Universal Human Rights vs. Traditional Rights

Brittany Kühn

Universal Human Rights vs. Traditional Rights

Abstract

The Universal Declaration of Human Rights (UDHR) is one of the most translated documents in the world. Its promotion of freedom, justice and peace provides a set of standards that were adopted by the United Nations General Assembly and with the support of forty-eight countries. Despite this doctrine of international values, indigenous societies often resist attempts to implement such law when it threatens to constrain traditional norms that are deeply embedded into the realm of cultural identity.

Keywords

Human rights, Sub-Saharan Africa, Universal rights, Indigenous peoples, Cultural identity

Copyright Statement / License for Reuse

Publication Statement

Universal Human Rights vs. Traditional Rights
By Brittany Kühn

"Increasingly, a single world standard is emerging that acknowledges rights that peoples are expected to enjoy and that states and the international community are expected to observe and protect … states are under more scrutiny today by their own citizens, by the human rights movement, and by other states. The relations between the great powers and the decisions they make about humanitarian intervention in smaller states increasingly hinge on these 'soft' norms." (Ikenberry, 91)

The Universal Declaration of Human Rights (UDHR) is one of the most translated documents in the world. Its promotion of freedom, justice and peace provides a set of standards that were adopted by the United Nations General Assembly and with the support of forty-eight countries. Despite this doctrine of international values, indigenous societies often resist attempts to implement such law when it threatens to constrain traditional norms that are deeply embedded into the realm of cultural identity.

An array of practices integral to indigenous livelihood—such as a society's religion, subsistence methods, marriage practices, and healing techniques—provides threads of fabric that weave together a communal way of life. In such societies, adherence to rituals and customs are fundamental; they create a structure of distinctiveness and provide a dimension with which citizens can face the issues of day-to-day living in a meaningful way.

This cultural framework serves as fragile terrain through which global citizens must learn to navigate with caution. Traditional practices that are inconsistent with universal doctrine encounter increased opposition from UDHR advocates. When international development initiatives connect with a resistant traditional society, international standards and local culture collide. Therefore, in order for the UDHR to be utilized effectively, it needs to adopt a relative framework in areas of Sub-Saharan Africa—one that more accurately assesses needs by first increasing freedoms and self-sustainability as necessary platforms for human rights. Until these basic needs are acknowledged and adopted, human rights have no foundational support upon which to build incremental, profound change.

1. Case Study: Polygamy—Women's Rights vs. Traditional Practices

One example of a cultural practice that conflicts with progressive international norms is the observance of polygamy. Although it occurs throughout the world, African males, traditionalists in particular, maintain multiple partnerships, especially in areas with scarce environmental resources. Polygamy is believed to increase productivity and survival among children, to provide economic security to women, and to maintain strong religious values. Yet it also represents a highly contested debate between those who uphold the societal norms of traditional African communities, and those who call for implementing human rights norms.

Polygamy is legally recognized in Chad, the Congo, Gabon, the Gambia, Mali, Mauritania, Niger, Sierra Leone, Sudan, Tanzania, Togo, Uganda, and Zambia, to name a few. Senegal in particular has the highest rate of polygamy in Africa, with estimates ranging from fifty to seventy percent.

59

Despite this regional widespread recognition of multi-partnerships in Sub-Saharan Africa (SSA), polygamy directly clashes with Western norms that consider bigamy a crime. Several countries have prohibited the polygamous lifestyles and some states condemn it through criminalization. As a result, polygamists often encounter difficulty with US governmental agencies while securing visas for legal immigrant status in the United States. There is also strong sentiment that polygamy creates societal problems responsible for the continuance of gender inequality, the spread of sexually transmitted diseases, marital strife, family discord, and the transmission of AIDS. Numerous organizations, such as the Campaign Against Polygamy and Women Oppression International (CAPWOI) actively discourage polygamy through education, advocacy and support.

To such advocates, polygamy represents a highly emotional issue that perpetuates the inferiority of women. Yet many African men maintain that multiple-partnership is "tradition," suggesting deeply interwoven principles of power and priority that are not easily broken. Instead of condemning the practice, some African states have opted to provide legal protection to polygamous marriages by enforcing legal responsibilities that ensure the rights of women and children. In Namibia, for example, the constitution holds men accountable for a multitude of legal obligations favoring proper treatment of family members (Ovis 2005). Though this solution does not eradicate polygamy, many see it as a step in the direction towards acknowledging, and perhaps one day changing, the deeply ingrained traditional role polygamy signifies in many African societies.

2. Case Study: Rites of Passage—Children's Rights vs. Traditional Practices

Whereas the controversy over polygamy remains divided, children's rites of passage encounter overwhelming international dissent. Although there is strong international condemnation of practices that are harmful to children, many rites continue to hold significant meaning among indigenous populations. These cultural customs, such as ritual circumcision, symbolic cuts to the body, tests of endurance, and extended periods of isolation, are viewed as vital steps in the transition into adulthood in many indigenous communities.

The ritual that has prompted the most heightened international concern for human rights is female genital cutting (FGC). The practice of removing the external female genitalia for cultural, traditional or religious reasons is particularly outrageous to human rights coalitions. According to the World Health Organization, one hundred million women have undergone the practice of circumcision, mostly in sub-Saharan Africa. It has been described by the organization as "a torture that must be stamped out." Based on the UDHR and the Declaration on the Rights of the Child, humanitarians argue that both male and female circumcision directly violates such provisions of international law (Smith 1998).

Despite this "global consensus" against FGC, others claim such customs play a vital role in their respective communities. Young girls often express a preference for cutting in contrast to life of social exclusion without the financial security of a husband. Likewise, if boys are not circumcised, they are considered outcasts and are not accepted as members of adult male society. It is important to note that generally children do not have any say in the matter; when they are provided only one choice, alternatives and dissent are not viable options.

60

Such social pressures to conform to traditional rituals, particularly ones that demonstrate a transition into adulthood and indicate societal membership, are extremely powerful. They persist despite legislation that condemns practices for the health risks they pose to young individuals' lives. In countries such as Kenya, where FGC is banned, girls sometimes bleed to death while attempting to perform circumcision on themselves out of the desire for acceptance from peers and elders. This demonstrates a deep-rooted value that can only be addressed through education and regionally accepted progressive alternatives. Clearly, practices that may be considered cultural norms in one community are regarded as child abuse in others.

3. Case Study: Faith Healers—Health Rights vs. Traditional Practices

Another multifaceted conflict between cultural rights and international human rights law comes into play through efforts to regulate traditional faith healing practices in SSA. There are an estimated twenty-thousand traditional healers in South Africa who use religious methods such as prayer and spiritual techniques to prevent illness, cure disease, and improve health. These healers treat around eighty percent of the population in the African nation of Uganda and play an arguably fundamental role in both the physical and spiritual health of individuals in regions across the continent.

Western critics of traditional faith healing challenge the legitimacy of healers by maintaining the inefficiency of their ritualized practices. They contend that faith healers use fraudulent healing techniques that reduce access to modern medicine and result in high mortality rates. For example, AIDS patients often rely on traditional healing rather than Western medicine. As a result, non-terminal illnesses sometimes result in death. Despite these concerns, traditional healers are generally more accessible and affordable in comparison to Western-trained practitioners. In rural Tanzania the ratio of doctors to the population is 1:20,000, whereas that of traditional healers is 1:25 (Njenga 2005).

Considerable efforts have been made to step in and regulate traditional medicine. In 2003, the South African parliament passed a law to standardize traditional faith healers in the country and to implement an officially recognized health care system. A council was set in place to locate healers, set standards, categorize the different types of healers and begin the process of registration— although one can argue that such processes are implemented to exclude healers altogether.

While supporters of such laws claim it exists to protect patients and minimize health risks, others insist that legal efforts undermine healers who play a highly respected cultural role for a large percentage of the African population. Many traditionalists remain wary of Western healing and its modernized techniques, preferring instead to maintain a relationship with a local healer, whose familiarity and religious purpose is preferable. There is often strong rejection of the governments' efforts to introduce a nationalized Western medicine, modernization and commercialization.

This intervention to adopt a universal system of health care fails to address the needs of the people for two reasons: first, it ignores the strong regional values and deep mistrust of foreign practices; second, it demands implementation of a health method that is not available to a majority of the public. This severe disconnect between law and practical implementation leaves both parties "lost in translation."

61

Unlike the complexity of the first two case studies, cultural conflicts such as medicinal practices present ways in which individuals can actually work together to integrate both traditional values and progressive practices. Many contend that traditional healers can play a crucial role in strengthening the health system in Africa through involvement in the response against HIV/AIDS. This kind of application of human rights principles within the traditional healing profession can be achieved by adopting strategies that align traditional healing with the goal of increasing health standards across the continent.

Conclusion

Traditional cultural practice is not a disease to be eradicated. Indeed, many forms of cultural distinctiveness offer valuable contributions that preserve the very essence of humanity. Cultural practices are not the target—harmful practices are.

Due to the increased interconnectedness of the global community, it is becoming difficult for nations not to respond to injustice occurring beyond their borders. As the majority often suffers at the hands of a minority's unjust practices, one may presume there is always strong support for human rights promotion. To ensure the integrity of every individual, values of a society must be genuinely adopted, maintained, and facilitated from within. When a community has access to water, food, education, and health, they are provided the dignity and knowledge to claim and own their rights. It is within the realm of increasing capabilities and resources that international contributors can play the most vital and fundamental role.

Everyone has a right to dignity, but universality is not a "one size fits all" Prescription. Variations within each society demonstrate the need for a more adaptive framework that translates to each unique language and cultural setting. Implementing human rights through force is like trying to fit a circular block into a square slot—it just will not succeed .Instead of pushing against steadfast opposition, advocates must get to the root of why universal policy conflicts with traditional ideologies in the first place. By carefully, sensitively, and honestly deconstructing cultural priorities, human rights advocates can provide tools that allow individuals to implement their own methods of change.

Initial progress often involves compromises on both sides of the human rights debate. In such instances, it is imperative to remember that true change, for an individual or a nation, never occurs without struggle. It is an incremental process—one worth working toward through partnership, one small step at a time.

Annotations

The Universal Declaration of Human Rights. 1948.

Annotation: As the first article of the universal document states, "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." On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the full text of articles that arose after the Second World War. It consists of thirty articles that mandate the agreed-upon rights that

62

human being are endowed with on an international scale. This covenant exists to uphold the rights of individuals in a way that provides a framework for treaties, constitutions and law.

"Are African Men Entitled to Multiple Wives?" BBC News Website. 2002. http://news.bbc.co.uk/2/hi/talking_point/debates/african_debates/2348341.stm.

Annotation: The BBC News World Edition provides an online forum for international debate on controversial topics in Africa. In this edition, the news source offers a politically, culturally and ethically charged topic in order to encourage open dialogue with people from various backgrounds around the world. This particular debate addresses the issue of polygamy in Africa, and includes a wide range of varying viewpoints from individuals of differing opinions. What is most interesting and helpful about such forums is that it offers a multitude of arguments, both for and against multi-partnerships, that exposes advocates of both sides to the other's perspective and rationale.

"Traditional Medicine Practice in Contemporary Uganda." 2003. World Bank IK Notes (54).

Annotation: By arguing for the preservation of traditional medical practices in areas such as Uganda, this article offers empirical analysis based on indigenous knowledge within the context of a local culture and environment. By assessing the health services climate within Uganda, the article details the reasons that necessitate the continuing presence of traditional healers in Africa. Citing a greater access to traditional healers in comparison to Western-trained medicinal practitioners, the article demonstrates the importance of healers by asserting that they are an integral part of the culture that treats 80 percent of the Ugandan population. Furthermore, the article states, the foreign practices of Western medicine are not widely accepted among many communities. The economic advantage of ensuring that the country does not rely upon external sources and multinational corporations for health care has prompted a strong consensus of rejection through governmental efforts to promote traditional medicine against the advances of modernization and commercialization of the Western world.

"West Africa." Emory Law Website. 2009. http://www.law.emory.edu/ifl/region/westafrica.html.

Annotation: This university research site, which focuses on legal history, international law, religion and legal theory, offers a well-organized and thorough historical timeline as it relates to polygamy in West Africa. According to the research, polygamy predates Islam in West Africa and is currently practiced by varying groups, regardless of religious affiliation. Furthering the point that a faith is not the sole determinant of polygamous practices, the site states that affluence plays a larger role in determining how many women a man marries (the number of wives and children a man has determines both his status and wealth). The site continues to provide regional statistics and polygamous practices that demonstrate the extent to which multiple marriages are prevalent in African society today.

63

Amien, Waheeda. 2006. "Overcoming the Conflict between the Right to Freedom of Religion and Women's Rights to Equality: A South African Case Study of Muslim Marriages." *Human Rights Quarterly* 28 (3): 729-754.

Annotation: Waheeda Amien, lecturer of law at the University of Cape Town, illustrates South African legal reform as it relates to women's rights, as well as the often conflicting religious rights upheld by the Muslim community. Amien explores the conflict between competing freedoms that have been identified and internationally recognized in relation to the protection of women's rights and in the context of the judicial system and legislative procedures.

Amsden, Alice H. 2007. Escape from Empire: The Developing World's Journey through Heaven and Hell. Cambridge, MA: Massachusetts Institute of Technology Press.

Annotation: In this book, Amsden portrays the United States as both a protagonist and antagonist in the developing world. According to her post-World War II account, economically disadvantaged countries enjoyed economic growth until the 1980s when America ended its flexible policies that demonstrated an awareness of cultural diversity. Amsden claims that once laissez-faire policy took on an imperialistic tone, income inequalities and financial crises devastated developing countries. The argument provided in this book suggests that granting the freedom to economically challenged countries to determine their own policies will promote an increase in economic growth.

Ayton-Shenker, Diana. 1995. "The Challenge of Human Rights and Cultural Diversity." United Nations Department of Public Information. Available online: http://www.un.org/rights/dpi1627e.htm.

Annotation: Diana Ayton-Shenker, past senior director at Mercy Corps, provides a background note to the United Nations that focuses on the current global transition in which a variety of social problems have evolved into higher levels of complexity. The piece serves to highlight the dilemma of applying a universal set of human rights to a multi-cultural and diverse world. She presents the argument that homogenizing a set of shared values creates an ethical conflict that may actually misrepresent the minority cultural practices of regional states. The argument emphasizes the need to apply cultural relativism to the implementation of human rights law in order to advance the protection of global citizens through a policy of contextual flexibility that recognizes instead of diminishes the rights of those living in a multi-cultural world.

BBC News. 2005. "Taking the AIDS Battle Forward." Available online: http://news.bbc.co.uk/2/hi/africa/4242530.stm.

Annotation: In response to the conclusion of the United Nation's anti-poverty summit, this online BBC News article assesses the ways in which Africa can meet the Millennium Challenge goals over the following ten-year period of time. The article places particular emphasis on strategies to combat the AIDS epidemic in Swaziland and Botswana. Within the article, however,

64

the author addresses ways in which traditional practices (particularly polygamy) have assisted in the spread of HIV and AIDS.

Baah, Richard Amoako. 2000. <u>A Review of Human Rights in Africa: The Conflict of Implementation</u>. Lanham, MD: University Press of America.

Annotation: The author, a native Ghanaian, demonstrates ways in which the conceptual framework of "universally" accepted Westernized human rights policy conflicts with the implementation of such practices within an African context. By focusing on the Akan people of Ghana, Baah illustrates that issues of ignorance, poverty and dire state governance fundamentally challenge the principles of human rights policy and frequently clash with the intentions of African rulers seeking non-linear agendas. Though Akan members strongly agree that all human beings are entitled to human rights, Baah indicates that they disagreed strongly with the elevation of individual rights over that of the community. This evidence indicates, in the author's opinion, a weak understanding of human rights and individual dignity and offers insight into the problematic nature of implementing a universal set of human rights in areas opposed to the principles upon which they are based.

Brown, Katrina, and Ekoko Francios. 2001. "Forest Encounters: Synergy among Agents of Forest Change in Southern Cameroon." Society and Natural Resources 14 (4): 269-290.

Annotation: This article looks into the interaction between agents and actors who are invested in the impact of deforestation and protection of environmental resources. It reveals the ways in which differing economic crises have impacted local livelihood, as well as details the strategies that have developed between both companies and countries as they create alliances and encounter conflicts. The article includes a variety of policy measures that have been enacted in order to define and clarify property rights on behalf of indigenous land owners.

Brysk, Alison. 2009. <u>Global Good Samaritans: Human Rights as Foreign Policy</u>. New York: Oxford University Press.

Annotation: Alison Brysk, professor of political science and international studies at the University of California-Irvine, uses this book to shift the focus from United States' human rights and foreign policy to that of the smaller, yet influential nations abroad. Her book demonstrates the great lengths many of the "good guys" go to in order to uphold the promotion of human rights in countries where disaster, war and conflict have taken its place. In six case studies, Brysk details patterns of principled action in nations such as Canada and Sweden, in order to portray that even in a world of security concerns, some societies have successfully continued the campaign of common good as a pillar of national interest and played important roles in the global community.

65

Bureau of Democracy, Human Rights, and Labor. 2001. "Sierra Leone: Country Reports on Human Rights Practices." Washington, DC: US Department of State.

Annotation: This government document, published on the US State Department website, evaluates the human rights practices in Sierra Leone. Of the many issues discussed, polygamy and Muslim marriage practices are addressed within this human rights document. Among the many reports on the status of human rights progress (or lack of progress), women, children and religious rights are seen as the more pressing concerns in the country.

Campbell, Patricia J. and David R. Penna. 1998. "Human Rights and Culture: Beyond Universality and Relativism." *Third World Quarterly* 19 (1): 7-27.

Annotation: Written by David R. Penna, Associate Editor of Africa Today and Patricia J. Campbell, Assistant Professor of Comparative Politics at the State University of West Georgia, this article expresses the concern that the modern crusade for human rights originated in a Western cultural framework that frequently dismisses institutional practices of non-Western cultures as anti-democratic. The authors provide case studies from Africa that discuss preexisting authority in traditional societies. The viewpoint of Penna and Campbell is that often international human rights policies intrude on African states with an imperialistic notion of entitlement to foreign affairs policy on the regional level.

Cline-Cole, Reginald. 1997. "Promoting (Anti-) Social Forestry in Northern Nigeria - Africa's Environmental Crisis: Challenging the Orthodoxies." *Review of African Political Economy,*. 24 (74): 515-536.

Annotation: Reginald Cline-Cole's review of the current environmental crisis in Northern Nigeria is a response to the threatening practices of burning household fuel wood in an area already suffering from desertification in the dry land regions. By assessing the threat to sustainability that such practices imply, Cline-Cole offers long-term strategies in order to preserve and promote new non-threatening development practices in Nigeria. The article suggests policy prescriptions and places particular emphasis on the failure to recognize the need for community participation that is essential in order to enact local response. Despite the country officials' recognition of the need to evaluate the current crisis and discover alternative fuel sources as a substitute for wood, the country has profited only a little due to the lack of structural implementation and effective adjustments.

Dahre, Ulf Johansson. 2008. "The Politics of Human Rights: Indigenous Peoples and the Conflict on Collective Human Rights." *International Journal of Human Rights* 12 (1): 41-52.

Annotation: This article though it focuses on rights pertaining to indigenous people in Hawaii, explores the tension within human rights in a way that can be applied to international human rights discourse as a whole. Through empirical study, Dahre explores the role of cultural identity

66

and assesses the impact (or lack thereof) of international intervention. The contextual argument states that human rights maintain an inherent connection with social, cultural and political relations. Dahre makes it clear that his assessment of political sovereignty in its relation to social emancipation reveals a complex and strategic dilemma.

Eckert, Amy E. 2007. "Accommodating Indigenous Peoples Within the Human Rights Regime: The Case of Awas Tingni v. Nicaragua." *Human Rights & Human Welfare* – Working Paper. Available online: http://www.du.edu/korbel/hrhw/working/2007/44-eckert-2007.pdf

Annotation: Written by Amy E. Eckert, this working paper challenges the practice of restricting an individual's expression of liberal ideas by maintaining that such observance is inconsistent with the underlying principles of freedom that allow such rights to exist. The author further negates the commonly-held view that human rights, which are essentially based on liberal individualism, are inconsistent and non-transferable to indigenous cultures. The paper offers recent advances in this method of individualist thought in the context of indigenous peoples and examines case studies in which traditional communities have been marginalized by the state. Such accounts support Eckert's assertion that liberalism should be applied ethically and not manipulated into an imperialist strategy of Western policy.

Feierman, Steven. 1985. "Struggles for Control: The Social Roots of Health and Healing in Modern Africa." *African Studies Review* 28 (2/3): 73-147.

Annotation: In this paper, Steven Feierman, who specializes in the history of health and healing in Africa, provides a general interpretation of how the past century of social change has shaped the medicinal and traditional healing practices of African countries. This paper takes into account the varying medicinal procedures and influences that have ranged from religious and spiritual beliefs to the introduction of more scientifically-based Western health practices. His intent is to consider the cultural underlying practices of traditional healing as a social construct in order to assess the ethical principles of integrating universal common practices on a regional level that has strong historical and religious ties methods of healing.

Fukuda-Parr, Sakiko. 2004. "Cultural Freedom and Human Development Today." *Daedalus* 133 (3): 37-45.

Annotation: By expressing agreement with Amartya Sen's successful book, "Democracy as Freedom," Fukuda-Parr's article argues that the ability to seek individual identity through a culture constitutes an intrinsic value that must be protected and viewed as a basic human freedom. Human progress, according to the author, is dependent upon an environment that encourages the expansion of Sen's capabilities approach. The article responds to the claim that the adherence to traditional cultures is responsible for stagnation in Africa by stating the suppression of cultural freedom is actually to blame for such stagnancy. Cultural exclusion and involuntary assimilation into a dominant culture, the author states, ignores the essential uniqueness of each community and what it has to offer to the nation as a part of the larger

67

group. Fukuda-Parr states that political leaders often feel that allowing diversity weakens the state, leads to conflict and impedes developmental goals.

Halbertal, Moshe and Avishai Margalit. 1994. "Liberalism and the Right to Culture." *Social Research*: 491.

Annotation: Moshe Halbertal, a professor of philosophy at the Hebrew University of Jerusalem, and Avishai Margalit, a leading Israeli political theorist and social critic, utilize this paper to discuss the right of culture. The authors claim that due to the fundamental role culture plays in the lives of its communal members, and due to the threat of expiration among particularly small cultures, minority rights should be protected by certain "special" rights that exist to protect the group as a whole. The arguments portrayed in this essay are in contrast with those who favor individual members' rights in a liberal society. The authors seek to exhibit human beings' rights to culture as ensured by the liberal state in order for such culture to thrive and continue.

Harring, Sidney L. 2001. "'God Gave Us This Land': the OvaHimba, the Proposed Epupa Dame, the Independent Namibian State, and Law and Development in Africa." *Georgetown International Environmental Law Review* 14 (1): 35, 72.

Annotation: This article aims to present the legal framework of an indigenous community's resistance to the construction of the Epupa Dam in Namibia and to examine the aboriginal title and rights of those who are displaced by the large-scale national project, conducted through international law. The paper addresses the struggle of the OvaHimba (also known as the "Himba"), a pastoral tribe of about 25,000, against the proposed 600-foot Epupa Dam on the Kunene River that would permanently alter the ecosystem, flood the Epupa Falls, and force the Himba to relocate. The author describes that in the past, this would have been a routine story of development at the expense of minority rights, yet the Himba's rights now have a more distinct and newly accepted prominence in such a scenario. According to the author, in particularly fragile nation-states, indigenous peoples now have significantly more legal rights of protection.

Helfer, Laurence R. 2003. "Human Rights and Intellectual Property: Conflict or Coexistence?" *Minnesota Journal of Law, Science and Technology* 5 (27): 47.

Annotation: Helfer's essay focuses on the increasing existence of theoretical and empirical interactions between human rights law and intellectual property. He details the diplomatic human rights policies within the United Nations as they relate to intellectual property issues (including economic, social and cultural rights). The essay relates these laws to the competing frameworks that governments, NGOs and intergovernmental organizations are tackling in order to conceptualize the growing debate over such conflicting rights issues. He also explores how these conflicts will affect future international policy making.

68

Hellsten, Sirkku K. 2004. "Human Rights in Africa: From Communitarian Values to Utilitarian Practice." *Human Rights Review* 5 (2): p 61-85.

Annotation: This article provides an extensive overview that demonstrates the conflicts that arise between African cultural practices and the implementation of international human rights and "global democratic demands." The author analyzes the authority of international regimes as well as the direct legitimacy of commonly held values among particular African regions. The article then evaluates the political and ethical issues that arise when attempting to apply human rights issues in these areas. The main argument identifies ways in which the African interpretation of international human rights falls far short of progressing and protecting the individual's rights when the focus is strictly on collectivism and the majority.

Ikenberry, G. John. 2000. "The Costs of Victory: American Power and the Use of Force in the Contemporary Order." In <u>Kosovo and the Challenge of Humanitarian Intervention,</u> edited by Albrecht Schnabel and Ramesh Thakur. New York: United Nations University Press.

Annotation: This volume offers various perspectives that address the crisis of the war over Kosovo from a humanitarian perspective. This book details the claim that the Kosovo conflict could potentially recreate the way the world engages in international politics, which would significantly restructure the United Nations, international organizations and state politics. The editors have utilized the essays of various specialists in order to address the multitude perspectives of humanitarian intervention on an array of diverse topics. By offering a comprehensive account of the crisis, readers are urged to assess the possible ramifications and rethink past views of world politics.

Liang-Fenton, Debra, ed. 2004. <u>Implementing US Human Rights Policy</u>. Washington, DC: United States Institute of Peace.

Annotation: The fourteen cases in this book spotlight the United States' inconsistent record of promoting, protecting and enforcing human rights policy internationally. This volume offers deep insight into the multitude of past legislation that was created in differing contexts that either denied or reinforced human rights promotion abroad. Each chapter explores the interaction between the US and other nations as each responds to the competing moral, economic, and security risks that must be considered and which often changes the eventual outcome of each situation. Though it is often disappointing to assess the ways in which the US has failed to react to injustice abroad, it is also encouraging to recognize the nation's continued commitment to dealing with future circumstances.

McConnell, Kathryn. 2005. "U.S. Focus Shifts to Fragile States Strategy." In *Washington File, USAID Frontline Report*: Washington, DC: U.S. Department of State.

Annotation: In this USAID Report, McConnell, a Washington File staff writer, marks a fundamental change in US international strategy. The report suggests this restructured focus in global relational tactics was initiated by theories similar to that of USAID Administrator Andrew Natsios, who claims that the Unites States is more threatened by failed or recovering states than by powerful conquering states. Using what the author calls the "fragility framework," the report calls for an increased emphasis on democracy and governance in states that are particularly vulnerable with regards to economic instability, food insecurity and violent conflict—all symptoms of what the author regards as governmental failure. Additionally USAID assistance refocused and restructured its funding allocation in order to target crisis-prone countries.

Nhema, Alfred G. and Tiyambe Zeleza. 2008. The Roots of African Conflicts: Causes & Costs - Organization for Social Science Research in Eastern and Southern Africa. Athens, OH: Ohio University Press.

Annotation: This book offers an in-depth look into the struggles of Africa by providing a compilation of African scholars' perspectives on the causes and aftermath of conflict among the continent's states. The content of the book provides "empirically grounded analyses" that get to the root of social disruption that has resulted in conflict over the past century. When dealing with human rights issues, this compilation of causes and results assesses the complexity of Africa, its social problems, and the ways in which human rights are affected in the process.

Njoki, Carole. 2007. "African Traditions and Practices: Cultural Rights or Human Rights Violations? Training for Peace Programme, ISS Tshwane (Pretoria)." *ISS Today*, The Institute for Security Studies.

Annotation: This article, written by a senior researcher at the Training for Peace Programme, approaches the idea that certain African traditions that have been considered human rights violations under the Geneva Convention may not take into account Africans' rights to continue such practices as a part of their heritage and culture. While the author makes it clear that she is in no way endorsing the harmful practice of traditions such as female genital mutilation, she broaches the issue that many Africans may be resistant to such changes, as their views of human rights often differ from the views of the Western world. She cites cases in which young girls want to undergo female circumcision in order to be found desirable as a candidate for a husband, which inevitably secures their roles in society. The article clearly states that the issues of culture, values and rights are highly complex and that human rights policy is difficult to carry out in areas that adhere to traditional standards and do not see them as "barbaric" and "primitive" in the way the West does.

Okin, Susan Moller. 1999. Is Multiculturalism Bad for Women? Princeton, NJ: Princeton University Press.

Annotation: In leading feminist political theorist Susan Moller Okin's book, she attacks an argument that is often evaded and questions whether or not gender rights conflict with the

70

preservation of cultural rights. In her opening essay Okin mentions that until recent decades, minority groups were always expected to adhere to the standards of a dominating majority culture and did not focus upon the rights of individuals within a society. The book includes a wide range of respondent essays in which varying individuals react to Okin's query: what happens when claims of minority culture clash with the upheld norms of liberal states? The subsequent essays offer varying viewpoints that illustrate the growing tensions between feminist and multi-culturalist concerns for protecting cultural diversity. The collection seeks to demonstrate the issues that arise when advocates for multicultural rights seek to uphold societal practices that are discriminatory toward women.

Ovis, MH. 2005. "Polygamy- To Share or Not to Share? That is the Question." *Gender Research & Advocacy Project, Legal Assistance Centre*. Available online: http://www.lac.org.na/news/inthenews/pdf/poligamy.pdf

Annotation: The heated debate over polygamous practice is detailed in this article in terms of public judgment and cultural relativity. The topic of polygamous customs as they relate to economic factors, religious values, cultural settings, reproduction concerns and potential women and children's rights violations are juxtaposed against the lawful practices and legal protection that exists in a variety of African states. Ovis offers a variety of contributing factors, specifically those that provide equitable and social incentives to women, which are backed by several governments that give legal protection to such women. The article prompts a very complex and controversial dilemma for human rights activists: in an environment in which women's rights are protected against abuses commonly associated with polygamy, and in the event that all are willing participates in a polygamous marriage, is polygamy truly a human rights issue?

Ranger, Terence O. 1986. "Religious Movements and Politics in Sub-Saharan Africa." *African Studies Review* 29 (2): 1-69.

Annotation: This article focuses on traditional Christian movements that have occurred in Sub-Saharan Africa over the last century. The author details the two major contributing facets of religious influential factors—history and politics—in order to provide a context with which one can extract the meaning of grassroots adherence to both the ideas and rituals that religion can provide. While briefly acknowledging the roles that Islam and colonialism played in the past history of religion in the region, Ranger demonstrates a minimalist approach to such factors, as well as the individual impacts they had upon African customs. Instead, the article highlights the formal adoptions of religion that lead to the cementation of social structure that reinforces the construct of cultural identity and recognizes the role this plays in the acceptance of new ideas, policies and rights issues.

Sheldon, Kathleen. 1996. <u>Markets, City Streets: Urban Women in Africa</u>. Boulder, CO: Westview Press.

71

Annotation: This collection of essays came together when Sheldon organized a panel on urban women and work in the US African Studies Association during a research project on the history of Mozambican women. The book of essays offers viewpoints from various African women regarding issues of migration to areas of urbanization and the influences city life and development had on the traditional patriarchal values of rural community members. It also offers insight into the essential role urban women have played in developing African cities. Sheldon relates the emerging liberation of women to the opportunities that urban areas provide through development.

Sikkink, Kathryn. 2004. Mixed Signals: U.S. Human Rights Policy. Ithaca, NY: Cornell University Press.

Annotation: In her book, Sikkink discusses the value conflict that occurred between human rights and anti-Communism while implementing foreign policy in Latin America. The author seeks to demonstrate the fundamental shift in US diplomacy that led to an increased emphasis on human rights, in response to the efforts of external pressures from activist groups. By evaluating the current war in Iraq, Sikkink draws upon our history of implementing human rights internationally in an effort to warn against repetition in disregard to rights.

Sivini, Giordano. 2006. Resistance to Modernization: Journey among Peasants and Nomads. New Brunswick, NJ: Transaction Publishers.

Annotation: This book describes the ways in which development and modernization directly impact the lives of many through policies determined by politicians with personal interests. The author presents a study of how members of rural communities who have no political voice have sought to resist government attempts to "develop" in ways that intrude upon the lives of indigenous peoples. Sivini's main argument is that aid and development policies in Africa have done more harm than good by targeting IMF structural adjustment programs (SAPs) and Western government-sponsored aid programs. Sivini presents his research by using case studies from his work in Angola, Burkina Faso, Ethiopia, Mali, Senegal, and Tanzania. Finally, he explains that aid—used as leverage after World War II and during the Cold War—has always been political.

Smith, Jacqueline. 1998. "Male Circumcision and the Rights of the Child." *Netherlands Institute of Human Rights (SIM)* 21:465-498.

Annotation: Based on the Universal Declaration of Human Rights and the Convention on the Rights of the Child, Smith argues that male circumcision can be conceived as a breach of universally accepted human rights and rights of the child. The author condemns the ways in which such abuses have been silenced and advocates for the discussion of harmful practices in a public forum as a method to induce change. She discusses the history and prevalence, religious reasons and legal aspects of this controversial issue.

72

Song, Eun Young. 2008. "Competing Values in World Culture and the Emergence of Middle Ground." *Comparative Sociology* 7 (1): 28-50.

Annotation: Through a sociological argument, Song's article presents the necessity to maintain a moral middle ground when confronting the conflict between social and international values of culture and human rights. The paper, which focuses on a Botswana case regarding environmental protection between the regimes of environmentalism and regional indigenous rights, suggests "harmonizing" conflicting international and regional guidelines by considering the key elements of both invested parties in order to establish a symbiotic relationship that provides mutual incentives.

Udobata, R. Onunwa. 2005. <u>Tradition, Culture & Underdevelopment of Africa</u>. Suffolk, UK: Arima Publishing.

Annotation: Citing the exploitive practices of the slave trade, missionary objectives, colonization and neo-colonialism, Udobata argues that Africa should be free to determine its own destiny, particularly in areas of politics, law, marriage customs, religious beliefs, and economy. Without the influence or mistreatment of oppressive nations outside of the continent, the author claims African nations will be empowered to utilize their own forms of development.

Wong, Martin R. "Boys to Men: African Male Initiation Rites into Manhood." *American Psychological Association* 11 (1).

Annotation: The Society for the Psychological Study of Men and Masculinity provides this bulletin as a special focus section geared toward male initiation rites by posing the question, "what makes a man a man?" In Wong's essay, he illustrates the commonly held notion of entry into manhood as a period of leaving behind all that is female and naive. The transition into manhood is never supposed to be easy, and Wong addresses the many ways in which traditional African societies have conceptualized this passage through intense ritualization. The author provides information on the varying ways in which boys become men through these rituals.