally more stigmatized in society than cheating men (Personal Interview, May 20, 2022).

Those who broke ancestral codes were required to please the ancestors by way of providing an offering or performing other forms of sacrifices which could include slaughtering a goat, or a cow and performing associated rituals of forgiveness. In Ghana, for instance, communities like the Akans administer stiff punishment against thieves, murderers, and adulterers, for breaking sacred ancestral codes. Once convicted by the traditional court, a thief might be required to carry the items they stole and parade them, sometimes the thief is stripped naked and whipped. Other offenders might be banished from the community (Morgan and Okyere-Manu, 2020, pp.11-31). Another important ancestral code was the practice of rites and ritual ceremonies which, to date, continue to be an important aspect of traditional life that brings peace and harmony in society (Perman, 2011, pp. 59-92); (Mekoa, 2019).

For instance, special rituals called, rites of passage (such as puberty) are used to mark the ascension of a person from one social level to another through three stages of ritual performances classified as separation, transition, and incorporation. In the first stage (separation) the person leaves their current social status and moves to the second phase (transition) where people live in an in-between status which is secluded and devoid of the usual rules and where they may adopt their own way of framing situations. During this transitional stage, they learn new forms of knowledge, often special knowledge and spiritual awakening that equips them to handle future challenges with wisdom. In the last stage (incorporation), the person is brought back into society by way of conducting a ceremony to celebrate their new social status (Hasty et al., 2022). To illustrate further on the significance

of respecting traditional rituals, a small fishing district of Mpulungu in Zambia is located on the banks of Lake Tanganyika with several small islands off its harbor which are historically considered as sacred places. It is believed that talking about those islands in derogatory terms could bring bad luck which might include drowning on the lake. For a long time, there had been many traditional medicine practitioners living on those small islands who 'control' the way of life through application of ancestral codes, rituals, and traditional medicines for good fortune. In Ethiopia, the Mursi are a small ethnic group based in the southern part of the country who practices animist religion that arises from the observation of nature. They believe in a higher force, 'Tumwi' (some form of God) who manifests himself often as a rainbow or in forms of birds. Apart from that, they also believe in the power of female healers called 'Ngerre' who perform rituals to heal (strange) diseases that may be linked to the power (and annoyance) of 'Tumwi' the God. The rituals that allow the 'Ngerre' to cast out the disease is called 'Leto' whereby clay is used to rub the face and other parts of the body as part of the healing ritual (Yigezu and Turton, 2005, pp. 242-257). The picture below shows the rubbed ritual clay on the bodies.

Figure 13. The Mursi people of Southern Ethiopia



Source: Exploring Africa, 2024

However, an interviewee of this study, Kingstone Shula, a senior lecturer in marketing and management at Evelyn Hone College in Zambia offers counsel on the limits of cultural influence by asserting that:

...cultural dynamism is an essential element of societal growth. While many cultural practices are of essence, some of them need to undergo reform if they are to remain relevant to the twenty-first century intrigues of the fast-changing social, economic, and political landscapes of globalization. Global mobilities and a redefined approach on citizenship means that the classical settings of culture and tradition are being shaken and challenged. Therefore, insisting on retaining systems that is no longer in use might not help societal advancement. Many developments have taken place in Zambia courtesy of global interventions. Today, we benefit from a variety of global advancements such as mobile phones, international banking systems, advances in trade, health care, agricultural technology. Therefore, reform of our cultures is necessary and unavoidable (Personal Interview, July 20, 2018).

The views expressed by the interviewee above shows that perceptions of staunch beliefs in traditional life might be fading especially due to the influence of modernity which is gradually permeating even in African societies that were previously perceived to be traditional die-hard strongholds. For instance, in Zambia, the construction of more primary

schools in rural areas coupled with government new policy of free education for primary and secondary schools, means knowledge levels will start increasing that could over time shift the traditional thought processes that are embedded in superstitions and dogmas. Africa needs to reform some of its traditional dogmas that are no longer fit for purpose, i.e., some traditions continue to aid the promotion of dictatorial governance systems in a manner that is devoid of reflective reasoning, e.g., patriarchy masquerading as religion and culture. These patriarchy penchants have led to poor participation of marginalized groups in governance (such as women and youths) turning governance into a preserve of only a few; creating kleptocracies and cabals that have no respect for human rights.

### **6.3 Perceived Interference of Traditional Culture by Outsiders**

What most Western countries might regard as intervention to protect human rights in Africa is seen by locals as interference in their cultural way of life. Mbabazi (2015) and Ngohengo (2021) argue that in contemporary Africa, what is regarded as inequality across gender among Africans is rather a new interpretation assigned by Westerners using the influences of imperial traits and the liberal agenda whose capitalistic disposition stand contrary to local African traditional norms. Traditionalists argue that these new perspectives have eroded African cultural systems which are based on mutual respect across the gender lens. Africans believe that the enjoyment of rights and individual freedoms also implies the performance of duties on the part of citizens. The preamble of the African Charter on Human and Peoples' Rights (ACHPR) (1981), in part, states that:

...Africans must be conscious of their duty to achieve the total liberation of Africa, the people of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism, neo-colonialism, apartheid, Zionism, and to dismantle aggressive foreign military bases and all forms of discrimination, particularly those based on race, ethnic groups, color, sex, language, religion or political opinions.

Specifically, Article 20 (I) and (II) of Chapter I of the ACHPR (1981) states that:

...all peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen. All peoples shall have the right to assistance of the States parties to the present Charter in their liberation struggle against foreign domination, be it political, economic, or cultural.

However, due to the continued prevalence of certain practices that are regarded as violations of human rights in Africa there is a need to harmonize customary laws with relevant national, regional, and international obligations that reflect agreed human rights standards.

In interviews with NGOs and government officials, the authorities seemed reluctant to address harmful practices in a candid manner for two main reasons: (1) while some officials would like to bring about real change in terms of human rights reforms, they fear reprisals from traditional actors; after all, the officials themselves come from those same traditional settings, (2) some government officials see themselves as playing a role of *devil's advocate* in the sense that while they are expected to support government position on implementing international human rights standards, they (in private as individuals) do not really believe in universal rights. These fears are echoed by a focus group interview conducted in Zambia at the Kabwata Cultural Village Centre, Lusaka, which argued that:

...as members of the community, we are bound by the resolutions of our traditional elders, the headman, headwoman, and the chiefs. We are expected to respect traditional practices ...we cannot betray our elders otherwise we may not be blessed in our lives...we need the blessings of elders for us to prosper (Personal Interview, May 1, 2018).

Abuses or rather, non-adherence to universal human rights continue to persist for several reasons, many of which are fathomable, yet others need to be brought into question.

From the perspective of traditional practitioners, the so-called 'harmful practices' are not in fact considered to be destructive but as positive cultural practices. Instead, the talk about

universal rights are what is regarded as an intrusion of their cultural values that have long molded societies to be disciplined polities which has helped to sustain community harmony (Molomo, 2009). The universal regime is seen as an encroachment that provides no genuine redress for traditional grievances, for instance, on how to maintain ‘crime free societies’ that are largely associated with cultural settings. Further, the examples provided earlier in the paper regarding the corrupt state legal systems indicate that key state institutions are not trusted by an average citizen due to bureaucratic incompetence and corruption, something which is seldom observed in traditional settings. This position is supported by an interviewee of this study, Tapiwa Victor Warikandwa, a professor of law at the University of Namibia, who argues that:

...we must tread carefully how we label cultural values...most of the traditional norms practiced in Africa are not harmful as claimed by outsiders. These practices have been successfully passed on from one generation to the other and local people have not complained about them...only outsiders seem to be concerned about these norms. These values have helped to keep societal members away from illicit behaviors especially the conduct of young men and young women that we are beginning to see today... all in the name of human rights. There might be a few cultural practices that may require to be reformed but broadly, the prevailing norms promote good behavior in society (Personal Interview, March 15, 2022).

The concerns raised by the above interviewee are instructive: Labeling traditional norms as ‘harmful practices’ is seen in traditional circles as demeaning and a blatant affront on cultural values. Categorizing traditional norms as ‘harmful practices’ and blaming traditionalists of practicing norms that have ‘destructive societal consequences’ is counterproductive. Such a view is understood as a vilification of culture, and as such, it triggers resistance whereby traditionalists begin to dig in; this position then blocks state authorities from attempting to reform those systems (The European Institute for International Law and International Relations, 2021). Another aspect to consider is that societies operate under dual legal systems, i.e., customary law systems and constitutional law mechanisms. Customary law in

relation to ethnic communities is a recognized law of a particular ethnicity if such a law is not incompatible with the national constitution. Given that customary law is recognized within the national constitution, customary practices have hence been placed with prominence in a range of societal contexts. In some instances, customary law reigns supreme in areas of family and inheritance norms thereby strengthening the traditional social order. This implies that traditional practices -broadly defined, and by default - may be lawful in many instances (Cailleba and Kumar, 2010). African traditionalists argue that respect for cultural and religious matters is key to fostering international peace and justice.

Traditional actors also argue from a communitarian perspective that no culture is superior to any other culture in terms of their system of morality, law, and religion (Kartashkin, 2011).

Cowan et al. (2001) assert that the community, and not the individual, is the central unit of analysis in traditional settings. In this connection, the concerns of communities come first.

From the traditional angle, human rights reflect concerns about collective security and the promotion of community solidarity. In traditional settings, the principles of morality are deemed to be issues for the culture, and not subject to the impulses of the public institutions.

Culturalists argue that tradition is not meant to be like other public organizations that pander to mainstream standpoints or to change according to the newest public opinion reviews.

There also seems to be an overlap or a contradiction of sorts within the universal regime: for instance, the same instruments that promote individual rights such as the UDHR (1948) and UNESCO (1945) also recognize cultural rights in many dimensions.

Given that cultures (and its norms) are 'protected' under the same universal rights regime, abuses of minorities and marginalized groups could easily occur, under the cover of cultural rights that are endorsed by UNESCO (1945). This gap within the universal instruments is therefore open to 'cherry picking': For instance, Africans used the UDHR (1948) as powerful UN instrument to challenge the ills of the apartheid regime in South Africa but have today

failed to use the same instrument to champion the rights of children and women. Education (itself a human right) is not easily accessible to an average African citizen especially girls: African literacy levels are at an average of 70% compared to world averages which stand at 90% (Tasamba, 2019). In today's knowledge driven economies, access to quality education and the chances for development are two sides of the same coin. Additionally, the enduring negative legacy of colonialism and cultural imperialism has captivated intergenerational African politics of defiance against any perceived Western agendas (Ngugi, 1993). Further, traditional actors argue that it is inconsistent for a universal concept to emphasize the value of free choice yet in the same breath appear to justify the pressuring of subaltern states into adopting liberal values such as universal rights. This position is also supported by an interviewee of this study, Phaniel Kaapama, a professor of political and development studies at the University of Namibia, who argued that:

...human rights are one-sided as they only seem to favor Westerners. If you as an African want to travel to Europe, you are required to fulfil many conditions to the authorities even if you are going for school or going to attend a conference ...even if you have a decent job, you have to be scrutinized and provide evidence of sufficient funds to cover your proposed period of stay...such strict requirements do not apply to Europeans who want to travel to Africa. Apart from that, if you look at commodity prices of African goods...they are decided by Europeans without consulting Africans; so, do these actions reflect pronouncements of universal human rights and free choice? (Personal Interview, April 12, 2022).

Obioha (2021) and Wiredu (2002) assert that presentation of narratives on African way of life and traditions are dominated by non-Africans who often tell the African story from their deep-seated outsider viewpoint. Consequently, Africans are skeptical about such modernist and positivist orientations. For instance, some traditionalists argue that the UDHR (1948) was drafted by cosmopolitans who enjoyed certain societal privileges, and hence their perspectives did not properly reflect the concerns of ordinary people of the Global South. In other words, cosmopolitans and ordinary people conceptualize and operationalize human

rights norms differently. Further, the UDHR (1948) itself was drafted with virtually no input from Africans who at the time were still under colonial rule. It therefore follows – logically - that the Western framers of the UDHR (1948), otherwise the colonialists and their surrogates, could not have come up with a document that could genuinely advance the cause of the subaltern populations (Le, 2016). However, it can also be argued that there are some treaties/conventions that have been intentionally adopted by African states themselves which are not necessarily different from the global documents. For instance, on a deeper examination, there is not much that is fundamentally different between the human rights aspirations and protection mechanisms contained in the supposed ‘foreign document’ of the UDHR (1948) and those contained in the local African document of the ACHPR (1981). For instance, Article 60 of Chapter IV of the ACHPR (1981) admits this mutuality in human rights comprehension by stating that:

...the commission shall draw inspiration from international law on human and peoples’ rights, particularly from the provision of various African instruments on human and peoples’ rights and the UN Charter, the Universal Declaration of Human Rights, and other Specialized Agencies of the UN.

But religious scholars argue that the universal regime’s concept of subscribing to complete freedom of belief is seen as untenable because such freedoms include the right not to believe in God or in religion (Khadduri, 1984). On economic growth, traditionalists argue - leaning on the East Asian economic development policy model - that the right to development takes priority over other rights. Therefore, for Africa to meet its human rights obligations, it needs to prioritize development even if such development comes at the cost of limiting civil liberties (Le, 2016). This position is also supported by an interviewee of this study, Romanus Shivoro, assistant director for international relations at the University of Namibia, who asserts that:

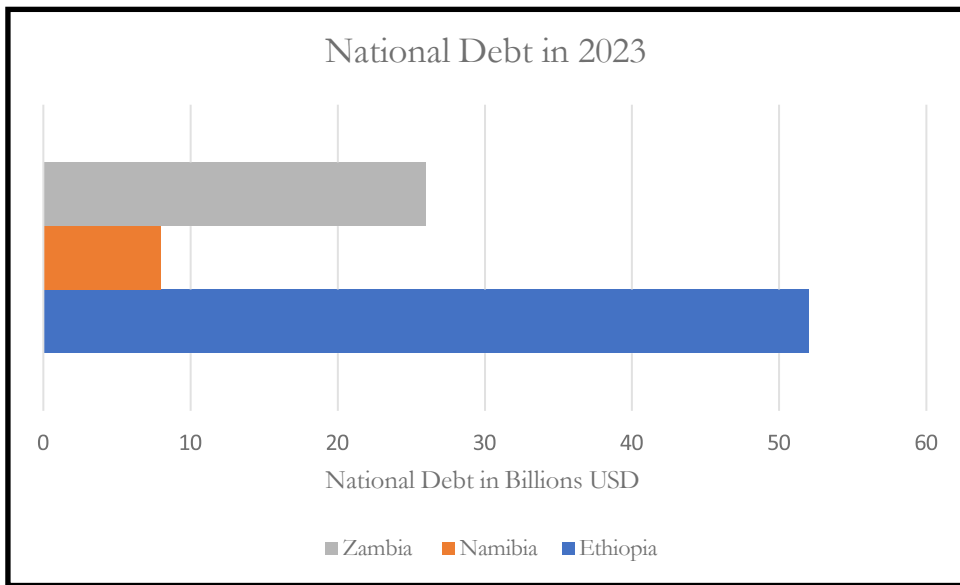
...the idea of rights should be seen in the context of the net benefits that will accrue to a particular constellation. For instance, if a homestead has a large herd of cattle, or goats or farmland for grain, they need their children to inherit the management of those possessions. There will be little point to insist that those children should abandon the homestead and pursue educational courses where upon completion, they will find no employment, yet they abandoned *readymade employment* at their home stead. This is not to suggest that education is not important, but pursuing education should be accompanied by the assurance that it will yield tangible and meaningful results, not just ending up with certificates but no jobs (Personal Interview, March 22, 2022).

In addition, the shifting geopolitical landscape such as the rise of China as an economic powerhouse provide a boost to African traditionalists that the Chinese/Asian development model which is devoid of universal rights can deliver tangible results to ordinary citizens. This phenomenon is something that Western-inclined states who preach about universal human rights are still struggling to attain. So, contrary to Western scaremongering about the need for African polities to have democracy and human rights for them to advance, the relative success of the Asian model has essentially poured cold water on that narrative. Critics argue, however, that these exceptionalisms, i.e., the African cultural successes and the promising Asian development state models only over-emphasize the positive aspects, yet the negative features associated with those models such as abuse of human rights are often under-examined (Omodara et al., 2023, pp.19-44). However, on the question of universal rights, an interviewee of this study, Artwell Nhemachena, a professor of anthropology at the University of Namibia, who argued that:

...cultures themselves have human rights, for instance, the Ubuntu concept in South Africa is a philosophy that promotes human values, human rights, and human dignity particularly in southern African traditional societies. Universalism is a concept framed by powerful members of the international society who dominate, and shape international affairs based on their interests. For instance, the wealthier people live in lower density residential areas are the only ones who enjoy the benefits of globalization and modernity. The free-market economies have led to an increase in the gains of modernity such as shopping malls etc....but these facilities are only accessed by a small proportion of our people; the majority cannot afford them. This is not a good benchmark for accessing human rights (Personal Interview, March 8, 2022).

Another concern is that the push for the right for women to own property such as farmlands ownership instead of communal land ownership tends to take a commercial profit-driven disposition. This position works at cross-purposes with the values of community solidarity, i.e., private property ownership is broadly viewed with misgivings because of its capitalist artefacts which puts profit maximization above any other societal considerations and goals (Home, 2013). The debt burden and the failure of globalization to deliver tangible results in Africa is another challenge. Due to a huge debt burden, many African states are failing to make economic progress. Debt has negatively affected pivotal areas needed for stirring development such as health care, education, and food security. Africa's biggest weakness as an actor in international relations, is its on-going poverty; African people need to be given a stake and a belief that they have a gain in their home countries especially in form of job creation. People must believe that living in Africa means that you matter as opposed to the current trend where most people feel socially excluded and thus, embark upon emigrations to Europe (Mutambara, 2019). The figure below shows the debt burden in the three countries under study.

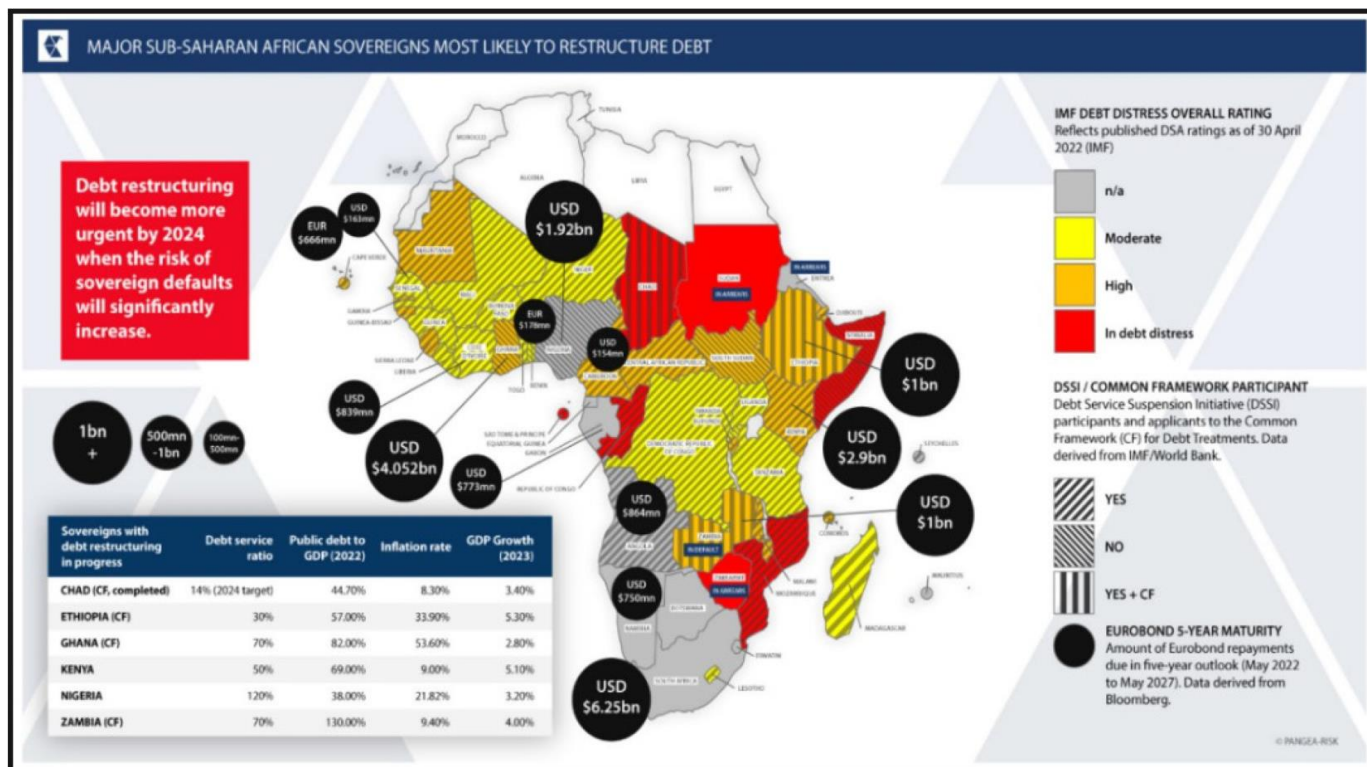
Figure 14. National Debt for Zambia, Namibia, and Ethiopia



Source: World Bank Report, 2023

The figure below shows the regional and continental spread of debt burden in Africa.

Figure 15. National Debt for Africa



Source: Tradefinanceglobal.com, 2023

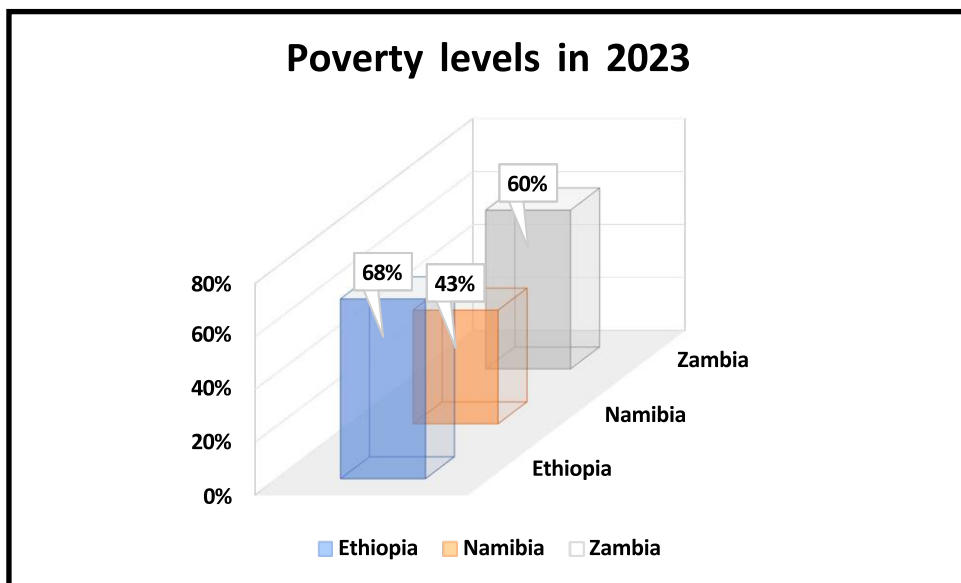
Skeptics might ask the question: What has debt got to do with human rights? Well, the human rights enterprise should be understood as a global public good. This question is aptly answered by the Vice President of Zambia, Mutale W.K. Nalumango, when she said:

...human rights are not just a legal matter...human rights mean people living meaningful and enjoyable lives. Therefore, if you are living in poverty, there are no human rights. Legal matters on human rights are in the statutes and in the Bill of Rights, but it is the idea of bringing them to fulfillment that counts (for instance, through the introducing free education) (UNHRC Conference, December 13, 2023).

Economic inequalities are growing, yet more wealth is being produced than ever before. For instance, the UN estimates that labor productivity grew over 2% in 2017, but the wealth is not equitably shared. The International Labor Organization (ILO) asserts that the labor share of GDP has been falling for 25 years and the trend has not changed. Oxfam indicate that 82% of all the wealth made in 2016 went to the 1% most wealthy while the poor continue to see no change in their welfare (UN Human Rights Commission, 2019).

The figure below shows poverty levels in Ethiopia, Zambia and Namibia.

Figure 16. Poverty levels proportional to the total population



Source: World Bank Report, 2023

Human rights cannot be attained without development that is tilted towards alleviation of poverty, and as such, the failure of globalization, democracy, and technology to produce

palpable results for most of the local populations of Africa means that the universal human rights question has not been adequately answered. The effects of globalization on Africa, such as structural unemployment, human trafficking, transnational illicit financing, and the proliferation of small and light weapons pose considerable odds for security and sustainable economic growth of most vulnerable African economies.

As Englund (2006) has observed, ideas of democracy and freedom in weak states impede struggles against poverty and injustice. Through the African elite, foreign aid and human rights activism has been manipulated to hamper the hunt for democratic citizenship on the continent. So, the often-elite human rights activists' aspirations of self-improvement, pursued under severe economic conditions, find in the human rights dialogue a new way of distinguishing them from the poor majority. Among the elite, the emphasis on theoretical human rights evades hostilities with the ruling class. There is need to cultivate a new proposition on democracy and freedom—one that acknowledges the far-reaching implications of debt and obligation.

Saadawi (1994) summarizes this economic conundrum by asserting that:

... (science and) technology of oppression, and might without justice have become more pronounced, and the fetters imposed on mind and body have become invisible. The most dangerous shackles are the invisible ones, because they deceive people into believing they are free. This delusion is the new prison that people inhabit today... we inhabit the age of technology of false consciousness, the technology of hiding truths behind amiable humanistic slogans. Democracy is not just freedom to criticize the government or to hold elections; true democracy obtains only when people can change the system of industrial capitalism that has oppressed them since the earliest days of slavery; a system based on class division, patriarchy, and military might; a hierarchical system that subjugates people merely because they are female or dark-skinned.

Similarly, climate change effects occasioned mainly by actions of powerful states' refusal to comply with UN emissions thresholds continue to be a challenge for weak states of Africa.

Factors such as deforestation and massive industrial activities relating to pollution, influence

climate patterns which - in the long term - contribute to changes in temperature, flooding, more intense heat waves, droughts, acid rain, poor soil fertility, poor yields, pastoral conflicts (due to shortage of grazing land), and unplanned mobilities/displacements. To emphasise Africa's demands on climate change thresholds, the former Prime Minister of Ethiopia, Meles Zenawi, said:

... we (Africans) will never accept any global deal that does not limit global warming to the minimum unavoidable level, no matter what levels of compensation and assistance are promised to us ... while we will reason with everyone to achieve our objective, we will not rubberstamp an agreement by the powers that be as the best we could get for the moment. We will use our numbers to delegitimize any agreement that is not consistent with our minimal position. If needs be, we are prepared to walk out of any negotiations that threaten to be another rape of our continent (UN Economic Commission for Africa, 2010).

This illustrates that stronger African claims for environmental justice against the biggest environmental offenders remains an imperative human right concern. This further shows the deep resentment that Africans have concerning neo-imperialist tendencies that have little regard for the continent's concerns. But several African critical voices do not agree with the notion that Africa's underdeveloped is entirely due to Western interference. They also do not agree that cultural resistance on reforms on human rights is due to Western meddling, but as an internal governance problem. A Zambian academic, Field Ruwe, argues that Africa's troubles, including the human rights question, are down to internal governance issues. He asserts that:

...most African scholars impute the guilt of our failures to the activities of the colonizers. This is a shame and tragic phenomenon. We sit on inexhaustible mineral wealth worth trillions of dollars yet remain clueless about how to dig deeper into our own earth, remove our God-given ore, and haul it to the processing site using our own factory-made conveyors, trains, shuttle cars, and flash smelting furnaces. This is the greatest enigma surrounding us as a people; we are a people in Socrates's Allegory of the Cave, who have been chained to the wall of a cave all our lives. We hopelessly watch shadows that represent the fragment of the reality of looters ransacking our wealth. We cannot break the chains because we do not desire to leaver the cave, for we know no other life but penury and alms (Lusaka Times, May 10, 2022).

An interviewee of this study, Kuruvilla Mathews, a professor of international relations and African politics at Addis Ababa University projects similar sentiments. Mathews argues that:

...resistance to change on human rights might be a convenient cover on the general problem of lack of fiscal discipline, lack of transparency and accountability and yet these values are embedded in African's own conventions such as Agenda 2063 which like the SDGs, is a blueprint for transforming the continent through inclusive and sustainable governance. So, how can you achieve inclusive governance if you do not honour your human rights obligations? Also, there is a lack of application of most of the AU protocols on good governance such as the African Peer Review Mechanism (APRM) and the News Economic Partnership for African Development (NEPAD) (Personal Interview, December 23, 2019).

Another interviewee of this study who shares these sentiments is Yechale Asmamaw, a photogrammetrist working in Addis Ababa, Ethiopia, who said:

...many African governments are hiding behind culture to escape accountability. Any person dealing with human rights is seen by authorities with some distrust because they think the West is using them to change things here. There is a lot of abuse which goes on silently...few people are willing to talk about human rights openly and truthfully. Even where criticism is made on abuses, one must moderate those criticisms, or must exercise what is called, self-censorship (Personal Interview, January 24, 2020).

The incompetence of African leaders is expounded by Victor Ojkorotu, a professor at Northwest University in South Africa, who argues that:

...Africa has been branded the most underdeveloped region of the globe for far too long because the continent has been recirculated by people with little or no vision to transform the continent from its bedlam state. The current generation of leaders lacks the renaissance spirit needed to usher in a new and developed Africa. Africa requires a rebirth or a new generation of leaders with reviving spirits to face a variety of challenges, including regional fragmentation and knowledge deficits, poverty, undemocratic practices, and human rights abuses. The way these underlying issues are addressed will have a significant impact on Africa's relevance and influence in global politics (Ojkorotu, 2022, pp.9-11).

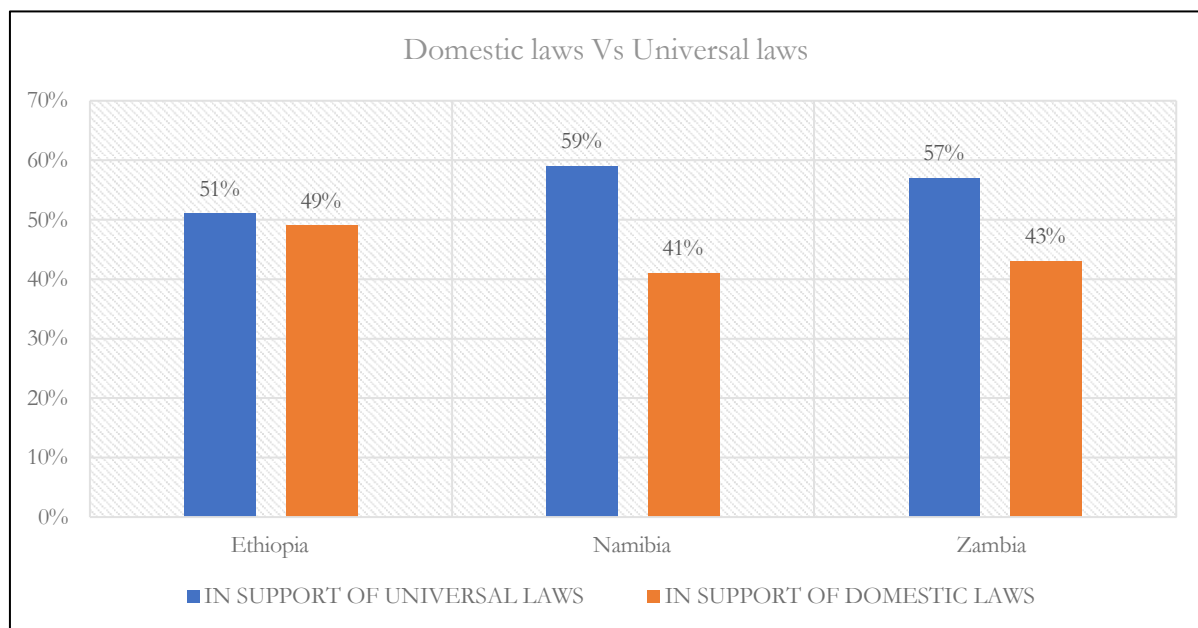
Olusegun Obasanjo, the former President of Nigeria and one of the leading figures in African politics, laments that the factors that have negatively affected all-round continental

development is the lack of peace and security; that peace cannot be achieved without justice, equity, and inclusive society. Obasanjo bemoans the lack of sound political leadership as a critical factor in development arguing that over the past sixty years (after decolonization), Africa has not lived up to expectations due to the level of emptiness, ignorance, incompetence, greed, and arrogance of many successive leaders. Obasanjo lays bare this African leadership gap which has caused turmoil, instability, and lack of growth when he asserted that:

...we need to admit our failures...we need to tell ourselves the truth that we have not done well on this course (of providing effective leadership especially) in the recent past. We have disappointed ourselves; we have disappointed Africa; we have disappointed the Black race and disappointed the world. If (for instance) we look at the issue of education where over 20 million (in case of Nigerian) children that should be in school are not in school... you do not need an oracle to tell you the consequences of that (situation) for tomorrow. Skill acquisition, empowerment and employment of youth who seem to be ignored (is a looming disaster). We do not need to look far for the remote causes of banditry, Boko Haram, kidnappings, and other organized crimes. We are living dangerously on the edge of gunpowder by driving more people into poverty through 'good policies' that are poorly implemented, and from (sheer) bad policies, and from no policies at all (Channels Television, July 25, 2023).

A survey carried out on post-graduate students in Ethiopia in 2020 (Addis Ababa University), Namibia in 2022 (University of Namibia) and Zambia in 2022 (University of Zambia) to gauge the best mode of attaining rights for marginalized people (such as women) suggest that an average percentage of respondents (55%) prefer the universal regime as a better mode than domestic human rights laws. The figure below illustrates this position. This figure seems to reflect the views of ordinary people who see nothing wrong with the universal rights regime. The figure below shows percentages of students' preferences between universal laws and domestic laws (Namibia, Ethiopia and Zambia).

Figure 17. Post-graduate student survey results on universal vs domestic human rights laws



Source: Author survey, 2022

So, while most ordinary citizens seem to see nothing necessarily wrong with the universal human rights regime, it is ironic, that some of the acerbic criticisms of the universal human rights regime come from university professors, a significant shift from mainstream (Western) academia's positive image of universal rights. The contradiction could not be starker.

Traditional actors have accused the West of carrying out fishing expeditions on human rights in African traditional settings without due regard of the cultural implications of those actions.

Based on the assertions of de Coning (2020), for a society to live sustainably in harmony, it needs to generate its own ability to self-organize. The context of this framework also encompasses the processes that can be empowered by outsiders, but eventually, any support process should have the disposition of a bottom-up approach. Local actors are the ones that can fully grasp the challenges at the grassroots level. The solution, therefore, to successfully harnessing of contentious human rights values lies in finding an appropriate balance between international interventions and local self-organization. Africans contend that the universal

human rights regime is unlikely to trigger compliance if it ignores local constellations and traditional interests. By undervaluing the intricacy of cultural settings, many international involvements in local matters have contributed to the very volatilities in traditional settings that they originally intended to remedy. The international community needs to engage traditional leaders in a constructive way such as the use of soft-power politics approach. Poncian (2015) observes that the more pressure that is exerted by the West on African leaders, the more the Africans seem to dig in. The challenge at hand seems to be finding a compromise between NGOs (and the governments) and traditional actors on the question of having a middle ground on human rights implementation. There seems to be a complex relationship between laws and traditional norms. While laws stipulate punishment for breaches, the laws in themselves are not sufficient instruments to tackle various forms of human rights violations. The solution lies in the general societal atmosphere of tolerance, and not necessarily on laws. When polities become more tolerant, they may come to realise (on their own) that these ‘human rights battles’ are not necessarily about ‘Western’ versus ‘cultural’ practices; rather, they are between a fight for and against a human rights culture. Therefore, improving quotas for women and adopting affirmative action for minorities are important societal steps that would ensure the active involvement of women in polity governance.

The description of ‘positive cultural practices’ is often ambiguous and only works to perpetuate abuses of human rights under the guise of culture and religion. This said, however, society must strike an appropriate balance to harness cultural practices that do not infringe on human rights to foster culture. This way, stake holders will guarantee that efforts undertaken to address harmful practices are founded on a human rights-based approach.

This underscores the need for access to education by all citizens to help improve the conceptual comprehension of fundamental rights. Education, after all, is a vital means of

realizing other human rights. On the other hand, however, the continued practice of harmful traditions has significant implications on the development of women as their human potential may not be fully realized. The consequence of this is that a large pool of societal cadres (women) is not able to contribute effectively to societal growth as they are unable to inform and influence policy. States must ensure prompt, independent and thorough investigations to curb human rights abuses. This can best be achieved through comprehensive public sensitization through relevant government organs, the NGOs, and traditional actors.

It can be argued however, that the tension between cultural relativists and universalists need not be destructive. Instead, the differences in their points of views can generate new ideas that fortify global and local efforts to bring human rights to brighter existence.

However, due to the increase in global activities that are intertwining state activities in international mobilities, communication, trade, commerce, finance, science and technology, the universal agendas seem unavoidable in the twenty-first century discourses.

International relations activities of states have also increasingly tilted towards global agendas – for instance, in some jurisdictions today, citizenship claims override nationality claims.

Demands of state sovereignty and insulation from national borders are gradually being taken over by global agendas.

Examples of these ‘global agendas’ include regional African bodies such as SADC, ECOWAS, COMESA and most crucially, the introduction of African Continental Free Trade Area (AfCFTA). A successful AfCFTA will effectively render national sovereignty laws ‘impotent’ and will potentially reduce the efficacy of state laws to the influence that a local parish has in a city council (Moses and Knutsen, 2007).

Therefore, adaptation, rather than contestation of the global systems is the best policy for Africa that will enable it to grow. Overall, however, Lumumba (2022) argues that efforts to change practices are more effective when they emerge from within those specific spheres.

## 6.4 Chapter Conclusion

Cultural practices are handed down from one generation to the other through the maintenance of ancestral codes as symbols of traditional heritage which ensures a degree of continuity of a given culture. The African communal system features key elements of interdependency which means that the identity of the African is tied to their communal nature as part of the value system. Cultures are associated with territory because many elements of traditional practices are shaped by environmental factors including histories of traditional settlement. Ancestors in African societies play an important role in the life of people who get their blessings such as rain, good health and removal of curses and misfortunes in the community. The symbolism of ancestors is present in everyday life of the people and a constant reminder disobedience to elders and a failure to follow ancestral codes brings harsh consequences. Cultures include aspects that make a group distinct from another such as their greeting habits, dress code, type of food, cultural taboos, songs, and dances. The acquisition of cultural traits is a result of the process of socialization. It is argued that culture in traditional society is not necessarily taught because children grow up observing and mimicking the actions of family members and community elders. Young people grow up witnessing ceremonies, installations of chiefs, funeral and marriage rites, festivals, songs, dances, proverbs, and folktales. This means that every person grows up in a certain community which will influence their attitudes and aspirations. As a result, every person's daily life directs them to act in ways that reflect what their cultural group deems to be good or bad acts. Those who do not conform to their societal value systems risk not only being isolated but also risk the spiritual curse from ancestors. Because of such embodiment of culture in society, people find it difficult to discard their traditional practices, especially if the calls for changes in norms are coming from outsiders. The call from outsiders is also part of the reason why cultures resist reforming their systems because they perceive outsiders to have no genuine interest in

preserving the local cultural heritage. Over time, however, some external factors may interfere with the process of cultural breeding and change some aspects of tradition. In certain instances, young adults may shun certain traditional practices due to modernization which has produced new ways of life through mobilities and other interactional processes. Due to international associations and mobilities, certain sets of practices that previously may have been seen to be alien begin to be integrated in local systems. While changes in traditional societies are unavoidable due to globalization, the cultural continuity will go on in many aspects despite the obvious influences of modernity on traditional lifestyles. The topic of colonization also continues to have a polarized debate on the reasons why cultural practices have remained resistant to change.

## **CHAPTER SEVEN:**

### **SUMMARY OF KEY STUDY FINDINGS: CHALLENGES & PROSPECTS ON THE IMPLEMENTATION OF UNIVERSAL HUMAN RIGHTS IN AFRICA**

#### **7.0 Chapter Introduction**

This chapter summarizes the key research findings in the three countries under study, highlighting challenges and prospects regarding the implementation of universal human rights in Africa. A core principle of science that has manifested in this study is that data underdetermines theory, i.e., one can look at the same data and reasonably see different phenomena. The lesson from this is that no single way of viewing the data is exclusively correct. So, while the findings of this study are instructive, they may not be generalized because the countries under study might not represent the full diversity of perspectives of all the African people on the continent which expanded research (i.e., research with more countries) might achieve. As such, the challenges and possibilities of generalization in this study are also presented.

In contemporary international relations, human rights are no longer conceived (in a vertical lens) or as the mere concern of the state and the affected individual citizens. An extended version of human rights necessarily includes private entities because they are equally capable of violating human rights. As such, public law remedies have expanded into the private realm to protect individual rights (i.e., from a horizontal lens as well). This is because the services provided by private entities (especially in Africa today) have increased exponentially. For instance, private medical facilities, private schools, media houses, digital and telecommunication companies and water and sanitation services count among several private entities that are prone to abuses of human rights. Consequently, legislative, and administrative legal professionals have devised the term 'the contracting state' to define a

setting where a variety of public interest are increasingly being provided by the private sector rather than by the state. In providing their services, the private entities cannot do as they please and ignore the rule of law governing international human rights protection.

### **7.1 Hindrances to the Attainment of Universal Human Rights Due to Legislative Deficits**

From the legislative perspective, the ability to implement international human rights (at the continental level) is undermined by two main factors:

(1). The states are unwilling to transfer supranational powers to key AU institutions. For instance, the pan-African parliament has only limited advisory powers rather than full legislative powers that should make a major impact on the protection of human rights.

(2). The AU commission lacks the power to compel member states to comply with AU institutional rules on human rights. For instance, the 2017 Kagame AU report on reforms noted that the AU has passed over 1500 resolutions but has no mechanism yet for tracking their implementation (The Conversation, May 24, 2022). However, institutional lack of real power is much more complicated and is not just a problem at the AU: For instance, other conventions such as CEDAW (1979) have deficiencies that compelled Africa states to adopt the Maputo Protocol (2003) to specifically address certain peculiar cultural challenges faced by women such as FGM.

Despite recent progress made toward decriminalization, marriage equality and legal gender recognition, several countries still maintain statutes that criminalize gay people. These are not limited to Africa, but also happen in Europe such as in Hungary and Russia. Currently, about 67 countries have national laws that criminalize same sex unions, and 42 UN member states still have legislative barriers for freedom of expression. Another aspect associated with legal deficits is the closing of media and civil society space in form of preventing the registration of certain civil societies, and, in situations where they are registered, they face frequent

intimidation from the state (Congress.Gov., 2023). Participation by people in media discourses is a vital tool that enforces accountability and keeps the government policies grounded in the emancipatory aspirations of the population. Curtailing critical voices means the government is no longer listening to peoples' views and is therefore likely to undermine efforts on good governance that aim to attain the SDGs. In armed conflicts, it has been over 70 years since the Geneva Conventions were signed, yet states involved in conflicts hardly implement the basic decencies of war such as the protection of civilians (Amnesty International, August 10, 2021). Belligerents fail to respect even the minimal war requirements where sieges are purposely made to starve the people including the employment of obstacles to humanitarian assistance and bombing hospitals. Attacks on women such as rape and abductions are used as a weapon of war to break family and community bonds and spreading widespread fear. This was particularly observed during the Tigray war which started in 2020 in Ethiopia. Although measures to curb such violations of human rights are being proactively pursued, they are not unanimously supported by all states (Congress.Gov., 2023); (Amnesty International, August 10, 2021).

Also, legislative deficits manifest mainly in the judicial systems. For instance, the international human rights judiciary seems to be undemocratic when it overrules domestic, yet accountable legislation. Such international judicial reviews are often seen (in local constellations) as normatively illegitimate (Follesdal, 2013, pp. 339-360). It is also argued that national courts strategically earn legitimacy because judicial officers balance their own policy preferences with those of their local audience. In doing so, they aim to avoid instances of court curbing (i.e., the court reducing the impact of its ruling). For international courts, applying such a strategy might be more challenging mainly because they serve audiences with diverse preferences compared to national courts (Lupu, 2013, pp.437-454). On the other hand, however, trust in international courts is strongly correlated with trust in domestic

courts. Countries in which people have faith in their national courts are also the same countries in which people trust international court systems. For this category, international courts are not seen as substitutes for poorly performing domestic legal systems, but rather as firm extensions of a properly functioning rule of law system (Voeten, 2013, pp. 411-436).

## **7.2 Hindrances to the Attainment of Universal Human Rights Due to Entrenched Religious, Cultural, & Patriarchal Environments**

From the cultural perspective, the ability to attain human rights is constrained by the entrenchment of patriarchy systems especially through religion to which over 95% of the continental population have now become affiliated (Pew Research, 2015).

In Africa, feminism, which previously was envisioned to work as a counter to patriarchies, has encountered a major obstacle due to the perception that it aims to take away men's opportunities and instead empower women. This negative image stems from the measures taken by governments to promote women's emancipation, especially in leadership roles, which are seen by mainstream society as detrimental to men's assumed superiority. Feminist ideals do not sit well with most traditional norms. While on the one hand, feminism promotes ideologies such as embracing women's sexuality, traditional norms, on the other hand, see this as a disruption of the social order. Cultural relativists argue that cultural norms are designed to keep traditions 'pure' and maintain their uniqueness (Hasty et al., 2022).

However, by maintaining cultural norms in a blanket way that ignores any reforms, some outmoded and otherwise retrogressive traditional practices might be a danger to women's emancipation. Put simply, the existing cultural practices and structures that have long defined genders on the continent continue to hinder the feminist agenda. These unreflective cultural practices have an impact on the nature of gender inequality in society which mainly affect women. For instance, most women who are active in politics are perceived to be 'prostitutes,'

and as such their participatory role in society is generally seen only from the confines of the ‘kitchen’ (BBC News Africa, August 4, 2022).

In addition, some traditions allow men to marry many women (polygamy), and the society simply watches in silence. In the main, this rationale pressures women to persevere in toxic family arrangements that not only trap them, but also trap their future generations. Women who choose to resist become victims of stigmatization while those that continue suffering injustices are praised for maintaining the cultural social order (Boateng, 2021).

Shame (or shaming) is exploited as a tool to impose or assert value in situations that are challenging for certain individuals such as single parenting. Many women fear the shame that is associated with someone who is a single parent (except in situations where the spouse has died). For instance, single women parents (i.e., single by choice) are often perceived negatively as promiscuous people who cannot run a home and therefore, cannot be ‘trusted’. This might also explain why polygamy is rife in some cultures whereby women are forced to be in polygamous unions simply for fear of being stigmatized. From the above example, we can infer that belonging represents what people feel and what their orientations are, and the above scenario essentially represents the *politics of belonging*. It stipulates the controversies and struggles of who belongs and who does not belong to certain prescribed expectations. Those expectations question who belongs within the parameters of ‘good family traditions’ and as a result, those who do not fit in that equation feel socially excluded (Baron, 2018). Another aspect involves the imposition of dress codes for women which is a subtle form of control that perpetuates shame and undermines their autonomy. Women’s bodies are often subject to scrutiny and criticism, and this practice reinforces the view that complying with societal prescriptions is the only way to show respect for the traditional authorities in society. Essentially, this is a matter of power dynamics, as the authorities seek to assert their power by imposing what is assumed to be acceptable. Such rules cannot be considered just or

reasonable when they involve marking and commenting on individuals' bodies to enforce compliance (ibid). Crucially, traditional practices have become more imbedded in religion, i.e., foreign religions have become the face of African culture whereby all key aspects of life are projected from a religious lens, and those lenses, are controlled by men. As the Pew Research study (2015) suggests, 95% of the populations of Africa subscribe to various forms of religion which assume (due to patriarchal orientations) that men - under whatever circumstances - are superior compared to women in all key aspects of human life.

In Christianity, for instance, God is a man, Jesus is a man, the angels (in representation) are also men, and the key priests are men which implies that only men matter in polity organization. In Zambia, the Catholic church is run through 13 regional demarcations, each run by a Bishop/Archbishop. All 13 bishops are men. This can be read to suggest that, according to religion, there are no women who are 'capable' of being at the helm of the church – an institution that has been in existence for at least 600 years in Africa (Litchfield-Tshabalala, 2022). This is a prime example of discrimination and intolerance that underpin religions doctrines. The picture below illustrates the pervasiveness of patriarchal systems in religious circles.

Figure 18. The 13 Catholic Bishops that represent 13 regional Catholic demarcations in Zambia



Zambia Catholic Bishops

Source: AMECEA News, 2016

The religious situation in Namibia and Ethiopia is not any different: In Ethiopia, the traditional lineage of the Orthodox church leaders has been made up of only men, while in Namibia, the church structures have similar patriarchal constructions where men predominate all key leadership structures.

### **7.3 Hindrances to the Attainment of Universal Human Rights Due to Perceived Biases in the International System**

The actions of key Western international actors such as the US, UK, France, and Germany, have hindered the adherence of universal rights due to perceived double standards whereby,

some international human rights rules, apparently *do not apply* to them. Prime examples include the following:

(1). The refusal to be members of the International Criminal Court (ICC). For instance, the US government has categorically stated that it does not recognize the ICC. John Bolton, the former US National Security Advisor said, ‘we will not join the ICC, nor will we support the ICC - we will let the ICC die on its own, after all, the ICC is already dead to us’ (Just Security, September 18, 2018).

In response to this statement, an interviewee of this study, Eddie Maloka, a professor of governance at Witwatersrand university said:

...due to human rights disparities in the dispensation of international justice, most African states see double standards from Western powers by being selective and singling out African states for war crimes while ignoring human rights abuses elsewhere. These policies have seemed to grant de facto immunity to Western offenders (Personal Interview, February 4, 2020).

Another interviewee of this study, Merera Gudina, a professor of African politics at Addis Ababa university also weighed in by arguing that:

... the US commitment to Africa remains largely questionable and reminds us of the years of the SAP programs (Structural Adjustment Programs) which were championed by the Washington Consensus and the IMF which later proved futile in Africa. SAP was a very bad doctor that prescribed the same medicine for all diseases (i.e., SAP provided a single solution, overlooking the diversity nature of African economic challenges) (Personal Interview, December 23, 2019).

A similar tone of concern on Western foreign policies in Africa was echoed by another interviewee of this study, Kefale Beyazen, a lecturer in political science at Bahir Dar University in Ethiopia said:

...the events surrounding the Rwanda genocide provided a template of what the US policies on Africa were going to be in the 21<sup>st</sup> Century. The absence of proactive Western involvement in the massacres or their inability to intervene to stop or reduce the civil strife has to date left a simmering distaste of Western foreign policy in Africa (Personal Interview, February 14, 2020).

(2). The refusal or ignoring of repeated UNGA African calls (as envisaged by the 2005 Ezwilini Consensus) which demanded broader UN representation through a permanent seat for Africa at the United Nations Security Council (UNSC).

(3). The persistence of racism and humiliation of Black people in Europe (generally) due to complacency by European authorities has meant or signaled that African lives do not matter; that only European lives seem to matter (European Union Agency for Fundamental Rights, 2023). For instance, a recent UN Experts Report on discrimination in Britain unequivocally found, in part, that:

... racism in the UK is structural, institutional, and systemic; people of African descent continue to encounter racial discrimination and erosion of their fundamental rights. We have serious concerns about impunity and the failure to address racial disparities in the criminal justice system; deaths in police custody, ‘joint enterprise’ convictions and the dehumanizing nature of the stop and (strip) search (UN Working Group of Experts Report, 2023).

Derogatory statements meant to demean Africans from some European politicians continue to polarize people along racial lines. Racist referencing of Black people by political figures within the British establishment such as from a UKIP political party MP, Godfrey Bloom and Tory politician, Andrew Edwards, seem to have continued unabated. Examples of their actual racist rantings include slurs such as, ‘Britain should stop sending aid to Bongo Bongo land’, and ‘all White men should have a Black slave’ (Murphy, 2013); (White, 2023). The phrase, ‘Bongo Bongo land’ is a derogatory and racist slur that suggests that Africa is some kind of fictional or unknown entity that is not unworthy of consideration or support in international affairs. In a similar thread, the former US President Trump made a xenophobic statement at one of his political rallies in November 2023 where he said, ‘immigrants are pouring into the US and poisoning our blood’ (Spectrum News, December 17, 2023).

Such statements do not help the promotion of universal human rights which the West claims to be championing. For instance, the Black Lives Matter movement (BLM) is essentially a

result of many years of persistent racism which Western countries have been reluctant to deal with effectively.

These relics of colonialism that are interlaced in discrimination, exclusion, and intolerance have left a profound negative legacy that makes Africans doubt the genuineness of Western foreign policy ideas such as the universal rights regime. Consequently, these factors have made the notion of universal rights to be viewed negatively which have given rise to resistance against any suggestions (even good suggestions) regarding human rights protection. The current political happenings in Niger, Burkina Faso, and Mali where relations between these states and the West have chilled, speaks to this problem which for a long time was swept under the carpet (Africa News, August 9, 2024). There are also concerns by what looks like a global rise in hatred being directed at members of certain ethnic, religious, and racial groups, including foreigners and other minorities. Ironically, what previously used to be considered as extremist ideas have now come to the political mainstream accompanied by a nativist, exclusionary and intolerant global view. This intolerant view also attacks efforts to maintain multilateral agreements and other measures that foster social justice (UN Human Rights Commission, 2019). However, some states, even though they are not wealthy, are making steps to adopt policies that are effective in advocating for civil, economic, and political rights. In this way, they are creating a mutually reinforcing frame, in which greater civil freedom builds sound economic policies that feeds into greater social harmony.

#### **7.4 Hindrances to the Attainment of Universal Rights Due to African Leaders' Own Ineptitude, Corruption & Bad Governance Practices**

From a critical and self-reflective perspective, it can be argued that the contributing factor to the poor perception of Africans by the West on human rights is the incompetence of African leaders who have run down their economies with impunity. For instance, in Zambia, between

2015 and 2021 (under the Patriotic Front political party), the country was run by a despotic, inept, and highly corrupt regime that abused state power with impunity unprecedented in post-independent Zambia. Due to misgovernance, the economy quickly went into a free fall, with GDP of minus 2.7% in 2020 (Statista, 2023).

During the regimes' time in office, looting of public funds and abuses of human rights compelled Amnesty International in 2021 to denounce the regime due to perpetual violations of human rights which were orchestrated by regime operatives. These human rights violations included state-sponsored political violence, stifling of free speech, intimidation of whistle blowers, extra judicial killings, arbitrary arrests, rule by conscription, electoral violence, and other forms of disenfranchisement. Put simply, tyranny became the epitome of the regimes' governance style, and by the time the regime was overwhelmingly voted out of power in the August 2021 presidential polls, Zambia had been reduced to a basket case: An equivalent of a banana republic (News Diggers Newspaper, August 20, 2021).

A human rights campaigner, Anne Peters contends that corruption is a human rights matter, and whichever form it takes - whether grand or petty – it compromises the states' ability to fulfil its human rights obligations to promote and respect individual rights. In the long term, corruption permeates all sectors of governance and erodes the rule of law. These activities impact the availability, accessibility, and quality of public service delivery. It is also not a coincidence that states that are extremely corrupt are, at the same time, those with a poor record of human rights (Peters, 2018, pp. 1251-1287). This correlation between corruption and a poor record of human rights is instructive: it draws a line in the sand that regimes that are not transparent and accountable cannot respect human rights because there is no incentive for them to do so.

Sentiments concerning bad governance in Africa are not just echoed by Western institutions but are also a concern from within Africa. Many African critical voices are increasingly

speaking out against the long-term negative effects of corruption, abuse of human rights and bad governance which has dimmed the chances of attaining human rights and economic growth. Many of those voices argue that contrary to assertions that the West is interfering in African affairs, the African governments themselves do not take the issue of human rights seriously. Human rights are an important governance issue with wider negative consequences which has affected the continents' growth.

This chequered African political history replete with several governance flip-flops has pushed most African polities into moribund states. To escape accountability, the standard African excuse for their own self-created problems is, colonialism and imperialism. Granted, racism and colonialism continue to be a problem that has affected Africa's growth, but internal governance shortcomings also have caused significant harm to Africa's growth agenda. For instance, what has colonialism got to do with the looting of state resources by most African leaders? On the excuses of colonialism by African regimes, the former chief justice of South Africa, Thomas R. Mogoeng disputed this when he counseled that:

...anybody who says do not blame anything on colonialism and apartheid is being mischievous. Most of the problems we are dealing with right now are a consequence of colonialism and apartheid. It is critical that we never stop talking about it. What we cannot do is blame it all on colonialism (The Citizen Newspaper, November 24, 2019).

Julius Malema, an outspoken opposition leader in South Africa also weighed in on the issue of perpetual African excuses that point to colonialism for everything that goes wrong in governance yet, quite often, it is the Africans' own ineptness when he asserted that:

... the current leaders (of Africa generally) are obsessed with aggrandizement and personal fame. For 30 years (after the end of apartheid in South Africa), the population has been subjected to mediocrity rule; 30 years of being led by fools and non-thinkers... we are led by fools in the literal meaning of the word, fool. For 30 years, the ordinary person has been socially excluded; it has been 30 years of joblessness and homelessness; 30 years of rampant killings (due to thuggery). The state has failed to combat crime including the unabated raping of women (Malema, 2023).

The sentiments expressed by Malema are not mere rantings, especially on government failure to curb widespread raping of women: For instance, in 2010, the Medical Research Council of South Africa reported that the country had the highest rape rate in the world at 132 incidences per 100,000 people. Although the figure dropped to 72 cases in 2020, rape remains a pervasive problem in South Africa (World Population Review, 2024). Patrick Lumumba, a law professor, points out that Africa's biggest challenge is a leadership crisis...a crisis of putting into office, 'comedians' and 'sell-outs' who are clueless on governance issues. These internal problems are critical matters that Africa must deal with in a candid manner.

Incidences of corporate fraud, tax evasion ploys, and money laundering, which include concealing of huge sums of money staked in house sofas (e.g., the Phala Phala farm scandal in South Africa), money hidden in ceiling boards (in Namibia), money concealed in suitcases and bedrooms (in Zambia, Gabon, and Ghana) all point to *cancerous* governance gaps that have nothing to do with colonialism. It is nearly impossible for a country that is engrossed in such levels of misgovernance to respect human rights. All tyrannical acts are concealed under the guise of religion whose dogmatic scripts assert that people must – without reflective reasoning - be obedient to authority (even if such authority is mediocre). Africa will not rise through prayers and fasting (Lumumba, 2023).

Paul-Simon Handy, head of conflict prevention and risk analysis at the International Security Studies (ISS), identifies two contrasting but instructive narcissist propositions in contemporary politics between the West and Africa: (1) a Western narcissist disposition characterized by an insistence on shared but otherwise unattainable *global values*, and (2) an African narcissist inclination based on historical colonial resentment combined with the objective of the monopoly of victimhood (Institute for Security Studies, 2022). Bad leadership across the continent manifests in many forms; from outright authoritarian regimes to democratically elected governments that fail to serve the interests of their people.

Corruption, abuse of power, lack of accountability and weak institutions all characterize the bad governance that sweeps across the continent. This type of governance fails to establish a climate where human capital can thrive; instead, resources are stolen by those in authority thereby allowing poverty to persist in the country. Most regimes rule with an iron fist which does not allow space for transparency and accountability, and many of them rule without term limits or maintain power through electoral fraud. African despots often pursue ruinous policies that serve their personal interests at the expense of the population. Government contracts, jobs and other lucrative opportunities are handed to cronies and family members without earning merit. This practice further erodes innovation, ingenuity, excellence and leads to a brain drain of some professionals who see little or no incentive to stay in the corrupt system that does not value merit and academic acumen of professionals. Corruption does not only hinder the growth of human rights but more crucially distorts market incentives which deters investment and stifles the spirit of entrepreneurship (Odoh, 2023).

Institutions such as the judiciary, parliament, civil society, and the media who are supposed to check the power of the executive are ineffective and beholden to those in power, effectively allowing impunity to reign. More concerningly, many African regimes underinvest in education, health and social services needed to develop human capital. As a result, many African countries suffer from skills shortages, high diseases burden and the associated human development deficits that hampers productivity and the potential for growth. Africa has abundant resources and has the potential to develop, but to realize that potential, the continent needs effective and forward-looking leadership, and until the leadership challenge is sorted out, development in Africa will remain elusive. Certainly, human rights will continue to suffer a great deal under the present conditions marred by corruption and cronyism (News Diggers Newspaper, August 20, 2021).

Mediocre leadership seems to be on the rise due to electoral fraud which has continued as observed in the 2023 sham elections in Nigeria, Zimbabwe, Gabon, Sierra Leone, and Madagascar. Africa needs to move away from the perception that elections are now a fading shadow of African democracy; that it is a continent where protection of fundamental human rights is not a guarantee; a place where political violence is the norm; a place where nepotism, cronyism, tribalism, and corruption is the official currency of local politics. Governance gaps in Africa need to be called out as opposed to the current penchant that seems to cover-up Africa's mismanagement problem under the guise of colonialism. Africa's governance challenges need to be interrogated vigorously and candidly beyond the façade of imperialism (Democracy in Africa, 2023). As such, intervention by the West is not necessarily a wrong path to take as its role is merely complementary to African efforts towards good governance. An interviewee of this study, Habtamu Wondimu, a professor of psychology at Addis Adaba University, argues that the excuses from African leaders by way of resistance to human rights is no longer a viable route to take. He said:

...today's political narrative has changed. Threats and political power are insufficient to suppress people's aspirations. Bad governance traits alienate people from their government and erode public trust in institutions. Abuse of rights hidden under the cover of national sovereignty is no longer an acceptable practice in contemporary international relations (Personal Interview, February 14, 2020).

This also means that the AU must be more proactive because it has a responsibility to intervene when democratic tenets are being trampled upon by regime(s). While state sovereignty must be respected, if the government in question undermines the rule of law and the safety of the population, then it would already have undermined the grounds for sovereignty in a democratic dispensation. The more Africa has regimes that continue down this path with impunity, the fewer voices there will be left to challenge such infractions, and the more regimes elsewhere will be motivated to preserve their stay in power through illicit

means. But it is widely asserted even amongst the Africans themselves that in its present form, the AU is nothing but a gentleman's club, and it would be naïve for any person to have serious expectations from such an organization. It can therefore be argued that the African development challenges are self-made through leadership failure, taciturn followership, and redundant civil societies.

### **7.5 Prospects of Attainment of Universal Human Rights**

Change in the promotion of human rights in Africa is beginning to come from within. In particular, the coming up of more NGOs run by women especially starting from the new millennium is a point of critical juncture for human rights development in Africa which puts an emphasis on education. As such, educational levels are steadily improving together with freedom of expression. For instance, Namibia and Zambia have higher literacy rates at 92% and 87% respectively, which also correlate with their improved levels of freedom of speech and advocacy which stand at 77% and 52% respectively, compared to Ethiopia's literacy low score of 51% and freedom of speech poor score of 23%. Studies show that countries with higher poverty levels are also more prone to corruption. Furthermore, the more corrupt a country is, the weaker it becomes in terms of adherence to human rights (Peters, 2018). The upswing of civil societies that focus on gender mainstreaming in development discourse has helped to improve gender equality in national development policies. Additional hope is coming from within the African continent through the principles embedded in the African Union (AU) Agenda 2063 whose aspirations on human rights protection are promising. The seven key aspirations under this AU Agenda (2063) are:

1. A prosperous Africa based on inclusive growth and sustainable development.
2. An integrated continent, politically united and based on the ideals of Pan-Africanism and the vision of African Renaissance.

3. An Africa of good governance, democracy, respect for human rights, justice, and the rule of law.
4. A peaceful and secure Africa.
5. An Africa with a strong cultural identity, common heritage, shared values, and ethics.
6. An Africa, whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children.
7. Africa as a strong, united, resilient, and influential global player and partner.

In sum, the universality notion has a better operational value than the particularity notion of cultural relativists because universality encourages a convergence of purpose which makes for determinable standards within the international legal framework. Furthermore, the increasing tilt of many states towards a disposition of open societies also seems to confirm universality as a preferred mode compared to cultural relativism (Lalude and Udombana, 2022, pp. 17-18).

#### **7.6 Challenges & Possibilities of Generalization in this Study: An Anthropological Perspective of the Author's Field Experiences**

One of the challenges in this study concerns statistical information such as data pertaining to graphs showing percentages of various subject categories related to human rights challenges. Although statistics serve an important purpose, they may not reveal the full picture of a particular situation. In fact, statistics often present a paradox, whereby, (for instance), a country's statistics might show a rise in GDP growth (on paper), yet ordinary people do not see a trickle-down beneficial economic effect because such growth can be masked by austerity measures that are imposed by the government. The brunt of austerity measures is most felt by ordinary citizens who have little understanding of the mechanics of GDP. A

country can achieve growth and meet all its economic benchmarks without such growth being sustainable.

Specifically on this study, a practical example of the challenge associated with statistics (for instance) on rape cases, is that, on the one hand, countries that have made strides in reducing rape cases will - naturally – have an increase in the reported cases (i.e., increase in reported cases due to increased public awareness and sensitization). On the other hand, however, countries that have not stepped up their efforts in rape sensitization, will – naturally - have fewer or lower rape cases on official record. In this context, the fewer rape cases do not necessarily mean that rape cases in that polity are not prevalent: to the contrary, most countries whose official statistics on rape cases are low, are in fact the ones that have higher incidences of rape, except that those (hidden) cases often go unreported. Victims are often afraid to report due to fear of (perceived) reprisals.

Countries where civil society voices count such as Zambia and Namibia, are more likely to have higher cases of a variety of human rights abuses than Ethiopia where civil society is less vibrant and often timid. Another challenge related to statistical information is on religion.

Although there are similarities among the three countries under study on religion, there are also many dissimilarities. Based upon this author's anthropological experience (field/practical experience) in the three countries under study, Namibia stands out as the most 'liberal' country among the three on the question of religion. Namibia does not have a *fanatical religious disposition* as is the case in Zambia and Ethiopia. In Namibia, traditional spiritual ways of worship are quite common, and people who do not belong to Christianity or any other religion are not looked down upon as is the case in Zambia.

For Zambia and Ethiopia, a notable difference between them is that whereas both countries are deeply embedded in Christianity, Ethiopia's Christianity is more *authentic* in the sense that the Orthodox church had long been established in the country before the colonial days.

Ethiopian Christianity is arguably the oldest form of *original* Christianity in sub-Saharan Africa. In other words, the type of Christianity in Ethiopia is itself a cultural way of life which dates to medieval times of the kingdoms of Aksum and Abyssinia (now Ethiopia). Because of this basic historic fact, it can be argued that the Ethiopian type of Christianity is a home-grown religion, hence authentically African.

In the case of Zambia, Christianity was only introduced during colonization towards the end of the 1800s. So, the Zambian type of Christianity – although it has been popularized today – remains a foreign religion that was imposed by the British colonial powers. So, despite the fanfare and fanatical disposition of the Christian population in Zambia, Christianity in Zambia remains a foreign *copycat colonial religion*, hence not authentic. Unlike Namibia where those who do not go to church are not *stigmatized*, in Zambia, those who do not belong to any religion are seen with suspicion in society and regarded as *satanists, demons or witches*. So, some people in Zambia who do not really believe in religion, simply go to church in a superficial way, just to avoid stigma and being labelled as a Satanist.

Such labelling and stigmatization are an inherent carry over of the colonial Christian undertones which demonized all local and traditional ways of spirituality and worship. In situations such as these that have been illustrated in the three countries under study, and which vary in disposition, it is difficult to generalize the cases. Another factor in this study that is difficult to generalize is the issue of homosexuality. Again, based upon the author's field experience in the three countries, Namibia is an outlier compared to Zambia and Ethiopia. In Namibia, the issue of homosexuality is not something that draws headlines because most people consider it to be *a non-issue*. However, in Zambia and Ethiopia, homosexuality is frowned upon and carries a prison sentence of at least 14 years in jail upon conviction (in the case of Zambia). In Ethiopia, such a topic could land someone in a lot of

unspecified trouble, especially from community leaders, and that is why few people in Ethiopia can dare to talk openly about homosexuality.

What might explain the reason for Namibia's flexibility on homosexuality is that Namibia gained independence in 1990 at the time when international human rights discourses were gaining traction, especially from the UN and its auxiliary bodies. By 1990, international consensus on the human rights question had expanded the meanings and interpretations of the human rights frame to include several issues that were previously not unanimously accepted and respected as human rights. So, as 'newly independent' African states, for example, Namibia (in 1990), and South Africa (in 1994), both had to consider many human rights aspects that other 'older' states like Zambia and Ethiopia may have omitted in their early drafting of their constitutions. For instance, Zambia gained independence in 1964, and at that time, the issue of homosexuality was simply 'an alien topic' due to heightened cultural stigma at the time. To illustrate how stigmatized the topic of homosexuality was in the twentieth century (more generally), the president of Kenya in 1982, Daniel Arap Moi, argued that homosexuality does not exist in African languages.

However, for this study, the one aspect that was identified as something that can be generalized, is the case of harmful cultural practices as those practices are performed in all three countries under study. The most notable harmful cultural practices that this study identified are child marriages, FGM, child labour, lack of quality education (especially for girls), polygamy, and forced initiation rites. The similarities of these harmful cultural practices and incidences of their practice in all three countries under study are so profound that they are unlikely to be regarded by other (or future) studies as mere coincidences.

## 7.7 THESIS CONCLUSION

To achieve human rights and sustainable development, there must be an end or significant reduction to inequalities and poverty. Human rights cannot be attained in environments of poverty, insecurity, and intolerance. Tools such as the SDGs and the AU Agenda (2023) can be transformational agents of change and reform to improve the economic, political and security situation in many African states. A stable country is one where the population trusts the government in terms of honoring the rule of law, respecting the due process and other human rights obligations such as transparency and accountability.

Without economic growth, there can be no meaningful long-term state security and stability, and by the same token, economic growth that generates sharp inequalities foments frustrations among citizens and could potentially lead to violence. In this context, poverty alleviation – itself a human right - remains the major hindrance to the overall attainment of other human rights. In Chapter One, this thesis mainly focuses on highlighting the methodological approaches of the study. Chapter Two presents a juxtaposed position on human rights between universalists and cultural relativists - a topic which remains highly contested between Africa and the West. On the one hand, cultural relativists argue that what is ‘right or wrong’ is dependent on one’s culture. For this group, every culture is equal and as such, no culture has an agency over another which also means that not all cultures would align themselves with the universal rights regime.

Moreover, cultures have different forms of expressions and interpretations which would make a universal set of rules challenging to attain. What is correct in the West might be considered wrong in other polities. For instance, the idea of tipping in a restaurant is acceptable and is common in many Western countries such as the US but is unacceptable in Japan. In the Japanese frame, such an action is alien to them and might even be considered as a rude

gesture. The Japanese argument on tipping is that, as a rule, any restaurant service needs to always be exceptional and as such, there should be no expectation of extra money.

So, in the context of cultural relativism, both customs on restaurant tipping are correct, and neither is more correct than the other. On the other hand, however, universalists argue that since all UN member states have signed up to the Universal Declaration of Human Rights (UDHR) (1948), they have – as the treaty name suggests – agreed to the universalization of human rights. The key argument from universalists is that social norms are similar across cultures. These conflicting positions on human rights norms have remained largely unresolved.

The main challenge preventing the finding of a common position on human rights might be explained by the fact that their contrasting views have been built upon rigid and monolithic schemes. Under these circumstances of entanglement, the idea of settling for a *thin* universalism might be the way forward, accepting that the UDHR (1948) provides an example of a basic converging point for both sides. In addition, a cross-cultural perspective or a cultural universal perspective is proposed as something that might mitigate those differences because cross cultural frames focus on mutuality as a foundation upon which the human rights discourse holds purchase. In Chapter Three, the focus is on how a foreign language (used as an official language) such as English, distorts the cultural disposition of the affected local African populations. Marginalized groups who are already burdened with inequalities associated with local patriarchies suffer most especially given that the laws of the country are crafted in the English language.

English language has left a trail of colonial undertones in Africa, and, despite the exit of the British from their African colonies, such an exit only masks the enduring traces left by colonialism which still run deep. Through the English language teaching, colonialism permeated the cultures and discourses of locals, the effects of which are still evident today.

Cultural, moral, and racial differences created by imperial English continue to have a wide range of ramifications for the way in which subordinated races are defined and Othered in relation to dominant privileged categories. For many Africans, English has been a monumental institution of oppression, suppression, and exploitation. The irony is that the problems of the local society necessarily have become the problems of the predominant language (English) of that society; for that language is – by default - the carrier of perceptions, attitudes, and societal objectives. Consequently, local African languages have suffered the mortification of being associated with negative qualities of backwardness, humiliation, inferiority, and underdevelopment.

However, it can be argued that today, local African populations have come to see the English language hegemony for what it really is: An imperial enterprise that subtly uses its language power dynamics as a lever to pursue a variety of underhand political, economic, and social agendas in Africa. These agendas include the facilitation of the systematic exploitation of Africa's natural resources using legislative mechanisms that are drafted, otherwise, crafted in a foreign language; a carried-over, rent-seeking trend that dates to the slavery and colonial days. In Chapter Four, the study focuses on how the works of civil society organizations have helped (or failed) to alleviate the plight of marginalized groups in Africa. Today, Namibia, Ethiopia, and Zambia are at a crossroads in terms of their measure on good governance and human rights protection through the advocacy works of civil society. In Africa, civil society emerged as a response to regime excessive abuses of power especially in the areas of human rights, resource accountability, and transparency.

From a normative angle, civil society is perceived as a sphere of life that has not been 'contaminated' with the instrumental character of the market and the state. In a world that is dominated by sovereign states, the social and political discourse that revolves around civil society is crucial for creating conditions for the attainment of universal human rights. As

such, civil society provides a plural discourse that generates enquiries from the wider public on matters relating to societal injustices. This makes them essential actors in the processes that may lead to the fulfilment of citizens' fundamental rights. In this connection, civil society is a watchdog for abuses on rights because they exert pressure on state authorities by way of providing a formidable voice on perspectives that might otherwise not have had the chance to be heard. They not only mobilize and educate people on their freedoms, but also have the capacity to take legal action against the government, pro bono given that some civil societies do have attorneys working within their ranks.

The realization of human rights is a process which cannot be implemented purely through amalgamation of rights in legislative structures. Civil society doctrines have also found expression in regional conventions such as the Maputo Protocol (2003) which champions the rights of women. However, in many instances, civil society remains weak and underdeveloped given the historical centralization of power which is exacerbated by the government's idea that civil society is against political action. Civil society can also be the home to conflicting claims for justice through fragmentation which ultimately creates competition for space, voice, and resources. In this way, they break the solidarity which is needed to consolidate their fight against state injustices. Another key weakness is the fact that a larger portion of their funding comes from Western donors; this position makes them lose appeal especially in the eyes of ordinary citizens who perceive them as stooges of Europeans funding institutions.

Despite the various forms of challenges they face, it can be argued that much progress has been made so far, especially in the areas of social action mobilization at the grassroots level. There is also an increasing awareness on the part of both the citizens and the state of the necessity of genuine implementation of human rights as a fundamental step towards national cohesion and national development. In Chapter Five, the focus is on identifying harmful

cultural practices and their impact on the lives of the affected people, especially women. This chapter also concisely answers the first research question which was set out in the thesis introduction: (a) What cultural practices constitute violations of human rights? In addressing this research question, we need to first define what harmful cultural practices are. So, harmful cultural practices are those practices that hinder or significantly reduce the full realization of an individual's potential to contribute meaningfully to polity governance. Among the main harmful practices identified by this study in all three countries (i.e., Namibia, Ethiopia and Zambia) include forceful initiations such as FGM, child labour, child marriages, polygamy and lack of access to quality education especially for girls.

However, practices such as child marriages have tended to reduce nowadays mainly due to government sensitization and intervention efforts that are being forged together with traditional leaders. For instance, in all three countries under study, the legal age for marriage has been moved from 16 to 18, a significant legislative step to curb child marriages. Harmful cultural practices still form an essential part of African societal life.

Duality of laws, i.e., the recognition of both civil and customary laws systems in African societies means that many harmful cultural practices can go unchecked under the guise of cultural laws. Though geographically different and culturally diverse, Namibia, Ethiopia and Zambia share one distinctive feature, namely, possession of cultures that harm the dignity of women in the name of tradition. For instance, FGM in Ethiopia, child marriages in Namibia and Zambia continue to undermine the dignity and human rights of women. Harmful cultural practices remain highly controversial in Africa which, despite bouts of democratic advances, still largely remains deeply infused in traditional practices.

However, drawing a line on what really constitute 'harmful cultural practices' remains a highly contested subject between the state and traditional actors. For instance, in FGM-based societies like Ethiopia, an uncircumcised woman remains 'dirty' and outside mainstream

society; so is an uncircumcised man. Similarly, cultural practices like sexual cleansing are said to be important for practicing societies and not seen as harmful. Whereas human rights standards would scoff against assumed barbarisms inherent in such practices, the practicing countries would see nothing wrong in them. In traditional settings, the idea of giving children too many rights in the name of curbing child labour, are seen to be counterproductive.

The fear is that children might grow up as lazy adults who would not have acquired the necessary adult life skills necessary to further the cause of the society. There is also a thin line regarding the categorization of child marriages.

The labeling of such unions as ‘child marriages’ rather than as, ‘early marriages’ is seen to be disrespectful in traditional settings. For instance, what material difference does it really make to suggest that a girl can marry at age 18, rather than at age 17? This confusion on what ages exactly constitute a ‘minor’ continues to give polarized positions. In Zambia, for instance, until 2023, a girl could get married at age 16 yet was not, on the other hand, allowed to vote in national elections until they reached the age of 18. The paradox here is that it seems to be illogical to stop a married person from voting on account of their young age; for if they can look after their homes as responsible married people, why should those ‘responsible married people’ not be allowed to vote? So, the influence of modernity in traditional settings is detested and seen to be an invasion of cultural norms. On the other hand, however, exposing potential harmful cultural practices assists the community in deepening the sense of dignity especially of marginalized groups. Some cultural practices are undergoing aspects of reform due mainly to governments’ proactive engagement with traditional authorities.

In Chapter Six, the focus is on why harmful cultural practices have persisted despite the relevant legal frameworks that support implementation of universal human rights. This chapter also adequately answers the second and third research questions that were set out in the thesis introduction: (b) Why have harmful cultural practices persisted, and what can be

done to minimize them? (c) How have those cultural practices affected the social, economic and political emancipation of marginalized groups such as women? In responding to these research questions, it is necessary to first appreciate the contextual and historical frames of the importance of cultural norms and then evaluate their implications in contemporary political life.

So, cultural practices are norms that are handed down from one generation to the other through the maintenance of ancestral codes as symbols of traditional heritage which ensures a degree of continuity of a given culture. The African communal system features key elements of interdependency which means that the identity of the African is tied to their communal nature as part of the value system. Cultures are associated with territory because many elements of traditional practices are shaped by environmental factors including histories of traditional settlement. Ancestors in African societies play an important role in the life of people who get their blessings such as rain, good health and removal of curses and misfortunes in the community. The symbolism of ancestors is present in everyday life of the people and a constant reminder that disobedience to ancestors/elders and a failure to follow ancestral codes could bring harsh consequences.

With this background, one can appreciate why those (harmful) cultural practices have persisted as any attempt to discard them is deemed to be an act of disrespect to the ancestors, and hence could potentially bring a curse on any person or on the entire community that initiate discussions aimed at discarding those sacred norms. This adequately answers the second research question. Cultures include aspects that make a group distinct from another such as their greeting habits, dress code, type of food, cultural taboos, songs, and dances. The acquisition of cultural traits is a result of the process of socialization. It is argued that culture in traditional society is not necessarily taught because children grow up observing and mimicking the actions of family members and community elders. Young people grow up

witnessing ceremonies, installations of chiefs, funeral and marriage rites, festivals, songs, dance, proverbs, and folktales. This means that every person grows up in a certain community which will influence their attitudes and aspirations. As a result, every person's daily life directs them to act in ways that reflect what their cultural group deems to be good or bad acts. Those who do not conform to their societal value systems risk not only being isolated but also risk a spiritual curse from their ancestors. Because of such embodiment of culture in society, people find it difficult to discard their traditional practices, especially if the calls for changes in norms are coming from outsiders.

The call from outsiders is also part of the reason why cultures resist to reform their systems because they perceive outsiders to have no genuine interest in appreciating and preserving the local cultural heritage. Over time, however, some external factors may interfere with the process of cultural replication and change some aspects of tradition. Therefore, regarding the third research question on how harmful cultural practices have affected the social, economic and political emancipation of marginalized groups, the reality of contemporary/modern life is that marginalized groups bear the worst brunt of the effects of those cultural norms. In all areas of social, economic and political life, marginalized groups - overall - have been affected negatively. In certain instances, young adults may shun certain traditional practices due to modernization which has produced new ways of life through mobilities and other interactional processes.

Due to international associations and mobilities, certain sets of practices that previously may have been seen to be alien in local settings begin to be integrated. While changes in traditional societies are unavoidable due to globalization, the cultural continuity is likely to go on in many aspects despite the obvious influences of modernity on traditional lifestyles. However, marginalised people in Africa especially women face a variety of challenges in forming their identities as they navigate cultural norms, misogyny, and the stigma that is

associated with those who do not conform to traditional norms. Marginalized people often strive to develop their own identities so that they could lead fulfilled lives, while also challenging the societal constraints that limit their aspirations. For instance, while women might feel as if they are fighting against men who uphold these norms, the reality is that they are fighting for their freedom from the cycle of cultural and prescribed expectations, misogyny, and negative perceptions of feminism.

So, why should the protection of women's rights be one of the main development issues in Africa? Well, the need to protect women's rights is not a matter of justice alone- it is also a matter of ensuring that all development perspectives are brought to the fore. The differing experiences of women and men makes it imperative that both are in positions of influence to bring their unique perspectives into the decision-making processes. Research has shown that empowerment of women has the potential of accelerating economic growth and making development results more sustainable. The empowerment of women, therefore, is not a luxury but an imperative to utilize untapped potential in furthering societal economic, social and political growth. It is concerning for instance, that, as of 2016, the parliaments in Sub-Saharan Africa only had a paltry 23% women members of parliament (Inter-Parliamentary Union, 2016).

It has been ascertained that the reasons for the limited role of women in vital decision-making posts is hampered mainly by social norms and cultural beliefs. Patriarchy has been identified as the main hindrance to the protection of women's rights and their ability to contribute meaningfully to national development. For this reason, the attainment of women's rights cannot plausibly be achieved through domestic legislation – only universal laws can compel polities to honor the rights of marginalized groups, especially women. Patriarchy creates social pressure for women both in the homes as well as the workplaces: At home, they are expected to be the main care providers while at work they are expected to play subordinate

roles that do not advance their careers. In answering the question of whether the national action plans in Namibia, Ethiopia and Zambia have marshalled sufficient energy to promote women's development and participation across key priority development sectors, a gendered definition of good governance needs to be factored into the equation.

The definition of good governance should be seen from a broader perspective away from a restricted notion of simply focusing on the sound management of the economy. Instead, the expanded definition should incorporate political liberalism, i.e., an agenda for inclusive participation, respect for human rights and social justice. Poverty, unemployment, and inequalities are factors that can also be traced to the colonial history of marginalization and social class structures which have continued to affect (especially) women's development to date. In Chapter Seven, the thesis provides key research findings. Among those findings is the suggestion that in all three countries under study, there is no statistical significance worth profiling in their differences across the key governance thresholds in terms of furthering the rights of marginalized groups, both in the urban and rural areas.

Ironically, the study also notes that some of the acerbic criticisms of the universal human rights regime come from African university professors, a significant shift from mainstream (Western) academia's positive image of universal rights. Despite this position, there are growing signs of a shift by African states and institutions toward a culture of adherence to human rights as can be evidenced by increased civil society advocacy levels by various civil society organizations, and the gradual increase in media freedoms. Broadly, it has been observed in this study that domestic laws are insufficient to deal effectively with the advancement of human rights, especially the rights of marginalized groups. Under the circumstances, therefore, the advocacy for the implementation of universal rights in Africa is a justified call.

States must be willing to protect human rights of their people, and the population must be brave enough to hold the state to account. This is a legal obligation and a moral necessity which is the most effective way of achieving the safety of our generation.

Every situation in each polity has different characterizes but the main drive should be to translate human rights into practical measures. For instance, those measures might look at how to manage protests without violence; or how to question detained suspects without torture; how to ensure that marginalized people can raise their voices and actively participate in the polity affairs without intimidating them; how to ensure that women and other disadvantaged groups can claim their rights from judicial systems that continue to be dominated in majority by men.

For this reason, Africans need to re-evaluate their interpretation of human rights so that at least, they may settle for a thin universalism of human rights. This is especially so because the universal human rights regime is not necessarily incompatible with the aspirations that are embedded in both the African Renaissance project and the ACHPR (1981). The African Renaissance program (a home-grown African blueprint) asserts and acknowledges that Africa cannot realize its full potential without the liberation of all marginalized people.

## **Key Study Informants**

- Sikwenda (2023), Interview with author, May 8, 2023, Lusaka, Zambia. *Lois Sikwenda is an attorney specializing in family law, and Senior Research Advocate at the Judiciary of Zambia. She is also an advisory board member of the NGO, 'Restored Hope Zambia'.*
- Matapo (2023), Interview with author, June 11, 2022, Mbereshi, Zambia. *Princes Matapo is a medical doctor working at a village mission hospital at Mbereshi in Kawambwa district of Zambia. She is also an advisory board member of the NGO, 'Restored Hope Zambia'.*
- Simfukwe (2023), Interview with author, May 20, 2022, Ndola, Zambia. *Joe Simfukwe is a theologian and counselor in the city of Ndola, Zambia. He is also an advisory board member of the NGO, 'Restored Hope Zambia'.*
- Hakandume (2022), Interview with author, April 8, 2022, Windhoek, Namibia. *Vitoria Hakandume is a lecturer at the International University of Management in Namibia.*
- Nhemachena (2022), Interview with author, March 8, 2022, Windhoek, Namibia. *Artwell Nhemachena is Professor of Social Anthropology at the University of Namibia and the University of South Africa.*
- Warikandwa (2022), Interview with author, March 15, 2022, Windhoek, Namibia. *Tapiwa Victor Warikandwa is Professor of Law and Politics at the University of Namibia.*
- Kaapama (2022), Interview with author, April 12, 2022, Windhoek, Namibia. *Phanuel Kaapama is Professor of Political & Development Studies at the University of Namibia.*
- Shivoro (2022), Interview with author, March 22, 2022, Windhoek, Namibia. *Romanus Shivoro is Assistant Director for International Relations at the University of Namibia.*
- Kefale (2020), Interview with author, January 15, 2022, Addis Ababa, Ethiopia. *Asnake Kefale is Professor of Governance & Philosophy of Social Sciences at Addis Ababa University.*

- Namwandi (2022), Interview with author, July 14, 2022, Windhoek, Namibia. *Rebekka Namwandi is Deputy Director, Division-Marginalized, Ministry of Gender Equality, Poverty Eradication & Social Welfare, Republic of Namibia.*
- Ben-Hur Rural Development Centre (2022), Focus Group Interview with author, August 8, 2022, Gobabis, Namibia.
- Wondimu (2020), Interview with author, February 14, 2020, Addis Ababa, Ethiopia. *Habtamu Wondimu is Professor of Psychology and Director of the College of Education and Behavioral Studies at Addis Ababa University.*
- Entoto Church Youth Centre (2020), Focus Group Interview with author, January 19, 2020, Addis Ababa, Ethiopia.
- Nghipudilo Ya Shiindi (2022), Interview with author, August 10, 2022. *Nghipudilo Ya Shiindi Spiritual community Oshiwambo leader in Namibia.*
- Kabwata Cultural Village Centre (2018), Focus Group Interview with author, May 1, 2018, Lusaka, Zambia.
- Shula (2018), Interview with author, July 20, 2018, Lusaka, Zambia. *Kingstone Shula is a Senior Lecturer in Marketing, Business & Behavioral Studies at Evelyn Hone College of Applied Arts and Commerce- Zambia.*
- Beyazen (2020), Interview with author, February 12, 2020, Addis Ababa-Ethiopia. *Kefale Beyazen is Lecturer in Political Science and International Studies, Bahir Dar University.*
- Maloka (2020), Interview with author, February 4, 2020, Addis Ababa-Ethiopia. *Eddy Maloka is Chief Executive Officer of the African Peer Review Mechanism (APRM) and Adjunct Professor of History, Governance and Development Management at University of Witwatersrand.*
- Asmamaw (2020), Interview with author, January 24, 2020, Addis Ababa-Ethiopia. *Yechale Asmamaw is Photogrammetrist and Postgraduate Student in Geography and Environmental Studies (Focus Group Team Leader), Addis Ababa University.*

- Gudina (2019), Interview with author, December 23, 2019, Addis Ababa-Ethiopia. *Merera Gudina is Professor of Political Science and African Politics, Addis Ababa University.*
- Mathews (2019), Interview with author, December 23, 2019, Addis Ababa-Ethiopia. *Kuruvilla Mathews is Professor of International Relations and African Politics, Addis Ababa University.*

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Appendix 1. ACHPR (1981)

Appendix 2. CEDAW (1979)

Appendix 3. CRC (1989)

Appendix 4. UDHR (1948)

Appendix 5. UN CHARTER (1945)

Appendix 6. MAPUTO PROTOCOL (2003)

Appendix 7. HARARE DECLARATION (1991)

Appendix 8. VIENNA DECLARATION (1993)

Appendix 9. ENTOTO CHURCH, ADDIS ABABA-ETHIOPIA

Appendix 10. BEN HUR RURAL DEV. CENTER, GOBABIS -NAMIBIA

Appendix 11. KABWATA CULTURAL CENTER, LUSAKA -ZAMBIA

Appendix 12. SAMPLE OF SURVEY QUESTIONS



## **AFRICAN (BANJUL) CHARTER ON HUMAN AND PEOPLES' RIGHTS**

*(Adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986)*

### *Preamble*

**The African States members of the Organization of African Unity, parties to the present convention entitled "African Charter on Human and Peoples' Rights",**

**Recalling Decision 115 (XVI) of the Assembly of Heads of State and Government at its Sixteenth Ordinary Session held in Monrovia, Liberia, from 17 to 20 July 1979 on the preparation of a "preliminary draft on an African Charter on Human and Peoples' Rights providing inter alia for the establishment of bodies to promote and protect human and peoples' rights";**

**Considering the Charter of the Organization of African Unity, which stipulates that "freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples";**

**Reaffirming the pledge they solemnly made in Article 2 of the said Charter to eradicate all forms of colonialism from Africa, to coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa and to promote international cooperation having due regard to the Charter of the United Nations. and the Universal Declaration of Human Rights;**

**Taking into consideration the virtues of their historical tradition and the values of African civilization which should inspire and characterize their reflection on the concept of human and peoples' rights;**

**Recognizing on the one hand, that fundamental human rights stem from the attributes of human beings which justifies their national and international protection and on the other**

**hand that the reality and respect of peoples rights should necessarily guarantee human rights;**

**Considering that the enjoyment of rights and freedoms also implies the performance of duties on the part of everyone; Convinced that it is henceforth essential to pay a particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights ia a guarantee for the enjoyment of civil and political rights;**

**Conscious of their duty to achieve the total liberation of Africa, the peoples of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism, neo-colonialism, apartheid, zionism and to dismantle aggressive foreign military bases and all forms of discrimination, particularly those based on race, ethnic group, color, sex. language, religion or political opinions;**

**Reaffirming their adherence to the principles of human and peoples' rights and freedoms contained in the declarations, conventions and other instrument adopted by the Organization of African Unity, the Movement of Non-Aligned Countries and the United Nations;**

**Firmly convinced of their duty to promote and protect human and people' rights and freedoms taking into account the importance traditionally attached to these rights and freedoms in Africa;**

**Have agreed as follows:**

### *Part I: Rights and Duties*

## **Chapter I: Human and Peoples' Rights**

### **Article 1**

**The Member States of the Organization of African Unity parties to the present Charter shall recognize the rights, duties and freedoms enshrined in this Chapter and shall undertake to adopt legislative or other measures to give effect to them.**

### **Article 2**

**Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.**

### **Article 3**

- 1. Every individual shall be equal before the law.**
- 2. Every individual shall be entitled to equal protection of the law.**

### **Article 4**

**Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.**

### **Article 5**

**Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.**

### **Article 6**

**Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.**

### **Article 7**

- 1. Every individual shall have the right to have his cause heard. This comprises: (a) the right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force; (b) the right to be presumed innocent until proved guilty by a competent court or tribunal; (c) the right to defense, including the right to be defended by counsel of his choice; (d) the right to be tried within a reasonable time by an impartial court or tribunal.**
- 2. No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.**

### **Article 8**

**Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.**

#### **Article 9**

- 1. Every individual shall have the right to receive information.**
- 2. Every individual shall have the right to express and disseminate his opinions within the law.**

#### **Article 10**

- 1. Every individual shall have the right to free association provided that he abides by the law.**
- 2. Subject to the obligation of solidarity provided for in 29 no one may be compelled to join an association.**

#### **Article 11**

**Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.**

#### **Article 12**

- 1. Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.**
- 2. Every individual shall have the right to leave any country including his own, and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.**
- 3. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with laws of those countries and international conventions.**
- 4. A non-national legally admitted in a territory of a State Party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law.**



**NGO-CEDAW**

Funded by:  
Australian Aid Program



The Cambodian NGO Committee on  
CEDAW (NGO-CEDAW)

**CONVENTION ON THE  
ELIMINATION OF ALL FORMS  
OF DISCRIMINATION AGAINST  
WOMEN (CEDAW)**

Annotated Version

## **CEDAW: A SUMMARY**

### **ARTICLE 1 DEFINES DISCRIMINATION:**

“...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. ”

**ARTICLE 2: DUTY OF THE STATE** – The state must ensure the elimination of discrimination in law, policies and practices nationally.

**ARTICLE 3: EQUALITY** – The state must take measures to uphold women’s equality in the political, social, economic and cultural fields.

**ARTICLE 4: TEMPORARY SPECIAL MEASURES** – States are allowed to implement temporary special measures, if this means the acceleration of women’s equality.

**ARTICLE 5: SEX ROLES AND STEREOTYPES** – States must abolish discriminatory cultural practices or traditions.

**ARTICLE 6: TRAFFICKING AND PROSTITUTION** – States must take the appropriate steps to suppress the exploitation involved in prostitution and in the trafficking of women.

**ARTICLE 7: POLITICAL AND PUBLIC LIFE** – Women must have equal rights to vote, hold public office, and participate in civil society.

**ARTICLE 8: REPRESENTING ONE’S GOVERNMENT** – Women must be allowed to work and represent their governments internationally.

**ARTICLE 9: NATIONALITY** – Women have the right to acquire, retain or even change their nationality as well as that of their children.

**ARTICLE 10: EDUCATION** – Women have equal rights with men with regard to education.

**ARTICLE 11: EMPLOYMENT** – Women have equal rights with men in employment (equal pay, healthy working conditions, etc.)

**ARTICLE 12: HEALTH** – Women have equal rights to health care with an emphasis on reproductive health services.

**ARTICLE 13: ECONOMIC AND SOCIAL BENEFITS** – Women have equal rights to family benefits, financial credit and recreational activities.

**ARTICLE 14: RURAL WOMEN** – Rural women must have the right to adequate living conditions, participation in development planning and access to healthcare and education.

**ARTICLE 15: EQUALITY BEFORE THE LAW** – Women and men must be seen as equals before the law, and have the legal right to own property and choose their place of residence.

**ARTICLE 16: MARRIAGE AND FAMILY** – Women have equal rights with men within marriage, including family planning.

**ARTICLE 17-24: Refer to the functioning and rules of the CEDAW Committee and reporting procedures.**

**ARTICLE 25-30: Refer to the administration of the Convention.**

# Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Adopted and opened for signature, ratification and accession by  
General Assembly resolution 34/180 of 18 December 1979

Entry into force 3 September 1981, in accordance with article 27 (1)  
went into force in Cambodia, on November 14 1992

## **The States Parties to the Present Convention,**

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women,

## **Convention on the Rights of the Child**

**Adopted and opened for signature, ratification and accession by General Assembly  
resolution 44/25 of 20 November 1989**

**entry into force 2 September 1990, in accordance with article 49**

### **Preamble**

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) ; and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

## **PART I**

### **Article 1**

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

### **Article 2**

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

### **Article 3**

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

### **Article 4**

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

### **Article 5**

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

### **Article 6**

1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

#### **Article 7**

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

#### **Article 8**

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

#### **Article 9**

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

#### **Article 10**

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their

own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

#### **Article 11**

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

#### **Article 12**

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

#### **Article 13**

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a) For respect of the rights or reputations of others; or
  - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

#### **Article 14**

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

#### **Article 15**

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

#### **Article 16**

# Peace, dignity and equality on a healthy planet ( )

## Universal Declaration of Human Rights

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The Universal Declaration of Human Rights (UDHR)

(<https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A ([http://undocs.org/en/A/RES/217\(1!!\)\)](http://undocs.org/en/A/RES/217(1!!)))) as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected and it has been translated into over 500 languages ([http://www.ohchr.org/en/search?f\\_?B0%5D=evenuype\\_taxonomy\\_term\\_name%3AUniversal%20Declaration%20of%20Human%20Ri!!J!.!.\)](http://www.ohchr.org/en/search?f_?B0%5D=evenuype_taxonomy_term_name%3AUniversal%20Declaration%20of%20Human%20Ri!!J!.!.))). The UDHR is widely recognized as having inspired, and paved the way for, the adoption of more than seventy human rights treaties, applied today on a permanent basis at global and regional levels (all containing references to it in their preambles).

## Preamble

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Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

## Article 1

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All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

## Article 2

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Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

## Article 3

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Everyone has the right to life, liberty and security of person.

## Article 4

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No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

## Article 5

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No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

## Article 6

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Everyone has the right to recognition everywhere as a person before the law.

## **Article 7**

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All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

## **Article 8**

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Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

## **Article 9**

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No one shall be subjected to arbitrary arrest, detention or exile.

## **Article 10**

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Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

## **Article 11**

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1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

## **Article 12**

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No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

## Article 13

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1. Everyone has the right to freedom of movement and residence within the borders of each state.
2. Everyone has the right to leave any country, including his own, and to return to his country.

## Article 14

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1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

## Article 15

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1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

## Article 16

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1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

## Article 17

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1. Everyone has the right to own property alone as well as in association with others.

CHARTER OF THE UNITED NATIONS  
AND  
STATUTE OF THE  
INTERNATIONAL COURT OF JUSTICE



SAN FRANCISCO • 1945

# CHARTER OF THE UNITED NATIONS

WE THE PEOPLES OF THE UNITED NATIONS  
DETERMINED

to save succeeding generations from the scourge of war, which twice in our life-time has brought untold sorrow to mankind, and  
to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and  
to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and  
to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbors, and  
to unite our strength to maintain international peace and security, and  
to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and  
to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS  
TO ACCOMPLISH THESE AIMS.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

# CHAPTER I

## PURPOSES AND PRINCIPLES

### *Article 1*

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

### *Article 2*

The Organization and its Members, in pursuit of the Purposes stated in Article I, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international

disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

# CHAPTER II

## MEMBERSHIP

### *Article 3*

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

#### *Article 4*

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

#### *Article 5*

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

#### *Article 6*

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

### CHAPTER III ORGANS

#### *Article 7*

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

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#### *Article 8*

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

### CHAPTER IV

#### THE GENERAL ASSEMBLY

#### *Composition*

#### *Article 9*

1. The General Assembly shall consist of all the Members of the United Nations.
2. Each Member shall have not more than five representatives in the General Assembly.

#### *Functions and Powers*

#### *Article 10*

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

#### *Article 11*

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a

## **PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA**

The States Parties to this Protocol,

**CONSIDERING** that Article 66 of the African Charter on Human and Peoples' Rights provides for special protocols or agreements, if necessary, to supplement the provisions of the African Charter, and that the Assembly of Heads of State and Government of the Organization of African Unity meeting in its Thirty-first Ordinary Session in Addis Ababa, Ethiopia, in June 1995, endorsed by resolution AHG/Res.240 (XXXI) the recommendation of the African Commission on Human and Peoples' Rights to elaborate a Protocol on the Rights of Women in Africa;

**CONSIDERING** that Article 2 of the African Charter on Human and Peoples' Rights enshrines the principle of non-discrimination on the grounds of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status;

**FURTHER CONSIDERING** that Article 18 of the African Charter on Human and Peoples' Rights calls on all States Parties to eliminate every discrimination against women and to ensure the protection of the rights of women as stipulated in international declarations and conventions;

**NOTING** that Articles 60 and 61 of the African Charter on Human and Peoples' Rights recognise regional and international human rights instruments and African practices consistent with international norms on human and peoples' rights as being important reference points for the application and interpretation of the African Charter;

**RECALLING** that women's rights have been recognised and guaranteed in all international human rights instruments, notably the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol, the African Charter on the Rights and Welfare of the Child, and all other international and regional conventions and covenants relating to the rights of women as being inalienable, interdependent and indivisible human rights;

**NOTING** that women's rights and women's essential role in development, have been reaffirmed in the United Nations Plans of Action on the Environment and Development in 1992, on Human Rights in 1993, on Population and Development in 1994 and on Social Development in 1995;

**RECALLING ALSO** United Nations Security Council's Resolution 1325 (2000) on the role of Women in promoting peace and security;

**REAFFIRMING** the principle of promoting gender equality as enshrined in the Constitutive Act of the African Union as well as the New Partnership for Africa's Development, relevant Declarations, Resolutions and Decisions, which underline the commitment of the African States to ensure the full participation of African women as equal partners in Africa's development;

**FURTHER NOTING** that the African Platform for Action and the Dakar Declaration of 1994 and the Beijing Platform for Action of 1995 call on all Member States of the United Nations, which have made a solemn commitment to implement them, to take concrete steps to give greater attention to the human rights of women in order to eliminate all forms of discrimination and of gender- based violence against women;

**RECOGNISING** the crucial role of women in the preservation of African values based on the principles of equality, peace, freedom, dignity, justice, solidarity and democracy;

**BEARING IN MIND** related Resolutions, Declarations, Recommendations, Decisions, Conventions and other Regional and Sub-Regional Instruments aimed at eliminating all forms of discrimination and at promoting equality between women and men;

**CONCERNED** that despite the ratification of the African Charter on Human and Peoples' Rights and other international human rights instruments by the majority of States Parties, and their solemn commitment to eliminate all forms of discrimination and harmful practices against women, women in Africa still continue to be victims of discrimination and harmful practices;

**FIRMLY CONVINCED** that any practice that hinders or endangers the normal growth and affects the physical and psychological development of women and girls should be condemned and eliminated;

**DETERMINED** to ensure that the rights of women are promoted, realised and protected in order to enable them to enjoy fully all their human rights;

**HAVE AGREED AS FOLLOWS:**

## **Article 1**

### **Definitions**

For the purpose of the present Protocol:

- a) "African Charter" means the African Charter on Human and Peoples' Rights;
- b) "African Commission" means the African Commission on Human and Peoples' Rights;
  - "Assembly" means the Assembly of Heads of State and Government of the African Union;
  - "AU" means the African Union;
  - "Constitutive Act" means the Constitutive Act of the African Union;
  - "Discrimination against women" means any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the

exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life;

- "Harmful Practices" means all behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and girls, such as their right to life, health, dignity, education and physical integrity;
- "NEPAD" means the New Partnership for Africa's Development established by the Assembly;
- "States Parties" means the States Parties to this Protocol;
- "Violence against women" means all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war;
- "Women" means persons of female gender, including girls;

## **Article 2**

### **Elimination of Discrimination Against Women**

1. States Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures. In this regard they shall:

a) include in their national constitutions and other legislative instruments, if not already done, the principle of equality between women and men and ensure its effective application;

b) enact and effectively implement appropriate legislative or regulatory measures, including those prohibiting and curbing all forms of discrimination particularly those harmful practices which endanger the health and general well-being of women;

c) integrate a gender perspective in their policy decisions, legislation, development plans, programmes and activities and in all other spheres of life;

d) take corrective and positive action in those areas where discrimination against women in law and in fact continues to exist;

e) support the local, national, regional and continental initiatives directed at eradicating all forms of discrimination against women.

2. States Parties shall commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for women and men.

### **Article 3**

#### **Right to Dignity**

- Every woman shall have the right to dignity inherent in a human being and to the recognition and protection of her human and legal rights;
- Every woman shall have the right to respect as a person and to the free development of her personality;
- States Parties shall adopt and implement appropriate measures to prohibit any exploitation or degradation of women;
- States Parties shall adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence.

### **Article 4**

#### **The Rights to Life, Integrity and Security of the Person**

1. Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited.
2. States Parties shall take appropriate and effective measures to:
  - a) enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public;
  - b) adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women;
  - c) identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence;
  - d) actively promote peace education through curricula and social communication in order to eradicate elements in traditional and cultural beliefs, practices and stereotypes which legitimise and exacerbate the persistence and tolerance of violence against women;
  - e) punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims;
  - f) establish mechanisms and accessible services for effective information, rehabilitation and reparation for victims of violence against women;
  - g) prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk;

# The Harare Commonwealth Declaration

## Zimbabwe, 1991

1. The Heads of Government of the countries of the Commonwealth, meeting in Harare, reaffirm their confidence in the Commonwealth as a voluntary association of sovereign independent states, each responsible for its own policies, consulting and co-operating in the interests of their peoples and in the promotion of international understanding and world peace.
2. Members of the Commonwealth include people of many different races and origins, encompass every state of economic development, and comprise a rich variety of cultures, traditions and institutions.
3. The special strength of the Commonwealth lies in the combination of the diversity of its members with their shared inheritance in language, culture and the rule of law. The Commonwealth way is to seek consensus through consultation and the sharing of experience. It is uniquely placed to serve as a model and as a catalyst for new forms of friendship and co-operation to all in the spirit of the Charter of the United Nations.
4. Its members also share a commitment to certain fundamental principles. These were set out in a Declaration of Commonwealth Principles agreed by our predecessors at their Meeting in Singapore in 1971. Those principles have stood the test of time, and we reaffirm our full and continuing commitment to them today. In particular, no less today than 20 years ago:
  - we believe that international peace and order, global economic development and the rule of international law are essential to the security and prosperity of mankind;
  - we believe in the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, colour, creed or political belief, and in the individual's inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives;

- we recognise racial prejudice and intolerance as a dangerous sickness and a threat to healthy development, and racial discrimination as an unmitigated evil;
  - we oppose all forms of racial oppression, and we are committed to the principles of human dignity and equality;
  - we recognise the importance and urgency of economic and social development to satisfy the basic needs and aspirations of the vast majority of the peoples of the world, and seek the progressive removal of the wide disparities in living standards amongst our members.
5. In Harare, our purpose has been to apply those principles in the contemporary situation as the Commonwealth prepares to face the challenges of the 1990s and beyond.
  6. Internationally, the world is no longer locked in the iron grip of the Cold War. Totalitarianism is giving way to democracy and justice in many parts of the world. Decolonisation is largely complete. Significant changes are at last under way in South Africa. These changes, so desirable and heartening in themselves, present the world and the Commonwealth with new tasks and challenges.
  7. In the last twenty years, several Commonwealth countries have made significant progress in economic and social development. There is increasing recognition that commitment to market principles and openness to international trade and investment can promote economic progress and improve living standards. Many Commonwealth countries are poor and face acute problems, including excessive population growth, crushing poverty, debt burdens and environmental degradation. More than half our member states are particularly vulnerable because of their very small societies.
  8. Only sound and sustainable development can offer these millions the prospect of betterment. Achieving this will require a flow of public and private resources from the developed to the developing world, and domestic and international regimes conducive to the realisation of these goals. Development facilitates the task of tackling a range of problems which affect the whole global community such as environmental degradation, the problems of migration and refugees, the fight against communicable diseases, and drug production and trafficking.

9. Having reaffirmed the principles to which the Commonwealth is committed, and reviewed the problems and challenges which the world, and the Commonwealth as part of it, face, we pledge the Commonwealth and our countries to work with renewed vigour, concentrating especially in the following areas:
- the protection and promotion of the fundamental political values of the Commonwealth:
    - democracy, democratic processes and institutions which reflect national circumstances, the rule of law and the independence of the judiciary, just and honest government;
    - fundamental human rights, including equal rights and opportunities for all citizens regardless of race, colour, creed or political belief;
  - equality for women, so that they may exercise their full and equal rights;
  - provision of universal access to education for the population of our countries;
  - continuing action to bring about the end of apartheid and the establishment of a free, democratic, non-racial and prosperous South Africa;
  - the promotion of sustainable development and the alleviation of poverty in the countries of the Commonwealth through:
    - a stable international economic framework within which growth can be achieved;
    - sound economic management recognising the central role of the market economy;
    - effective population policies and programmes;
    - sound management of technological change;
    - the freest possible flow of multilateral trade on terms fair and equitable to all, taking account of the special requirements of developing countries;
    - an adequate flow of resources from the developed to developing countries, and action to alleviate the debt burdens of developing countries most in need;

- the development of human resources, in particular through education, training, health, culture, sport and programmes for strengthening family and community support, paying special attention to the needs of women, youth and children;
  - effective and increasing programmes of bilateral and multilateral co-operation aimed at raising living standards;
- extending the benefits of development within a framework of respect for human rights;
  - the protection of the environment through respect for the principles of sustainable development which we enunciated at Langkawi;
  - action to combat drug trafficking and abuse and communicable diseases;
  - help for small Commonwealth states in tackling their particular economic and security problems;
  - support of the United Nations and other international institutions in the world's search for peace, disarmament and effective arms control; and in the promotion of international consensus on major global political, economic and social issues.
10. To give weight and effectiveness to our commitments we intend to focus and improve Commonwealth co-operation in these areas. This would include strengthening the capacity of the Commonwealth to respond to requests from members for assistance in entrenching the practices of democracy, accountable administration and the rule of law.
  11. We call on all the intergovernmental institutions of the Commonwealth to seize the opportunities presented by these challenges. We pledge ourselves to assist them to develop programmes which harness our shared historical, professional, cultural and linguistic heritage and which complement the work of other international and regional organisations.
  12. We invite the Commonwealth Parliamentary Association and non-governmental Commonwealth organisations to play their full part in promoting these objectives, in a spirit of co-operation and mutual support.
  13. In reaffirming the principles of the Commonwealth and in committing ourselves to pursue them in policy and action in response to the challenges of the 1990s, in areas where we believe that the Commonwealth has a distinctive contribution to offer, we the Heads

## **Vienna Declaration and Programme of Action**

**Adopted by the World Conference on Human Rights in Vienna on 25 June 1993**

The World Conference on Human Rights ,

Considering that the promotion and protection of human rights is a matter of priority for the international community, and that the Conference affords a unique opportunity to carry out a comprehensive analysis of the international human rights system and of the machinery for the protection of human rights, in order to enhance and thus promote a fuller observance of those rights, in a just and balanced manner,

Recognizing and affirming that all human rights derive from the dignity and worth inherent in the human person, and that the human person is the central subject of human rights and fundamental freedoms, and consequently should be the principal beneficiary and should participate actively in the realization of these rights and freedoms,

Reaffirming their commitment to the purposes and principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming the commitment contained in Article 56 of the Charter of the United Nations to take joint and separate action, placing proper emphasis on developing effective international cooperation for the realization of the purposes set out in Article 55, including universal respect for, and observance of, human rights and fundamental freedoms for all,

Emphasizing the responsibilities of all States, in conformity with the Charter of the United Nations, to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Recalling the Preamble to the Charter of the United Nations, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small,

Recalling also the determination expressed in the Preamble of the Charter of the United Nations to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Emphasizing that the Universal Declaration of Human Rights, which constitutes a common standard of achievement for all peoples and all nations, is the source of inspiration and has been the basis for the United Nations in making advances in standard setting as contained in the existing international human rights instruments, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Considering the major changes taking place on the international scene and the aspirations of all the peoples for an international order based on the principles enshrined in the Charter of the United Nations, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity,

Deeply concerned by various forms of discrimination and violence, to which women continue to be exposed all over the world,

Recognizing that the activities of the United Nations in the field of human rights should be rationalized and enhanced in order to strengthen the United Nations machinery in this field and to further the objectives of universal respect for observance of international human rights standards,

Having taken into account the Declarations adopted by the three regional meetings at Tunis, San José and Bangkok and the contributions made by Governments, and bearing in mind the suggestions made by intergovernmental and non-governmental organizations, as well as the studies prepared by independent experts during the preparatory process leading to the World Conference on Human Rights,

Welcoming the International Year of the World's Indigenous People 1993 as a reaffirmation of the commitment of the international community to ensure their enjoyment of all human rights and fundamental freedoms and to respect the value and diversity of their cultures and identities,

Recognizing also that the international community should devise ways and means to remove the current obstacles and meet challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world,

Invoking the spirit of our age and the realities of our time which call upon the peoples of the world and all States Members of the United Nations to rededicate themselves to the global task of promoting and protecting all human rights and fundamental freedoms so as to secure full and universal enjoyment of these rights,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Solemnly adopts the Vienna Declaration and Programme of Action.

## I

1. The World Conference on Human Rights reaffirms the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law. The universal nature of these rights and freedoms is beyond question.

In this framework, enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations.

Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments.

2. All peoples have the right of self-determination. By virtue of that right they freely determine their political status, and freely pursue their economic, social and cultural development.

Taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, the World Conference on Human Rights recognizes the right of peoples to take any legitimate action, in accordance with the Charter of the United Nations, to realize their inalienable right of self-determination. The World Conference on Human Rights considers the denial of the right of self-determination as a violation of human rights and underlines the importance of the effective realization of this right.

In accordance with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States in accordance with the Charter of the United Nations, this shall not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind.

3. Effective international measures to guarantee and monitor the implementation of human rights standards should be taken in respect of people under foreign occupation, and effective legal protection against the violation of their human rights should be provided, in accordance with human rights norms and international law, particularly the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 14 August 1949, and other applicable norms of humanitarian law.

4. The promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation. In the framework of these purposes and principles, the promotion and protection of all human rights is a legitimate concern of the international community. The organs and specialized agencies related to human rights should therefore further enhance the coordination of their activities based on the consistent and objective application of international human rights instruments.

5. All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

6. The efforts of the United Nations system towards the universal respect for, and observance of, human rights and fundamental freedoms for all, contribute to the stability and well-being necessary for peaceful and friendly relations among nations, and to improved conditions for peace and security as well as social and economic development, in conformity with the Charter of the United Nations.

7. The processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations, and international law.

8. Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. In the context of the above, the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached. The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world.

9. The World Conference on Human Rights reaffirms that least developed countries committed to the process of democratization and economic reforms, many of which are in Africa, should be supported by the international community in order to succeed in their transition to democracy and economic development.

10. The World Conference on Human Rights reaffirms the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights.

As stated in the Declaration on the Right to Development, the human person is the central subject of development.

While development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights.

States should cooperate with each other in ensuring development and eliminating obstacles to development. The international community should promote an effective international cooperation for the realization of the right to development and the elimination of obstacles to development.

Lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level.

11. The right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations. The World Conference on Human Rights recognizes that illicit dumping of toxic and dangerous substances and waste potentially constitutes a serious threat to the human rights to life and health of everyone.

Consequently, the World Conference on Human Rights calls on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and waste and to cooperate in the prevention of illicit dumping.

Everyone has the right to enjoy the benefits of scientific progress and its applications. The World Conference on Human Rights notes that certain advances, notably in the biomedical and life sciences as well as in information technology, may have potentially adverse consequences for the integrity, dignity and human rights of the individual, and calls for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern.

12. The World Conference on Human Rights calls upon the international community to make all efforts to help alleviate the external debt burden of developing countries, in order to supplement the efforts of the Governments of such countries to attain the full realization of the economic, social and cultural rights of their people.

13. There is a need for States and international organizations, in cooperation with non-governmental organizations, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of human rights. States should eliminate all violations of human rights and their causes, as well as obstacles to the enjoyment of these rights.

14. The existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights; its immediate alleviation and eventual elimination must remain a high priority for the international community.

15. Respect for human rights and for fundamental freedoms without distinction of any kind is a fundamental rule of international human rights law. The speedy and comprehensive elimination of all forms of racism and racial discrimination, xenophobia and related intolerance is a priority task for the international community. Governments should take effective measures to prevent and combat them. Groups, institutions, intergovernmental and non-governmental organizations and individuals are urged to intensify their efforts in cooperating and coordinating their activities against these evils.

16. The World Conference on Human Rights welcomes the progress made in dismantling apartheid and calls upon the international community and the United Nations system to assist in this process.

The World Conference on Human Rights also deplores the continuing acts of violence aimed at undermining the quest for a peaceful dismantling of apartheid.

17. The acts, methods and practices of terrorism in all its forms and manifestations as well as linkage in some countries to drug trafficking are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments. The international community should take the necessary steps to enhance cooperation to prevent and combat terrorism.

18. The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.

Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the



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SAMPLE OF THE SURVEY QUESTIONS FOR POST-GRADUATE  
STUDENTS AT THREE UNIVERSITIES (i.e., Addis Ababa University,  
University of Namibia & University of Zambia)

1. How old are you, and what post-graduate course are you studying?
2. How satisfied/dissatisfied are you with the existing domestic human rights laws in protecting and promoting human rights of marginalized people?
3. How satisfied/dissatisfied are you with the levels of civil society advocacy in championing human rights?
4. What traditional practices do you consider to be 'harmful' cultural practices?
5. Why do you think those 'harmful' cultural practices have persisted, and what can be done to reduce/curb them?
6. Regarding the thin line between, 'child marriages', and 'early marriages', what minimum age do you consider to be suitable for marriage?
7. What are the main hindrances to the advancement/emancipation of marginalized people, especially women, in social, economic & political activities in African polities?
8. What is your understanding/definition of universal human rights?
9. In your assessment, which law system, between the universal human rights regime and domestic human rights regime is best suited to address the challenge of human rights abuses?
10. What are the major impediments to the attainment of universal human rights in Africa?

