"All shall be equal before the law."

 Photo credit: K.H. Kenyon

Human Rights in Gaborone and Johannesburg

Finding Meaning in Local Context

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Abstract

Cities are critical human rights actors. Human rights are interpreted through local culture, history, politics and context. Cities are increasingly at the heart of this process of interpreting and "localizing" (Camilo Sanchez 2020) for a growing share of the world's population. How can we support the development of civic human rights initiatives in Southern Africa that emerge from and are responsive to not only local realities, but also local perspectives on human rights? This policy brief provides preliminary insights from research with human rights activists in Gaborone, Botswana and Johannesburg, South Africa. It concludes with recommendations to guide municipalities in inclusive engagement towards the development of human rights initiatives.

Implementing effective human rights initiatives requires a clear understand of what human rights actually mean on the ground. The process of revealing how people understand concepts necessitates careful thinking about methodology. Many people find it difficult to define human rights when asked directly, and may not present their understanding fully when approached with a traditional interview or questionnaire. Participatory, arts-based and visual methods can offer accessible ways to begin these conceptual conversations.

Eleanor Roosevelt said that human rights "begin […] in small places, close to home" and "unless these rights have meaning there, they have little meaning anywhere" *(UN Foundation).*

Introduction

On a global level, cities are increasingly where we live and where we either enjoy human rights or suffer their violation. Today more than 55% of the world's population live in cities, a number predicted to rise to 68% by 2050 (UN.org, November 20, 2020). In this context, city action on human rights is key as "local authorities are close to citizens' every day needs and deal with human rights issues on an everyday basis" (UN Human Rights Council 2013, 2015, see also Camilo Sanchez 2020). While 'human rights' do not typically fall explicitly within municipal jurisdiction, in spirit and in practice human rights are matters of and for cities.

In my research I ask what human rights mean in Gaborone, Botswana and Johannesburg, South Africa. Too often, human rights expertise is assumed to reside within formal institutions such as the UN where it is codified into international treaties and 'trickles down' to national and ultimately local implementation (Kenyon 2017, 2019). I focus on local activists and what human rights mean to them in their context. My research on human rights-based advocacy organizations in Gabarone and Johannesburg shows that **there are distinct local understandings of human rights shaped by and responsive to history, politics, culture and other contextual factors** (Kenyon, 2019, 2017).

About ICLD

The Swedish International Centre for Local Democracy (ICLD) is part of the Swedish development cooperation. The mandate of the organization is to contribute to poverty alleviation by strengthening local governments.

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Photo elicitation is a method that involves showing images, such as the pictures below, in order to prompt deeper, more nuanced reflection on key concepts. In this study participants were asked to choose three images (from a selection of 21) that best reflected how they understood human rights and to explain their reasoning, to later narrow it to one, and to outline which images, if any, had nothing to do with human rights. These selections helped outline both the content and the boundaries of how they understood and practiced human rights.

Fence against the sky

 Photo credit: anonymus

Toy gun

 Photo credit: K.H. Kenyon

This policy brief asks how we might bring these two pieces together – facilitating and promoting city engagement with human rights with a specific emphasis on rooted, local understandings of what human rights mean in practice in particular places.[2]

Methodology

I ask: do local activists in Gaborone and Johannesburg understand human rights in ways that mirror or diverge from the international human rights regime? (Kenyon 2017, 2019).

I focus on activist organizations that identify as human rights-based, as they have spent the most time reflecting on and explicitly engaging with human rights in their contexts. To examine how human rights are understood, invoked and realized in context, in each of five locally based organizations, I conducted 5-10 interviews with personnel. These multi-method interviews included open-ended questions, word association and photo elicitation. In this brief I focus on two high-profile human rights-based advocacy groups—the Botswana Network on Ethics, Law and HIV/AIDS (BONELA) located in Gaborone, Botswana and +SECTION27 located in Johannesburg, South Africa.[3]

[2] This policy brief draws on but extends beyond several pieces of my published research. See Kenyon 2017, 2019, 2020.

[3] I interviewed 9 out of a total of 30 BONELA (https://bonela.org/) employees. I interviewed 10 out of a total of 24 +SECTION 27 (https://section27.org.za/) employees. +SECTION 27 is named for the health and education rights section of the South African Constitution.

Findings

The international human rights regime defines, secures and delineates human rights in laws and treaties, and holds national governments accountable for the respect and enforcement of human rights. Human rights are seen as legitimate because they are vested in international law, and they are enforceable for the same reason through apparatuses of the state and international organizations. Human rights are also often seen as moral, just and legitimate because they are 'universal,' because all humans are entitled to them wherever they live. This important concept, however, is often problematically interpreted as sameness – that human rights mean the same thing to people in different contexts.

"I think we actually are—ourselves as individuals and communities—we actually are the human rights enforcers."

BONELA respondent, Gaborone

Human rights are about inclusion and belonging.

In Gaborone (Botswana), BONELA respondents spoke of human rights deriving their legitimacy from local cultural values, often translating human rights as (or through) the concept of "*botho*"[4] or "humanbeinghood" (Gaie 2007). BONELA respondents described the enjoyment of human rights as inclusion and belonging, and the violation of human rights as exclusion or expulsion from community. They similarly understood enforcement as rooted in community (see Kenyon 2019). References to international conventions and national laws were nearly absent.

Human rights as equality and something we all build together

In Johannesburg, +SECTION 27 respondents did regularly speak of the state legal mechanisms of human rights codification and enforcement, particularly in relation to the post-apartheid and activist-inspired South African Constitution, but rarely made international connections (see Kenyon 2019). These domestic codifications were seen as deriving their legitimacy not only from their legality, but also from public participation in their formulation, interpretation and enforcement. The Constitution was understood as a dynamic, living document whose meaning flowed from the population. One person explained, ***"Like a children's colouring book, it gives you an outline. Whether you fill in that outline with colour and meaning depends upon the extent to which you engage with the outline and demand that there's some definition that is given to it."*** (Kenyon 2017, 2019). In the South African context, the enjoyment of human rights was understood as equality, and respondents frequently spoke of a clear collective timeline from past violation (under apartheid) to hopes for an improving future. Violation was seen in relative terms, as having less than others around you or less than you had before.

[4] This is the Setswana term for the concept, the same concept exists in numerous African cultures and languages, including "ubuntu' in Zulu and Xhosa.

Conclusion

In human rights literature local variation in the understanding of human rights has typically been described as "relativism", wherein culture and context are seen as ways to avoid human rights obligations or as barriers to their implementation (See Donnelly 1984). My research shows that these contextual factors, including politics, history and culture are instead where the meaning of human rights is located.

- In Botswana's communal, consensual context BONELA understands human rights as belonging and recognition, and their legitimacy as rooted in culture and community.
- In South Africa's still-divided society, with a strong legacy of anti-apartheid activism and struggle, human rights mean equality. Their legitimacy is based in domestic legal statutes, and informed and supported by popular participation.

Policy Recommendations

In order to engage meaningful local involvement in the development of human rights initiatives municipal governments could:

1. Seek and recognize expertise locally, not only on how to implement human rights measures, but also in how to define key terms. There is deep local knowledge on human rights with important practical implications.

2. Engage the broader public in order to develop human rights initiatives with local ownership.

a) **Consider terminology** – use local terms, languages, aphorisms, tales, historic events and examples in order to connect with and solicit potential participants and to deepen the dialogue. Pay particular attention to concepts held and practiced by different cultural and linguistic groups. Consider using preliminary focus groups in order to learn terms in use and develop the framework for further engagement. For instance, using the concept of "botho" or "ubuntu" ("humanbeinghood").

Questions for local governments

- What does human rights mean in your community? How is this understanding similar or different to national, regional or international perspectives on human rights?
- Who needs to be at the table to have a rich discussion of human rights in your community? Who are the local human rights experts (considering both education and lived experience)? Whose perspective might be overlooked?
- How can you fully integrate human rights into city policies?

b) Consider the format of public engagement – use local norms and formats for participation (and seek alternatives if these norms exclude particular voices). Consider both formal and informal structures, build on existing practices and collaborate with community-based organisations to engage with underrepresented and/or marginalised groups.

c) Consider the physical (or virtual) location of processes of public engagement and participation – where are potential participants most at ease and at home? For example, consider consultation in local neighbourhoods and meeting places (like community centres, cultural sites, and/or local businesses) instead of formal municipal spaces.

d) In order to learn about underlying beliefs, **consider the use of participatory and arts-based methods** (including photo elicitation, community asset mapping, photo voice) that may be more accessible and enable participants to express ideas in visual ways[5].

3. Develop a human rights initiative that permeates all aspects of city policy and practice.

a) Consider local perspectives on the legitimacy of human rights and how best to mirror these in the format of the initiative.

b) Continue engaging with the public in order to keep the initiative 'alive' and informed and shaped by the community. Consider developing a specific role and position to maintain and facilitate this engagement.

c) Reflect the value of a civic human rights initiative through the allocation of resources (including funding, time, physical space and personnel).

[5] see examples in Barton, 2015; Cutts, 2014; Falls Brooks Centre, 2021; Kessi, 2019; Scarles, 2010, and section 8 in Community Toolbox at https://ctb.ku.edu/en/table-of-contents/assessment/assessing-community-needs-and-resources/identify-community-assets/main

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