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Human Rights in Sub-Saharan Africa: Introduction

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Human Rights in Sub-Saharan Africa: Introduction

Abstract

Whether one points to the legacy of colonialism, the nature of the post-colonial state, the effects of the Cold War, globalization, and enduring customary cultural practices, the facts presented in this Spring Digest on Human Rights in Sub-Saharan Africa (SSA) point to a significant deficit in human rights protection for sub-Saharan Africa's people. All of the selections recognize that the demand for greater human rights and the form in which they are expressed will largely come from within Africa to be sustainable. The Digest creates a bridge between universal rights standards and their particular application and expression in Africa.

Keywords

Human rights, Sub-Saharan Africa, Universal human rights, Globalization

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Introduction

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Whether one points to the legacy of colonialism, the nature of the post-colonial state, the effects of the Cold War, globalization, and enduring customary cultural practices, the facts presented in this Spring Digest on Human Rights in Sub-Saharan Africa (SSA) point to a significant deficit in human rights protection for sub-Saharan Africa's people. All of the selections recognize that the demand for greater human rights and the form in which they are expressed will largely come from within Africa to be sustainable. The Digest creates a bridge between universal rights standards and their particular application and expression in Africa.

Kathryn Birdwell Wester focuses on women's human rights in sub-Saharan Africa and presents a jarring picture of African women's under-representation within the nation-state, marginalization in society, and subjugation in the private domain. African women face violations of their rights to health, education, economic opportunity and levels of sexual violence unprecedented and unparalleled elsewhere in the world. She insightfully points to women's human rights being trapped between formal law and traditional culture. Decolonization occurred primarily without women's input and in the process women at times lost rights previously accorded them by native African custom. In contemporary sub-Saharan Africa women have little voice in the states responsible for protecting human rights; nor are they able to access the legal system which in any case is often unwilling to intervene in private affairs where women face significant violations of their human rights including domestic violence, sexual violence, marital rape and early marriage that increases the chances of becoming infected with HIV and developing cervical cancer from human papilloma virus (HPV). Wester concludes with a fundamental truth that achieving or realizing rights starts with SSA women's agency and following the agenda they set. It is the only way to "ensure that international human rights have sufficient legitimacy within particular cultures and traditions to prove effective."

Brook Breazeale provides practical guidance in restoring basic human rights and dignity to former child soldiers in Africa. Sub-Saharan Africa has the greatest increase in child soldiers largely due to the surge in intrastate conflicts after the Cold War between weak states and warlords over power and resources, the widespread availability of small arms, and the unprotected displacement camps vulnerable to armed factions preying on young transients. These children are indoctrinated into a world of violence and terror through methods that sever ties to their communities (e.g. forced killing of family members and committing atrocities against their neighbors) and create drug-addicted, traumatized, and dependent child soldiers and girl sexual slaves, domestic workers, spies and looters. Breazeale calls for well-funded comprehensive educational programs emphasizing conflict resolution techniques, leadership and social responsibility skills and vocational training, coupled with micro-finance and other economic opportunities "to transform children of war into agents of change." Breazeale concludes on the hopeful note that such well-funded and properly conceived comprehensive reintegration strategies can help young war-affected children to become leaders in their communities.

Alayna Hamilton reminds us that the dominant focus on social and economic rights should not be allowed to overshadow the need for political rights as a requisite for developing equitable government policies and to ensuring the worth and dignity of the individual. She analyzes political

institutions as a framework for examining rights violations and political oppression. Judicial systems lack independence from the executive, are often staffed by individuals whose only qualifications is allegiance to the executive or sharing the same ethnicity as those in power. Moreover rural populations lack access to legal assistance and Hamilton argues are thereby left powerless against centrally-imposed rule of law amounting to systemic oppression. Prisons are full of social deviants and political dissidents. Civil society organizations are banned or intimidated and unable to foster political participation. Though the outlook is seemingly bleak, there has been a spread of democratic norms across sub-Saharan Africa since the 1990s that has resulted in roughly 90 percent of the countries holding regular elections. Hamilton expects the quality of elections and political participation to improve as non-governmental organizations (NGOs) and civil society groups play more prominent roles in confronting oppressive regimes, advocating for rights, and supporting political reforms and the spread of democratic ideology.

Britany Kühn's nuanced examination of the relationship between "Universal Rights vs. Traditional Rights" wisely recognizes that "to ensure the integrity of every individual, values of a society must be genuinely adapted, maintained, and facilitated from within." The spread of universal rights found in the Universal Declaration of Human Rights (UDHR) will face increased resistance when they clash against deeply embedded traditional norms and practices that are a part of a society or individual's cultural identity. She analyzes three hard cases—polygamy and women's rights; rites of passage and children's rights; and Faith Healers and health rights. Without judging, she offers that traditional cultural practice is not a disease to be eradicated, rather harmful practices are the target. Increasing freedoms and self-sustainability are the necessary platform for human rights to build incremental and profound change.

Food security is a core basic need that is tackled in Amy Rademacher's contribution on "Food Security in Sub-Saharan Africa." She calls for moving beyond the late-1950s' approach of defining SSA's perennial food insecurity as a supply issue. More comprehensive solutions that address poor food distribution systems, the effects of climate change and globalization's impact including economic crises are needed. If providing more food to SSA is becoming outdated, then relying on climate prediction models to determine weather patterns and prepare farmers for drought, heavy rains, and other disastrous conditions, is certainly cutting edge. Using such technology and focusing on stopping climate change—rather than genetically-modified crops and factory farming—will certainly require government agencies, local farmers, aid organizations, and scientists working together to "lead SSA toward sustainable and reliable food sources and a more secure future."

Daniela A. Wohlwend argues that the IMF and World Bank practices are contributing to impoverishing SSA countries creating a context in which "human rights violations have a greater opportunity to flourish." In particular conditional lending and current aid allocations based on macroeconomic and structural policies is a flawed form of static poverty analysis and should be replaced with evaluation that tracks a country's economic stability over time. Conditionality often pushes countries to accept tied aid and forced privatization that have the perverse effect of donors profiting more than recipients. The International Financial Institutions need to devote more funding to fieldwork that would provide a better understanding of context, including the traditions and culture, in which they operate to provide for allocations based on in-country demand.

The authors convincingly highlight the enormous challenges in realizing greater human rights in Africa more than twenty years after the African Charter on Human and Peoples' Rights came into

effect recognizing the universally accepted civil and political rights, and recognizing economic, social and cultural rights as well as collective or peoples' rights. Clearly more work is needed and the selections in the Digest provide practical suggestions on next steps to advancing rights across Africa.