

Viewing International Concepts through Local Eyes: Activist Understandings of Human Rights in Botswana and South Africa

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Abstract

Human rights are an increasingly common language of advocacy for civil society organisations, but are these groups using the same words to mean different things? Although the spread of human rights has been well examined, little attention has been paid to the content of these rights as understood by civil society actors in diverse settings. Focusing on this gap in the literature, this paper examines how personnel in human rights-based non-governmental organisations (NGOs) in Botswana and neighbouring South Africa perceive human rights. Drawing on interview-based case studies of two human rights-based organisations operating at the national level, I analyse how activists draw on domestic context to interpret human rights. This paper argues that personnel in these NGOs understand and articulate human rights in distinct ways that are shaped by and responsive to the contexts in which they live and work. Emerging from a more homogenous consensus-based culture, Botswana respondents are more likely to integrate cultural concepts, emphasise inclusion and understand human rights as timeless and innate. Reflecting South Africa's progressive constitution, unequal society and a history of struggle, South African respondents highlight contrast, agency, change over time and the law.

Keywords: Botswana, South Africa, civil society, activism, localisation, translation

Around the world human rights are an increasingly popular language of advocacy for civil society organisations, but do these diverse groups understand the concept to mean the same thing in different places?ⁱ While the spread of human rights has been well examined,ⁱⁱ less attention has been paid to the content of these rights as understood by civil society actors in diverse settings. Despite earlier debates on cultural relativism,ⁱⁱⁱ human rights remain primarily understood and articulated as universal concepts, with research examining this conceptual dispersal focused on the movement from international institutions and structures in the global north and west to movements and organisations in the south and east.^{iv}

On the surface, the adoption of similar advocacy language may suggest an emerging global consensus, however, this apparent convergence could conceal qualitatively different understandings of terminology. Understanding local conceptions of human rights provides insight into how and why the language of human rights spreads and evolves and how local concepts are incorporated into, or translated as, human rights. Although human rights have clear historical roots and cultural ties, they tend to be presented as both acultural and ahistorical with a limited examination of human rights discourse in the African context in comparison with other parts of the world.

Focusing on this gap in the literature, this paper examines how personnel in human rights-based non-governmental organizations (NGOs) in Botswana and neighbouring South Africa perceive human rights. Drawing on interview-based case studies of two human rights-based organisations operating at the national level (Botswana Network of Ethics, Law and HIV/AIDS (BONELA)) and South Africa's +SECTION 27), I analyse how

activists draw on aspects of domestic context to understand and articulate human rights. Civil society actors are a useful focus because they reflect a dynamic use of language and must work to explain and translate concepts to local audiences. They provide insight into how human rights are practiced and how they may arise from and reflect both tradition and international legal obligation.

This paper argues that, despite a shared border and a common focus on human rights, activists at BONELA and +SECTION 27 understand human rights in distinct ways that are shaped by and responsive to the contexts in which they live and work. Emerging from a more homogenous consensus-based culture, BONELA respondents are more likely to integrate cultural concepts and emphasise inclusion. They understand human rights as universal, timeless and absolute, often locating them in relation to, or as vested within, what it is to be human. BONELA respondents frequently locate and explain human rights in reference to cultural concepts and touchstones, viewing cultural and local links as key components of legitimacy. Reflecting South Africa's progressive constitution, unequal society and a history of struggle, +SECTION 27 respondents highlight contrast, agency, and the law. Respondents from +SECTION 27 consistently locate and contextualise human rights in relation to time, recounting past stories of inequity and choosing images of an idealised future. +SECTION 27 respondents ultimately see the legitimacy of human rights as tied to formal legal protections. These two groups highlight the importance of contextualisation in advocacy and, particularly, the important role legitimacy plays in the process of localising advocacy terminology.

Part 1: At the intersection of international, regional and local

Understanding local conceptions of human rights is essential in order to grasp the extent to which conceptual shared meanings exist in different cultural contexts and whether and how the substance of norms spread. The development of a shallow or false *lingua franca* of human rights stands to frustrate expectations of overseas development assistance and north-south cooperation on both sides, as well as serve as an obstacle to international advocacy coalitions.

Debates on the universality of human rights have focused primarily on universalism versus cultural relativism, often engaging with ‘culture’ as a defence from, or a way to avoid compliance with human rights norms.^v Such examinations have not foregrounded hybridity whereby human rights are not dismissed or delegitimated through cultural arguments, but are shaped and interpreted through culture.

A small body of literature engages with the ways in which culture can facilitate or enrich engagement with human rights. An-Na’im and Deng argue that culture can be ‘invoked to check the leaders who violate human rights and seek shelter behind cultural relativism’.^{vi} Zwart’s ‘receptor approach’ examines how local culture can be usefully employed as a tool to assist in the full implementation of human rights.^{vii} Englund analyses cross-cultural and linguistic translation with particular reference to human rights. Reflecting on the Malawian context he notes that a ‘narrative inequality’^{viii} often privileges legal and individual rights over more holistic and complex local conceptions, with human rights ‘threaten[ing] to overshadow other ways of conceiving human dignity’.^{ix} Viewing translation as an act of location rather than conversion,^x he argues against the idea that ‘a transformation of world-

view is necessary if human rights are to be attained'.^{xi} Englund considers the insights proverbs and local conceptions can bring to human rights in an African context,^{xii} arguing that such factors are 'more than mere background to the discourse'^{xiii} and noting that 'more fruitful perspectives into translation are possible when discourse and its social and political context are understood to constitute one another'.^{xiv}

Levitt and Merry also emphasise the importance of local context, focusing on the complicated thoroughfare of interaction between local culture, history, and norms and international influences. They argue that a process of 'vernacularization' occurs where, through local civil society actors, ideas filtering in from international sources 'connect with a locality, [...] tak[ing] on some of the ideological and social attributes of the place but also retain[ing] some of their original formulation'.^{xv} A chief benefit of human rights for activists in their view is that their 'meaning [...] is fluid and open to grass roots activism' where activists can 'seize' and 'wrestle' with ideas 'mak[ing] them something new'.^{xvi}

Although not exclusively concerned with culture or human rights, framing offers insight into the internal world of civil society groups and how they seek to contextualise their objectives in line with social, political and cultural discourse. Framing consists of 'conscious strategic efforts by groups to fashion shared understandings of the world and of themselves that legitimate and motivate collective action'.^{xvii} Analysis of frame emergence and selection includes a focus on motivations for and contexts of frame selection including drawing on 'culture as a "tool kit"^{xviii} and the 'cultural stock for images of what is an injustice'.^{xix}

Civil society often operates at the intersection of local and international, transferring and

translating ideas between these two settings. Civil society actors are not passive recipients of international concepts instead playing an active role in adapting and interpreting global messages to suit local circumstances through practices such as ‘framing’,^{xx} ‘localization’^{xxi}, translation and ‘vernacularization’^{xxii}. Conversely, civil society actors may also adapt and interpret local concepts to better mesh with international campaigns and terminology. In order to understand the ‘ingredients’ and contexts from which activists may build and shape hybrid concepts the following sections outline international, regional and national perspectives on human rights.

International and regional perspectives on human rights

The current vision of human rights on the international stage is intimately connected with the United Nations systems and its mechanisms of codification. United Nations human rights treaties present rights in particular ways. Rights are affirmed and defined through their inclusion in these covenants, with an elite process of drafting producing a legalistic rather than popular document. The human rights legal system has been primarily conceived of as mediating a relationship between the individual and the state, with the former the rights-holder, and the latter the duty-bearer. As such, covenants are directed at states and signed and ratified by them. Covenants are also relatively static. The possibility of reinterpretation lies only with the relevant committees, by the addition of general comments or by the development of additional documents such as related protocols. Drawing their legitimacy largely from legal codification, international human rights have been critiqued as ‘declared rather than lived’^{xxiii} and are rarely connected to the contexts in which people understand their lives, families and communities.

African states have a high level of ratification of international human rights treaties^{xxiv}. Beyond these international agreements, the African Union (AU) lays out continental standards, which both mirror international conventions and reflect regional characteristics including. These regional features include: an emphasis on collective rights, an understanding of the individual as existing in a web of social relations, and a unique emphasis on ‘duties’^{xxv} which has been described as the ‘African cultural fingerprint’^{xxvi}. The idea of ‘African human rights’ is contested by universalists^{xxvii} and by those who argue that regional perspectives reflect different views of human dignity rather than of human rights.^{xxviii} On the African continent human rights are championed, but also viewed as foreign. Human rights are seen by critics as reinforcing rather than challenging injustice, and consequently ‘dismissed as but another instrument of neo-imperialism’^{xxix} or as a totalising ‘grammar of dignity’ incapable of restructuring power relations^{xxx}. Human rights are often understood as overly individualistic, failing to acknowledge that in the African context ‘groupness, sameness, and commonality’^{xxxi} may be valued more than the ‘right to be different,’ with ‘freedom’ understood as ‘belonging rather than autonomy’^{xxxii}. As Howard notes, ‘African thought stresses ... the right of the individual to become *part* of the group’.^{xxxiii} In the African context greater emphasis is placed on collective rights,^{xxxiv} and socio-economic rights with rights frequently discussed in tandem with development^{xxxv} and linked to infrastructure, service delivery and ‘belly politics’.^{xxxvi}

Finally, although human rights are usually explained in relation to western philosophical concepts and traditions, African-rooted concepts and practices can, and sometimes are, used as local approximations or translations of rights.^{xxxvii} *Botho/ubuntu*,^{xxxviii} for example, is translated as ‘personhood’,^{xxxix} ‘humanhood’^{xl} or ‘humanbeinghood’.^{xli} This concept,

mirroring some aspects of AU documents, is relational at its core, situating the individual within family and community.^{xlii} Indeed, it is sometimes explained through expressions such as ‘one cannot be a human being alone, only in community’^{xliii} or through the aphorism ‘*motho ke motho ka batho*’ (Setswana) which can be translated as ‘a person is a person through other people’.^{xliv}

Contrasting Contexts

Southern Africa is the region of the continent where rights are employed most frequently in activism. Within this region, Botswana and South Africa present a natural experiment in several ways. These neighbouring states share important cultural dynamics, with ethnic groups, languages, families and cultural practices straddling the border. The concept of *botho/ubuntu* is widely referenced and has strong cultural roots in both countries. However, the two countries have dramatically different histories and vastly divergent advocacy cultures. In Botswana overt protest is unusual and human rights are often understood as foreign and divisive. Conversely, South Africa human rights are considered a common language of advocacy, strongly grounded in the nation’s anti-apartheid struggle and, like frequent strikes and protests, widely viewed as legitimate and effective.^{xlv}

A peaceful, democratic country, with the same party in government since independence in 1966, Botswana has, in some ways defined itself in opposition to South Africa. Next door to apartheid, Botswana emphasised ‘the identification of all its citizens with the *Batswana* identity’ and creating an ‘ideal of homogeneity [which] resulted in a general policy of non-recognition of ethnic minorities’.^{xlvi} Botswana’s first President Sir Seretse Khama was the child of an English woman and a Motswana chief. His legacy continued until recently in the

form of Seretse Khama Ian Khama who was President from April 2008 to April 2018 and, like his father and grandfather before him, a hereditary chief.^{xlvii}

Botswana has a consensus-oriented culture wary of overt critiques and confrontation. A peaceful, democratic country, with the same party in government since independence in 1966, Botswana is often described as having a ‘weak’^{xlviii} civil society due to infrequent protests and overt confrontation. This characterisation has been attributed to ‘political and social stability’^{xlix} and ‘a culture of non-questioning’¹ with some local civil society members arguing that civil society does not need to be noisy and confrontational to be ‘strong’. In a place that is small enough for actors in government and civil society to know each other personally, direct confrontation is infrequent and generally discouraged. The country’s political culture is described as a force which ‘compels/constrains contestants to meet and exchange views rather than to disengage and resort to the trading of unpleasant remarks in the media and to industrial action on the street’.^{li} Extensive and inclusive dialogue is the dominant course of action, with efforts made to invite all related parties to the table. Although government does not generally exert strong control over civil society groups, forceful criticism is uncommon. In a few cases, where strong critiques have been made on nationally-sensitive topics, there have been unfavourable responses on the part of both government and the public.^{lii} Strikes are unusual, and the government is the nation’s largest employer. The majority of civil society groups are engaged in service provision rather than advocacy. The country’s constitution is not well known or circulated, and dates from the country’s time as a British protectorate.

South Africa's experience of apartheid and its lengthy anti-apartheid struggle have left significant legacies in contemporary political and social spheres. The African National Congress (ANC) went from outlawed opposition group to government. The progressive post-apartheid constitution emerged from a history of resistance. South Africa is a place of frequent demonstrations and loud voices, where overt activism is almost a first port of call as a response to disputes or disappointments, and is viewed as both legitimate and effective. In the post-apartheid period, crises relating to service provision 'have necessitated a stronger civil society that has found its feet and begun to use the progressive tools of democracy such as the Constitution, to its advantage'.^{liii} Civil society also plays an important role in responding to social crises like xenophobia^{liv} and in responding to violent crackdowns on labour and service delivery protests.^{lv}

Although some feel that the level of activism is currently in a lull others note a recent growth in social movements^{lvi} and in the role of 'insurgent citizens'.^{lvii} The legacies of the anti-apartheid struggles are clear in both societal inequities, and in the structure, methods and messaging of advocacy. The anti-apartheid movement entailed broad-spectrum coalitions uniting diverse aspects of both society and civil society, with umbrella movements bringing together unions and other civil society groups moving towards a common cause. Activists draw on the broad coalitions previously mobilized against apartheid, employ methods including strikes, marches, civil disobedience and toy-toying, and use familiar protest songs with contemporary words. Human rights is a common, and widely understood language of advocacy that cannot be easily dismissed, particularly in claims against government.

Part 2: Methodology and operationalisation

In selecting case studies, I focused on organisations that are overtly and deliberately human rights-focused and that are internally and externally recognised as such. Groups conducting human rights-based advocacy, while not typical of the broader NGO sector or society, are most likely to have spent the most time considering and engaging with the idea of ‘localising human rights’ in their contexts. If local conceptions of human rights are emerging, these actors would likely be at the forefront of such a development. If ‘vernacularization’ or conceptual translation is occurring, it is these actors that we would expect to be most engaged in the process. Second, I chose to focus on domestic organisations that operate at the national level, that have a centralised organizational structure,^{lviii} and that are located in their respective country’s largest centres (Gaborone and Johannesburg). Holding this factor constant allowed me to compare groups operating out of urban settings, with a similar organizational structure and with a similar scope. Finally, I aimed to identify prominent, active organisations working on domestic human rights in their respective countries with some similarity in the range of issues they addressed.

In Botswana, the human rights NGO sector is relatively small. The Botswana Network on Ethics, Law and HIV/AIDS (BONELA), is arguably the country’s most prominent and active human rights NGO. BONELA, was founded in 2000 initially operating as a UN and government-supported project of another NGO, Ditshwanelo – the Botswana Centre for Human Rights. BONELA was initiated to address the legal, ethical and human rights implications of the HIV pandemic, but has since grown broader in topical scope while retaining a human rights emphasis. Although the group was founded with a specific health

focus it has become Botswana's best known and most active human rights group and popular perceptions of 'BONELA' and 'human rights' are tightly linked. Although this group's focus is rights pertaining to HIV/AIDS, over time the group has expanded its focus to include a wide range of health rights, rights pertaining to women, and children's rights. The organisation has also incubated emergent groups working on sex work and LGBTI rights. BONELA is involved with community education and training, and regularly engages with the legal process through strategic litigation and, at the time of research operated a free legal aid clinic.

In South Africa the human rights NGO sector is much larger. Nonetheless, among national-level groups working on human rights, +SECTION 27 is widely recognised as a prominent actor. Named for the section of the Constitution addressing health and education rights, the group grew out of the AIDS Law Project, an NGO that, like BONELA, emerged to address human rights implications of the HIV/AIDS pandemic. As the organisation's work grew in scope over time, it re-branded as +SECTION 27 – representing the group's work on a range of socio-economic rights. The '+' symbol and the organisation's tagline 'catalysts for social justice' both signal the organisation's commitment to working with communities and grass roots groups – preferring to work in partnership and be led by community needs. Like BONELA, +SECTION 27 is actively engaged in the legal process, providing legal support for community groups and organisations and pursuing strategic litigation.

As this research investigates how personnel understand an abstract concept, I employed a variety of methods to examine how respondents perceive, apply and understand human

rights. To explore this concept I conducted semi-structured interviews that included conventional questions alongside word association and photo elicitation. I interviewed 9-10 employees^{lix} in each organization in April and May 2015 (see Table 1). Interview participants were selected with an aim of gathering a representative sample of different aspects of each organisation’s substantive work. I interviewed 9 out of a total of 30^{lx} BONELA employees. All respondents were of African descent, with all but two having grown up entirely in Botswana. I interviewed 10 out of a total of 24 +SECTION 27 employees. Of those interviewed 4 people were of African descent, 4 were of European descent and 2 were of South Asian descent, with the vast majority having grown up in South Africa.

Table 1: Participants

BONELA Participants

Age Range	Gender	Geographic Origin ²	First Language	Highest Level of Education Attained
21-30 (4) 31-40 (2) 41-50 (3)	F (7) M (2)	Botswana (7) - Gaborone (1) - Northeast District (2) - Francistown (1) - Southern District (1) - Central District (2) Zimbabwe (1) UK/Ghana/Botswana (1)	Setswana (5) Kalanga (2) Shona (1) English (1)	BA (1) MA (2) BSc/BComm (2) LLB/JD (1) B.Ed or Teaching Diploma (3)

+SECTION 27 Participants

Age Range	Gender	Geographic Origin	First Language	Highest Level of Education Attained
21-30 (5) 31-40 (2) 41-50 (3)	F (5) M (5)	South Africa -Western Cape (1) -Eastern Cape (1) -Gauteng (3) -KwaZulu Natal (1) Zimbabwe (2) United States (1) Nigeria/Malta/Ghana/UK/Botswana (1)	English (6) Ndebele (1) Shona (1) Setswana (1) isiXhosa (1)	BA (1) LLB/JD (4) MA (1) LLM (3) JSD/LLD (1)

² Answers to the question “where did you grow up.”

Interviews were conducted in English. Although English was not the first language of most respondents, in all cases it was the language of post-secondary education and was also the primary workplace language of both organisations. Interviews included experiential questions (Do you remember how you first heard about human rights? Can you give me an example of a project that you were involved with through this organisation where you talked about human rights?) and conceptual questions (How would you define human rights? How would you translate human rights into your first language?).

In addition to a variety of open-ended questions, at the end of each interview I presented research participants with a list of words (see Table 2) asking them to identify which ones three words they associated with human rights (subsequently narrowed down to one), which ones did not belong, and which, if any, were missing. The aim of this exercise was to buttress more diverse qualitative data with a standardised tool that might suggest the content and boundaries of individual understandings of human rights by selecting words that were seen as synonyms. Like the interviews, the word list was in English. Although employing first language word lists may have increased conceptual specificity, it would also have made data less comparable across languages, as words often carry slightly different nuances and imply different contexts when translated.

Table 2: Word List

- | | |
|------------------|--------------|
| • Violation | • Dignity |
| • Constitution | • Freedom |
| • International | • Care |
| • Community | • Collective |
| • Equality | • Individual |
| • Sharing | • Law |
| • Fairness | • Justice |
| • Discrimination | • Unity |
| • Solidarity | |

I also employed photo elicitation, a technique ‘based on the simple idea of inserting a photograph into a research interview.’⁶¹ Although uncommon in the study of human rights, photo elicitation has been used as a method since at least the 1950s,⁶² in fields including sociology, anthropology, geography and the health sciences to examine a wide variety of topics ranging from ethnicity and housing, to nutrition and colonialism.⁶³ As an interviewing technique it can overcome fatigue,⁶⁴ be used to ‘expand on’ questions and probe for depth and detail,⁶⁵ prompt longer answers⁶⁶ and weaken communication barriers posed by taboos, age or social position.⁶⁷ Beyond these generalised strengths, photo elicitation has specific benefits for a conceptual project such as this one. Grasping how the concept of human rights is understood is an investigation that involves interpreting nuances of perception and use, and underlying assumptions and beliefs about context and application. Photo elicitation can uncover aspects of understanding that may not otherwise be articulated. Harper notes that ‘images evoke deeper elements of human consciousness than do words’ perhaps linked to the fact that ‘the parts of the brain that process visual information are evolutionarily older than the parts that process verbal information’.⁶⁸ As a result, not only do photographs tend to spark ‘more information’, they also ‘evoke a different kind of information’.⁶⁹ The method also has particular strengths in formulating and populating conceptual categories,⁷⁰ and can ‘enhance participants’ ability to elaborate on their own conceptions of the world, rather than limiting them to categories derived from theory or previous research’.⁷¹

I used the Universal Declaration of Human Rights as a rough guide in selecting photos with the goal of representing a broad range of human rights. I further aimed to represent both

positive and negative depictions of human rights; depict both first and second generation human rights; show photos depicting a variety of age groups, cultures and geographic locations (including locations that looked local, and those that looked international); and include photos with individuals and groups. The same photos were used in both Botswana and South Africa with the exception of a photo of the national parliament, which was inserted in each case. With the exception of national parliaments an effort was made to avoid identifiable symbols, uniforms or specific places or events, so as to render the images accessible and more open to individual interpretation. I initially gathered a collection of 60 photographs which was narrowed down to 23 with input and assistance from three colleagues at the University of Pretoria's Centre for Human Rights. I used photos I had taken myself, photos for which I had gained explicit permission, and creative commons licensed photos.

During interviews I presented participants with these 23 photographs, asking them to identify the three that best depicted 'human rights' as they understood the term. Respondents were subsequently asked to narrow their selection to a single image. They were also asked to identify any photographs in the collection that 'had nothing to do with human rights.' The photographs were presented to each interviewee in the same order, in an album with a single photo on each page with no information provided as to the location or content of the photo. To control for the possibility of influence over subsequent responses, the point at which the photos were presented was varied: half the time I began the interview with the photos, the other 50% of the time the photos followed the traditional interview questions.

Following the conclusion of interviews, interviews were transcribed, coded thematically and analysed and early research findings were shared through in-person presentations with both organisations.

Part 3: Human rights in context

BONELA

Defining and translating human rights

In contrast with the state-centred structure of international human rights instruments, when defining human rights BONELA respondents made no reference to the state, and seldom mentioned law, instead articulating rights as ‘moral principles’ or a ‘spiritual space.’ Definitions focused on the ‘innate’ and ‘inalienable’ qualities of rights, frequently referencing human rights as ‘inherent’ to ‘being a person’ and describing them as ‘entitlements’ that ‘cannot be denied.’ One respondent described the inseparability of human rights from her physical person, stating:

Human rights, is – human rights, it’s you, literally. I don’t know how best to then describe it, because, you know, for me to be able to talk, it’s a right. For me to be able to walk, it’s a right. For me to be able to be eating this great, it’s a right. So it’s me, basically. And with rights, really, it’s like we always say it’s inherent in people simply because you’re a human being, it’s indivisible.⁷²

Offering a more ethereal definition another respondent described human rights, explaining:

The work that I do, for me, I think it really – it resonates to the person, like – and by person, I don’t mean the physical person. To the person inside there. So even

if I was sitting with a person without limbs right now, I don't care less about them not having them because, to me, my definition of them is not what I'm seeing in their physical. So, for me, human rights is about that, too. I really attach human rights so much to spirituality – not so much to religion, so much to spirituality, just the respect for life. For me, that's what it is.⁷³

Although the first definition is very much based in the physical body and the second is more spiritually-based, both link the concept of human rights to an inherent quality innately associated with being human, with one respondent describing an individual's 'personhood' as 'incomplete'⁷⁴ without them. These definitions indicate that rights are understood as part of being human and emanate from this state of being rather than, for example, legal principles or codification. These definitions of rights are also timeless, with no reference to particular events or to the beginning or ending of rights.

When presented with the word list, BONELA respondents predominantly associated human rights with words such as justice (6 people), dignity (3 people) and equality (3 people), with equality the top choice when respondents were asked to choose a single word. Most respondents felt all words on this list applied, and respondents offered a range of words they felt should be added, including non-discrimination (2 people), protection, fulfilment, inequality, respect, love, peace and empathy.

When asked to translate 'human rights' into their respective first languages, BONELA respondents translated the term as '*botho*' (or its Kalanga or Shona equivalent⁷⁵) in equal frequency to '*ditshwanelo tsa batho*' the Setswana phrase which specifically means human

rights. *Botho* is considered a local and culturally-grounded concept, which some saw as a literal translation of human rights and others saw as a related and more accessible concept to the populations with whom they worked.⁷⁶ One respondent noted that it was a way of making the concept relatable to communities. She explained:

I think a lot of the times in Botswana we link [human rights] to *botho* because it's the easiest way to describe it in terms of why you would do something using that approach. Do you see what I mean? Because I think just the concept beyond that has always been linked to something that has been brought from the West. And in order not for people to get caught up in that [...] you try to steep it in culture. And so then – you're bringing it home for them so that they can relate. Because in terms of anyone taking on board any information or you changing a mindset, they must be able to relate, otherwise it's just a foreign concept and they feel that it's being imposed.⁷⁷

Drawing on local concepts was useful because respondents rarely saw their understanding of human rights as typical of the communities with whom they worked, or as reflective of government views.

Respondents reported some uneasiness around rights language among populations with whom they worked. They spoke of individuals fearing that human rights would make people 'wayward' or 'run wild,' adding that 'if I give you a right it means you have all the power'⁷⁸ and expressing concerns that human rights were 'breeding individualism' that would lessen dependence on community.⁷⁹ Children's rights were described as particularly

controversial, particularly among traditional leaders such as chiefs (*dikgosi*) and headmen (*dikgosana*) who ‘feel that we are breeding rebellious children who are going to be telling them what they want, when they want it, and how often they want that, [and] so on.’⁸⁰ As one respondent noted, ‘people are afraid of losing control.’⁸¹ This view of human rights was also reflected in expected forms of advocacy which emphasised dialogue and discouraged, and sometimes discredited, marches and protests.

When your claim for rights haven’t come out of toil and strife and war, you can’t relate to that. You can’t relate to being that desperate to go on the streets, to just claim the right to eat food or whatever it is that you needed, or be on a bus or whatever your issue is. So when we do that, it’s seen as antagonistic. ‘Why did you need to do that? No one’s fighting you.’ You know? ‘Come have a conversation with me in an office.’ And you’re, like, ‘I’ve tried. I’ve talked to you. We’ve talked. We’ve talked again. You change your mind. We have no choice. We have to take it to the streets now’.⁸²

This comment describes important dynamics of human rights advocacy in Botswana: first the unrelatability of more contentious and fraught human rights claims in the national context; second, frustration with ongoing expectations of dialogue sometimes in the absence of change; and third, the manner in which more public or confrontational forms of protest are frowned upon.

BONELA respondents demonstrated two broad themes when asked about the ‘who’ of human rights.⁸³ First, respondents often thought of ‘everyone,’ ‘everybody’ or ‘humanity’ when asked ‘who comes to mind when you think of human rights’. Second, in seven of

nine interviews, respondents placed a particular emphasis on marginalised or vulnerable people. Respondents highlighted ‘those that we often think of less because of their [...] positioning within the society’ including those who ‘could be doing something that others don’t agree with.’⁸⁴ Other respondents offered similar lists of disadvantaged populations including sex workers, lesbian, gay, bisexual, transgender and intersex people (LGBTI), the poor, prisoners, migrants, children, and abused women.⁸⁵ One respondent elaborated:

My background to human rights has always been about grassroots, about underdogs, about people who are oppressed, about people who are denied certain rights. Whenever I think about human rights, that’s who I think about, people with no means of claiming rights. People who are vulnerable. People who are excluded, you know. That’s what I think about when I think of human rights. [...] I am trained in human rights research, you know, that’s the last course I did. But the interesting aspect of it, my thinking never starts with an instrument, like the UDHR or you know, or ICESCR.⁸⁶ My thinking doesn’t start there. It in fact starts with this person, this individual [...] – and I work it up and to see how can this instrument therefore help this person.⁸⁷

This response highlights the person-oriented understanding of human rights, that even those with extensive knowledge of instruments, the law and government processes, vested their understanding of human rights primarily in individuals and individual experience.

Few respondents spoke about enforcement mechanisms until directly asked, at which point references to government appeared in five responses and mention of the judiciary in three. Respondents also often highlighted the role of community acting either alone or in concert with other mechanisms. One respondent explained that while government should ‘provide the environment in terms of ensuring that we’ve got the rights systems for recourse if there are any violations’ the actual ‘respecting and upholding’ of human rights is not something that ‘happens because government has good systems’ instead arguing that:

I think we actually are – ourselves as individuals and communities, we actually are the human rights enforcers. We actually enforce human rights. I don’t necessarily think that it is the policies and the frameworks. I think the policies and the frameworks are only [for] [...] when everything else fails. [...] But I think enforcement of human rights really starts with us at individual and community level.⁸⁸

Reflecting a similar sentiment another respondent noted that ‘the responsibility’ for human rights enforcement ‘goes to everybody’ and ‘comes from the grassroots where people are respecting each other’ but ‘the power lies with the government.’⁸⁹ These respondents highlight an understanding of human rights enforcement as primarily the responsibility of communities, with the government as a guarantor where more informal processes fall short.

Picturing human rights: unusual, forgotten, excluded

When asked to choose the three photos that they thought best represented human rights, BONELA respondents selected a wide variety of images (11 photos) including pictures depicting individuals and groups, adults and children, civil and political and economic rights, social and cultural rights, photos showing different cultures, races and geographic locations, and photos interpreted by respondents as reflecting both enjoyment and violation of human rights. Of these photos six received multiple mentions with four receiving three mentions each (13⁹⁰,16, 18, 23), and two receiving two mentions each (22, 8 Figure 4).



Figure 1. Photo #16, “Janitor Strike Santa Monica” by Steve Lyon, licensed CC BY-SA 2.0.³

³ Photo #16 Steve Lyon via wikimedia commons, Creative Commons Attribution Share Alike 2.0 (Filename: [1200px-Janitor_strike_santa_monica.jpg](https://commons.wikimedia.org/wiki/File:1200px-Janitor_strike_santa_monica.jpg), https://commons.wikimedia.org/wiki/File:Janitor_strike_santa_monica.jpg).



Figure 2. Photo #18, “Katrina 14461” by Andrea Booher, Federal Emergency Management Agency, Public Domain⁴

In selecting photos, BONELA respondents were drawn to images of those they saw as ‘unusual’ or ‘forgotten’, and distinguished between those who were protected and able to enjoy their human rights, and those who were not. Respondents understood human rights as necessitating a focus on who might be excluded or marginalised by ‘universal’ measures. An image showing one woman kissing another woman on the cheek, was seen as representative of human rights because kissing in public was ‘unusual’ behaviour that ‘raises a lot of suspicions’, with respondents also noting that sexual activity between people of the same sex was prohibited in the Botswana penal code. Photo 18 (Figure 2) was seen as an illustration of the violation of human rights – although basic needs appeared to be met, respondents saw them as ‘desperate measures’ representing survival rather than the provision of what is necessary to ‘self-actualise’ and enjoy human rights. Photos 16 (Figure

⁴ Photo #18, FEMA, Andrea Booher via wikimedia commons, Public Domain (use guidelines: <https://www.fema.gov/photo-video-audio-use-guidelines>) (Filename:1024px-Katrina-14461.jpg, <https://commons.wikimedia.org/w/index.php?search=katrina-14461&title=Special:Search&go=Go&ns0=1&ns6=1&ns12=1&ns14=1&ns100=1&ns106=1&searchToken=8n4ynyswheqxik760v9c99soa#%2Fmedia%2FFile%3AKatrina-14461.jpg>);

1) and 23 (an image of people surrounded by police), were seen as two perspectives of protest, one largely seen as an expression of human rights, the other a violation. Comparing the two, one respondent noted:

Well this one [number 23], it looks like, you know, people were trying to do some sort of a protest or something, and the government or military has been called in and is basically saying no, and trying to hold them down and not allow that to happen. Whereas this one [number 16], it looks like a more peaceful march but still people are claiming their rights and voicing whatever it is [...] But they're doing it peacefully and they're not being attacked by the police. It seems like it's in a place where claiming your rights is allowed and encouraged, it seems. Even cars have stopped. [laughs]⁹¹

When asked to select a single photograph that best showed human rights, only one photo was mentioned by more than one respondent (16, by 3). When asked what photo, if any, did not belong, virtually all respondents commented that all photos depicted some aspect of human rights.

Locality and cultural context is evident in BONELA's perception of human rights in several important ways. The idea of 'belonging' and 'sameness' is central to understandings of human rights. Human rights are understood primarily as an expression and recognition of similarity – that we are all human and thus, despite our differences, have shared needs. This vision of rights shares many of the core traits of *botho* and, indeed, was understood by some as a simple translation of the term, while others drew on *botho* more

strategically and deliberately. Second, respondents were specifically drawn to groups they saw as ‘forgotten’ or ‘left out’, recognising the particular burdens of isolation, the consequences of being different, and the groups who were sometimes left out of ‘universal’ programs. Finally, although the group is largely staffed by lawyers and is actively engaged in litigation, respondents did not offer legal or state-based definitions of human rights, and often saw the responsibility for a rights-respecting society as ultimately vested in the population.

Image Series 1

+SECTION 27

Defining and translating human rights

While +SECTION 27 respondents shared the sense of universal applicability expressed by BONELA respondents, they were far more likely to make reference to the state and law, particularly the Constitution, when defining human rights. Individuals were seen as inherently holding human rights and having these rights secured in the Constitution, but also as having a role in creating human rights by giving them meaning in the society in which they live. Law was understood as reflecting pre-existing beliefs rather than creating human rights in and of itself. One respondent stated:

I love the South African constitution. It’s a breathtaking document. But why do I love it? Because it articulates something that I believe to be a true in a way that I could not articulate it, and so it clarifies something that I believe to be true. But my belief in the truth of it preceded my reading of it.⁹²

The idea of concreteness had significant currency among +SECTION 27 respondents, with several distinguishing between ‘philosophical’ human rights and ‘practical’ human rights as grounded in the Constitution. One respondent preferred to speak of ‘constitutional literacy’ as it was seen as a way of making human rights tangible in conversations with communities.⁹³ Unlike in BONELA responses, the idea of duty bearers featured prominently in +SECTION 27 responses. Human rights were understood and articulated as entitlements that were vested in people, described as ‘how the government and people should relate to one another’⁹⁴, but also extended by others to include claims ‘against the state, but also against other individuals and private entities.’⁹⁵

Although the Constitution was widely referenced as strong and inspirational, several respondents noted that they struggled with the contrast between model Constitutional provisions and an unequal society with persistent human rights violations. One respondent spoke of this frustration, citing a recent article which described a scenario where

‘a woman [is] in a group, and they’re talking about the constitution, and she is a rape victim saying “if I’m being raped should I hold the constitution in front of my vagina and will that stop me from being raped?”’⁹⁶

Respondents from +SECTION 27 often saw public participation and public education as being the most important contribution in such settings, whereby knowledge might change power structures within society contributing to increased awareness of human rights and increased knowledge of mechanisms of recourse.

Respondents often spoke of the role of people within South Africa in giving content and meaning to human rights. As one respondent noted, ‘it’s not up to us to decide what people demand as their rights’,⁹⁷ instead describing Constitutional rights such as the right to education as a ‘blank canvas [...] that you have to paint something into’, or an ‘empty basket’ to be filled by ‘imagin[ing] a school that you would think can educate your children and respect your dignity’.⁹⁸ Offering a similar analogy, another respondent noted:

The South African Constitution, it’s 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. So, in the case, for example, of the right to sufficient food in South Africa, the human right to sufficient food or the right to food, it hasn’t been touched sufficiently in this country. So, all you’ve got is a few bland words that says everyone has a right to sufficient food.

But go to the right of access to healthcare service and you find that it’s a lot of colouring in that has been done. If you go to education, you see that there’s more and more colouring in that’s being done.⁹⁹

This act of ‘colouring’ was needed both to give practical, tangible meaning to human rights for people and communities, but also to reflect the fact that ‘rights are evolving constantly’ with the organisation seeing ‘part of [its] job’ as ‘push[ing] the envelope as to what rights actually require of the state or of other actors.’¹⁰⁰ This description of the Constitution in some ways reflects the country’s own history with human rights – in that the population

played an active role in both claiming and defining human rights through the anti-apartheid struggle, but also through the participatory process of the drafting of the Constitution.

When presented with the word list, +SECTION 27 respondents gave similar responses to BONELA personnel. They frequently linked human rights to justice (7 people), dignity (5 people), equality (4 people), freedom, constitution and fairness (3 people each). When asked to pick a single word the largest number of respondents chose justice (4 people). Respondents felt all words on the list applied, and seldom felt words were missing, though a few respondents offered order, love (2 people), access and autonomy.

In contrast with BONELA respondents, +SECTION 27 respondents never translated human rights as *botho/ubuntu* even though the concept is widely referenced in South Africa and has been cited in legal judgments. Only two respondents raised the concept unprompted at all, generally understanding it as ‘humanness’ or ‘compassion,’ with some respondents seeing it as ‘complementary’ to human rights while another saw it as ‘not necessarily about rights’ but more linked to solidarity.¹⁰¹ Respondents rarely referenced the concept in their work, noting ‘I’ve never really thought of it in the context of my work specifically,’ or even that it is ‘not part of my personal lexicon.’¹⁰² Instead, respondents translated human rights into words like *amalungelo* (Xhosa/Ndebele) and *ditokelo* (Sotho/Tswana¹⁰³), words which specifically mean human rights and words that would be used in translations of the Constitution. Three respondents were native English speakers, and one Shona speaking respondent noted that she did not translate human rights into other languages.

In contrast with BONELA respondents, +SECTION 27 respondents saw human rights as broadly understood by the communities in which they worked – who had generally been exposed to rights language even if the details were unclear. This greater familiarity could explain the lack of a need to translate human rights through another indigenous concept. Practical understandings of human rights were linked to change and inequality. The loss of facilities, for example a community losing a school or clinic, would often be understood as a human rights violation. In contrast, persistently poor toilets in schools might be less likely to be seen as a human rights violation, particularly if they were similar to facilities in homes and other community facilities.

Respondents gave a wide variety of answers when it came to the ‘who’ of human rights. Four people offered broad answers including ‘people’,¹⁰⁴ ‘black people, black women’¹⁰⁵ a ‘person living in a deprived community’¹⁰⁶ and ‘the masses of people in this country.’¹⁰⁷ Themes of race and oppression were prominent. One respondent who said that black women were the group she first thought of described her choice:

I think the entire world was constructed in such a place that if you're born, you're most likely to be born in a place where you'll receive the most atrocious public services ever. You will not finish schooling, you'll not go to varsity,¹⁰⁸ you won't have a job and if you will have a job, it wouldn't be anything in management or anything that requires intellectual capacity. Just menial labour.

Your entire existence was just, I think – reduced into your skin colour, so your entire humanity is just expunged by the fact that you're just black; that's all you

are, there's nothing else to you. And black women are even hardest hit by all of these things, because they're not just black, but they're also women.¹⁰⁹

This passage clearly links human rights to experiences of suffering and injustice identifying the intersections of race, gender and class. It is a description that is premised on inequality between different populations in South Africa, and experiences of differential treatment.

Respondents also often named specific individuals, including those who had suffered human rights violations, and those who were seen as having the power to stop human rights violations (Kofi Anan) but also those seen as human rights heroes (Steve Biko, Malcolm X, Martin Luther King, 'tank man' from Tiananmen Square). The latter suggests that for about a third of respondents, images of hope were prominently linked to human rights. One respondent offered a specific image stating, 'I see lines, I image the lines and lines of people [waiting to vote] in 1994' elaborating, 'it was just an amazing experience. The helicopters and the sense of hope'.¹¹⁰ This quotation describes a moment of transition – the precipice between a rights violating past and the hope for a more positive future. It, like references to human rights 'heroes' by other respondents locates human rights in a specific time and place.

Perceptions of who was responsible for enforcing or respecting rights were varied, including the courts, the government, the state, and several references to private actors and corporations including pharmaceutical companies. In addition to these actors, a minority

of +SECTION 27 respondents saw it as a responsibility of ‘everybody’¹¹¹ or ‘me, the people’¹¹² describing the various ways in which private individuals were responsible for respecting human rights including as landlords and employers. Unlike BONELA respondents, +SECTION 27 respondents saw human rights as tightly linked to economic as well as political systems, regularly citing private actors and corporations as violators, for example. Respondents often saw their role not as working within the system, but as changing systems of inequality and oppression in their society.

Picturing human rights: agency, resilience, contrast, an idealistic future

+SECTION 27 respondents chose a wide variety of photos when asked to identify the three photos that best depicted human rights. These choices, however, reflected far more defined clusters than in the case of BONELA. Four photos were chosen four times (1,7,16,17), an additional three photos were selected three times (13, 22, 23), one was selected twice (6), and four were selected once. Respondents were drawn to images that they saw as reflecting contrast, inequality, hope, resilience and positive change. Unlike BONELA respondents who rarely mentioned race or class, these themes featured prominently in +SECTION 27 responses.

Image Series 2



Figure 3. (a) photo #1, by K. H. Kenyon; (b) photo #7, “Children Jump South African Beach” by Ulrike Mai, Pixabay license for commercial and non commercial use; (c) photo #17, by K. H. Kenyon..⁵

⁵ Photo #1 K. H. Kenyon; Photo #7 Pixabay, Free for commercial use (Filename: [children-486978_640.jpg](https://pixabay.com/photos/children-jump-south-africa-beach-486978/), <https://pixabay.com/photos/children-jump-south-africa-beach-486978/>); Photo #17 K.H. Kenyon.



Figure 4. (a) photo #8, “Poverty Slum Shanty Town” by “velyva”, Pixabay license for commercial and non commercial use; (b) photo #22, Dalhousie University Student Photo Competition, used with permission, photographer requested no attribution

The words in Photo 1 (Figure 3(a)), ‘all shall be equal before the law’, were seen as reflective of how respondents understood human rights. Respondents noted ‘the disjuncture between this dilapidated structure and the structure behind it’ noting, ‘the stuff in the front: the oppressive tools of the state. There’s a razor wire, you have the gate, the crumbling infrastructure, the signs of inequality, right?’ and the ‘nice building behind it.’¹¹³ Another respondent who was able to identify the location of the photo noting that it was ‘near Parliament [...] and a block away from the High Court’ in a ‘very, very rich area’ of Cape Town, noting that this photo ‘represents equality, contextualises South Africa, which is unequal, so to me this is very representative of our constitution.’¹¹⁴ The piece was viewed as both a violation of human rights and an example of rights claiming or ‘demanding’ as ‘street art is a last refuge of unpopular political views [...] a sort of counter method of expressing views.’¹¹⁵

Photos 7 and 17 (Figures 3(b) and (c) both depict children and were seen as ‘aspirational.’ Photo 7 was seen by many +SECTION 27 respondents as idyllic, as one respondent noted, ‘I think it’s the idealistic world. How I would envision Africa to be like in the next sort of gazillion years.’ This idealised image of a rights-respecting future was seen as including both concrete material and physical needs (good health, well-fed, clean clothing), and more abstract indicators of well-being (‘a sense of freedom,’ joy, happiness, emotion, safety, carefree play). Photo 17 was viewed as representing education, as well as holding some of the same child-related optimistic inferences as photograph 7. For one respondent it was important that the children depicted were ‘black kids,’ noting ‘I would maybe have a different view if I saw white kids in that because it’s, again, so often rights [are] denied on the basis of race or class.’¹¹⁶ Photo 16 was seen as indicating agency, response and resilience, as well as existing in a state where protest was possible, and where people felt empowered and educated to stand up for themselves.

When asked to identify a single photo to represent human rights, the same selections were apparent with photos 1, 7 and 17 each selected twice. With the exception of 7, respondents identified agency and action in each of the photos whether in the form of a written word or physical movement. Particularly in disadvantaged circumstances this resilience and response was seen as important, hopeful, and emblematic of human rights. Half of the respondents identified at least one photo as not belonging in the collection, including a photo of a toy gun, of parliament, photo 23, and photos of heterosexual marriage and of family life. The latter two, both ‘happy scenes’ located in private settings were seen as unrelated to human rights.

In their descriptions of human rights +SECTION 27 respondents drew on several aspects of their cultural and historical context. Themes of context, contrast, agency and resilience were common in responses. Respondents frequently explained and understood human rights in reference to South Africa's history of apartheid and in relation to current conditions of racial and socioeconomic inequality. In contrast with BONELA respondents, socioeconomic factors were far more prominent in responses from +SECTION 27 personnel, reflecting the high level of inequality in South African society and indicating a view that human rights violation or enjoyment depended on political, legal and economic structures. Themes of temporality were also notable, with respondents identifying images and expressions of past and future and descriptions or expectations of change over time. Finally, action and agency were highlighted in descriptions, with ideas that individuals and communities could work to constitute the meaning of human rights, and had and could mobilize to change both individual circumstances and broader discriminatory structures in society.

Analysis and conclusions

In defining human rights, BONELA respondents understood rights in a non-legal sense, as a concept wedded to, and indivisible from, 'being human'. They described human rights as inherent and atemporal aspects of personhood that existed regardless of place, time, social position or system of government. In essence they described human rights as 'who you are' rather than 'things you have.' These characteristics reflect key components of the concept *botho*, a word that 50% of respondents offered as a translation of 'human rights'. When picturing human rights, respondents were drawn primarily to images of groups of

people, and highlighted experiences of being excluded, overlooked or forgotten as those depicting rights violations. In reflecting on this diversity of data, several key themes emerge. First, human rights are understood primarily as embedded in people and community. The state, government and laws were rarely mentioned, with both enjoyment and enforcement of rights understood at chiefly an individual or community level. Second, the violation of rights was understood as chiefly an experience of exclusion and, conversely, the enjoyment of rights as an experience of inclusion. Emphasising ‘the right of the individual to become *part* of the group’¹¹⁷, respondents sought to negotiate ‘groupness’¹¹⁸ that is accepting of difference as well as ‘sameness’ and, ‘belonging’ that is inclusive of, rather than an alternative to ‘autonomy’.¹¹⁹ In renegotiating how both human rights and *botho* are understood, and increasingly¹²⁰ interpreting them in light of each other, respondents are locating their organisational advocacy frame decidedly in their cultural context. In doing so they seek to make themselves intelligible and palatable to their audience, linking themselves to a timeless understanding of self, and refuting claims of human rights as a foreign concept.

+SECTION 27 respondents understood human rights primarily as ‘things you can claim against the state’, regularly referencing courts, government, laws, and particularly the South African Constitution. They described rights as philosophical ideas and human needs, but primarily as entitlements vested in the Constitution. +SECTION 27 respondents spoke about human rights as timely, contextualised, relative and dynamic, rather than timeless and absolute. Descriptions of rights often spoke of a human rights-deprived past, a rights-claiming present, and hopes for a rights-respecting future. The content of human rights was

seen as a conversation in which the population could and should play an active part, by ‘painting the canvas’, ‘colouring in the colouring book’ or ‘filling the basket’ to give content to legally-enshrined rights. When non-English first language speakers translated human rights, they did so to words like *amalungelo* or *ditokelo* – specific translations of ‘human rights’ that would be used in the Constitution. When selecting images to reflect their perception of rights, respondents were drawn to images that depicted contrast, inequality, resilience and a hopeful future. Reflections on context, history, race and class were also prominent. A strong theme among +SECTION 27 respondents across all types of data, was the interpretation of human rights violations as inequality. Respondents pictured, described and understood experiences of human rights violations as relative either to others or to past experience. If one school had books and another did not, that would be understood as a violation, if a community had a health clinic and lost it, that would be seen as a violation. Inherent to understanding rights was understanding what others had, and how goods were being distributed. While BONELA respondents often described human rights in individual or community terms, +SECTION 27 respondents focused on large actors such as the state, and structures including the economic system, patriarchy, racism, and heteronormativity. The idea of human rights as foreign did not have currency in +SECTION 27’s context, and hence required no local translation in a setting where rights claims were easily linked to historic struggles.

Reflecting on Levitt and Merry’s concept of ‘vernacularization’, the two human rights NGOs studied indicate the incorporation of elements of local culture, philosophy, advocacy norms and history into the ways in which they understand, interpret and communicate

rights. Key to this localisation are distinct methods of embedding themselves in the national context and seeking persuasive contextualised claims to resonant legitimacy. In Gaborone, BONELA seeks to situate itself culturally, interpreting human rights in relation to, and as a translation of, *botho*, connecting itself and its arguments to a powerful legitimacy rooted in culture and tradition. Although Botswana is not culturally homogenous, ethnic and cultural divisions and related inequalities do not play a large part in the national narrative¹²¹ and most Batswana readily relate to the concept of *botho*. BONELA respondents engage with this concept in ways that suggest borrowing, melding, incorporating or hybridising, rather than allowing human rights to, as Englund warned, ‘overshadow other ways of conceiving human dignity’.¹²² In Johannesburg, +SECTION 27 respondents vested their advocacy in the law and Constitution. In the far more heterogenous South African society, cultural claims to legitimacy could be more contested, and rights are seen as ‘sufficient for themselves’¹²³ without a need for translation or connection to *ubuntu*. In South Africa human rights is a common and legitimate language with clear illustrative examples of violations from historic and contemporary inequality.

Each group and its personnel is shaped by its cultural and political context and also deliberately molding its message to resonate with its audience. As Englund argues, cultural context and local understandings are ‘more than mere background to the discourse’ recommending that ‘more fruitful perspectives into translation are possible when discourse and its social and political context are understood to constitute one another’.¹²⁴ Framing literature emphasises the practical utility of advocacy frames that are resonant with domestic political powers. Both BONELA and +SECTION 27 are influenced by contextual

structures of legitimacy and power in their interpretation of human rights. In each case the organisation mirrors key aspects of the national government's legitimacy in the way in which they interpret and approach rights. In BONELA cultural references and embeddedness are important. Although a long-standing democracy, the most recent past President held not only electoral legitimacy, but also what Weber might term traditional authority¹²⁵ due to his position as hereditary chief. In this context, a call to culture, is one that resonates broadly, and helps to 'localise' an NGO that in many ways is an outlier, both in the human rights language it uses and its vocal criticism. A discourse of 'sameness' and unity that places little emphasis on differences between defined linguistic and cultural groups, dovetails with the national discourse of 'we are all Batswana.' Thus, the way in which BONELA respondents understand rights includes both acts of literal 'translation' (ie human rights as *botho*) and deliberate acts of 'framing' to avoid advocacy roadblocks (such as accusations of human rights as foreign), and exploit opportunities.

In South Africa the legacy of both apartheid and anti-apartheid activism loom large. Consequences of the anti-apartheid struggle include 'human rights' as a term being widely used and understood as local (rather than foreign), and protests and rights claims seen largely as legitimate and appropriate. The ANC government continues to be able mobilise support at the polls linked in no small part to their strong claim to 'struggle legitimacy' due to their critical role in ending the apartheid regime. +SECTION 27 is able to link to this powerful national experience by highlighting inequality as violation – which, in the South African context, is a clear echo of apartheid. Secondly, in the South African context the courts have played an important role as an arbiter of justice throughout changing political

landscapes. As such, laws have a concrete and actionable meaning in this context, which +SECTION 27 uses to centre its understanding of human rights.

BONELA and +SECTION 27 draw on their political and social contexts, both unconsciously and deliberately to shape, interpret and position their understanding of rights. In doing so, they draw on local ingredients and mirror resonant national forms of legitimacy in order to effectively advocate, communicate and litigate in their contexts. Cultural context is often described as a barrier to human rights, as something that needs to be ignored, limited, or overcome. Yet, culture is where we all live and is where the lived, practical and relatable meaning of human rights is vested. As Englund has argued it is not that culture must be abandoned and world views must be transformed for ‘human rights [...] to be attained’.¹²⁶ This research suggests that investment in, and exploration of cultural context enables the meaningful ‘vernacularization’ of human rights and allows advocates to be understood and effective in their contexts. This is not only a story of global to local translation, however. Local conceptions of human rights ‘can enrich understandings of human rights’.¹²⁷ BONELA and +SECTION 27 assert the authority to define the terms they use and actively ‘colour in’ the more distant outlines provided by international treaties. Their visions of human rights unsettle assumptions about the ‘real’ or ‘original’ meaning of human rights and provide local grounding for human rights that can illuminate diverse points of conceptual origin.

ⁱ This paper is a small piece of a larger project examining five organisations. A short blog post based on the same research project and examining implications for the global human rights system was featured on Open Global Rights (Kristi Heather Kenyon, “Building Down versus Trickle up” Nov 16, 2017, Open Global Rights website,

<https://www.openglobalrights.org/building-up-vs-trickling-down-human-rights-in-southern-africa/>).

ⁱⁱ Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, *The Power of Human Rights: International Norms of Domestic Change* (Cambridge: Cambridge University Press, 1999); Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, *The Persistent Power of Human Rights: From Commitment to Compliance* (Cambridge: Cambridge University Press, 2013); and Beth Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (Cambridge: Cambridge University Press, 2009).

ⁱⁱⁱ Jack Donnelly, ‘Human Rights and Human Dignity: An Analytic Critique of Non- Western Conceptions of Human Rights’, *American Political Science Review* 76, no. 2 (1982): 303-16; Jack Donnelly, ‘Cultural Relativism and Universal Human Rights’, *Human Rights Quarterly* 6, no. 4 (1984): 400-19; Jack Donnelly, *Universal Human Rights in Theory and Practice* (Ithaca, New York: Cornell University Press, 2003); and Alison Renteln, ‘Relativism and the Search for Human Rights’, *American Anthropologist* 90, no. 1 (1988): 56-72.

^{iv} Risse, Ropp, and Sikkink, *Power of Human Rights*; and Risse, Ropp, and Sikkink, *Persistent Power*.

^v See discussions in Renteln, ‘Relativism and the Search for Human Rights’; Jack Donnelly, ‘Human Rights and Human Dignity: An Analytic Critique of Non-Western Conceptions of Human Rights’; Jack Donnelly, ‘Cultural Relativism and Universal Human Rights’.

^{vi} Abdullahi Ahmed An-Na'im, “Introduction”, in *Human Rights in Cross-cultural Perspectives: A Quest for Consensus*, eds, Abdullahi Ahmed An-Na'im, and Francis M. Deng (University of Pennsylvania Press, 1990), 1.

^{vii} Tom Zwart, ‘Using Local Culture to Further the Implementation of International Human Rights: The Receptor Approach’, *Human Rights Quarterly* 34, no. 2 (2012): 546-69.

^{viii} Harri Englund, ‘Towards a Critique of Rights Talk in New Democracies: The Case of Legal Aid in Malawi’, *Discourse & Society* 15, no. 5 (2004): 527.

^{ix} Harri Englund, ‘The Dead Hand of Human Rights: Contrasting Christianities in Post-Transition Malawi’, *Journal of Modern African Studies* 38, no. 4 (2000): 579.

^x Harri Englund, ‘Chinyanja and the Language of Rights’, *Nordic Journal of African Studies* 10, no. 3 (2001): 300.

^{xi} *Ibid.*

^{xii} *Ibid.*

^{xiii} *Ibid.*, 303.

^{xiv} *Ibid.*

^{xv} Peggy Levitt and Sally Merry, ‘Vernacularization on the ground: Local uses of global women's rights in Peru, China, India and the United States’, *Global Network* 9, no. 4 (2009): 446.

^{xvi} *Ibid.*, 459.

^{xvii} Snow as cited in Doug McAdam, John D. McCarthy, and Mayer N. Zald, “Introduction: Opportunities, Mobilising Structures, and Framing Processes – Toward a Synthetic, Comparative Perspective on Social Movements”, in Doug McAdam, John D. McCarthy and Mayer N. Zald. (eds.), *Comparative Perspectives on Social Movements: Political Opportunities, Mobilising Structures and Cultural Framings*, (Cambridge: Cambridge University Press, 1995), p. 6.

^{xviii} Ann Swidler, “Culture in Action: Symbols and Strategies”, *American Sociological Review*, Vol. 51, No. 2 (1986), p. 277.

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Doug McAdam, John D. McCarthy and Mayer N. Zald (Cambridge: Cambridge University Press, 1995), p. 266.

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^{xlvi} Robert Hitchcock, Melvin Johnson, and Christine Hanley, "Indigenous Women in Botswana: Changing Gender Roles in the Face of Dispossession and Modernization", in Robert Hitchcock and Diana Vinding (eds.), *Indigenous People's Rights in Southern Africa* (Copenhagen: IWGIA, 2004), p. 231.

^{xlvii} Succeeded by Mokgweetsi Mosisi on April 1 2018. Ian Khama's brother Tshekedi Khama is a Member of Parliament and cabinet minister.

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^l Mogalakwe and Sebudubudi as cited in *ibid*.

^{li} Zibani Maudeni, 'Mutual Criticism and State Society Interaction in Botswana', *The Journal of Modern African Studies* 42, no. 4 (2004): 619.

^{lii} Examples include academic Kenneth Good's deportation allegedly over comments made related to the relocation of Kalahari San indigenous people and diamond mining, international petitions coordinated by international NGO Survival International on the same topics have resulted in unfavourable front page news coverage.

^{liii} Samantha Fleming, Collette Herzenberg, and Cherrel Africa, *Civil Society, Public Participation and Bridging the Inequity Gap in South Africa* (Durban, South Africa: Centre for Civil Society, University of Natal / IDASA, 2003), 24.

^{liv} Sarah Pugh, 'Advocacy in the Time of Xenophobia: Civil Society, the State, and the Politics of Migration in South Africa', *Polikon* 41, no. 2 (2014): 227-247.

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- ^{lv}Patrick Bond and Shauna Mottiar, 'Movements, protests and a massacre in South Africa,' *Journal of Contemporary African Studies* 31, no. 2 (2013): 283-302.
- ^{lvi} Sally Matthews, 'Privilege, solidarity and social justice struggles in South Africa: A view from Grahamstown', *Transformation: Critical Perspectives on Southern Africa* 88 (2015): 1.
- ^{lvii} Patrick Bond and Shauna Mottiar, 'Movements, Protests and a Massacre in South Africa,' *Journal of Contemporary African Studies* 31, no. 2 (2013): 283-302.
- ^{lviii} As opposed to a decentralized structure with extensive local branches.
- ^{lix} The term 'employees' is used to apply to all personnel carrying out organisational functions regardless of title (i.e. including employees, interns, volunteers).
- ^{lx} Including 9 people within 'nested' programs and organisations.
- ⁶¹ Douglas Harper, 'Talking About Pictures: A Case for Photo Elicitation', *Visual Studies* 17, no. 1 (2002): 13.
- ⁶² John Collier Jr., 'Photography in Anthropology: A Report on Two Experiments', *American Anthropologist* 59, no. 5 (1957): 843-59.
- ⁶³ Collier, 'Photography in Anthropology'; Wendy D. Roth, 'Studying Ethnic Schemas: Integrating Cognitive Schemas into Ethnicity Research through Photo Elicitation', in *Studying Ethnic Identity: Methodological and Conceptual Approaches Across Disciplines*, ed. Carlos E. Santos and Adriana J. Umaña-Taylor (Washington, DC: American Psychological Association, 2015); John L. Oliffe and Joan L. Bottorff, 'Further than the eye can see? Photo elicitation and research with men', *Qualitative Health Research* 17, no.6 (2007): 850-8; Liam Buckley, 'Photography and Photo-Elicitation after Colonialism', *Cultural Anthropology* 29, no. 4 (2014): 720-43; and Caroline Scarles, 'Where Words Fail, Visuals Ignite: Opportunities for Visual Autoethnography in Tourism Research', *Annals of Tourism Research* 37, no.4 (2010): 905-26.
- ⁶⁴ Harper, 'Talking About Pictures'.
- ⁶⁵ Marisol Clark-Ibáñez, 'Framing the Social World With Photo-Elicitation Interviews', *American Behavioral Scientist* 47, no. 12 (2004): 1507.
- ⁶⁶ Collier, 'Photography in Anthropology'.
- ⁶⁷ Keith C. Barton, 'Elicitation Techniques: Getting People to Talk About Ideas They Don't Usually Talk About', *Theory & Research in Social Education* 43, no. 2 (2015): 195-205; Barbara Mandelco, 'Research with Children as Participants: Photo Elicitation', *Journal for Specialists in Pediatric Nursing* 18, no.1 (2013): 78-82; and Gloria Thupayagale-Tshweneagae and Zitha Mokomane, 'Needs of South African Adolescents Orphaned by AIDS: Evidence from Photography and Photo-Elicitation', *International Nursing Review* 60, no.1 (2012): 88-95.
- ⁶⁸ Harper, 'Talking About Pictures', 13.
- ⁶⁹ Ibid.
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- ⁷¹ Barton, 'Elicitation Techniques', 179.
- ⁷² Author's interview, BONELA Respondent #2.
- ⁷³ Author's interview, BONELA, Respondent #5.
- ⁷⁴ Author's interview, BONELA, Respondent #9.
- ⁷⁵ *Buthu* and *unhu*, respectively.
- ⁷⁶ For a more detailed discussion of the *botho*/human rights intersection see: Kristi Heather Kenyon, "Localizing the Global/Globalizing the Local: Reconciling Botho and Human Rights in Botswana." *The Social Practice of Human Rights*. Palgrave Macmillan, New York, 2015. 101-119.
- ⁷⁷ Author's interview, BONELA, Respondent #3.
- ⁷⁸ Author's interview, BONELA, Respondent #3.
- ⁷⁹ Author's interview, BONELA, Respondent #2.
- ⁸⁰ Author's interview, BONELA, Respondent #2.
- ⁸¹ Author's interview, BONELA, Respondent #2.
- ⁸² Author's interview, BONELA, Respondent #3.

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- ⁸³ Who comes to mind when you think of human rights? It could be an individual, a group, an institution, a structure?
- ⁸⁴ Author's interview, BONELA, Respondent #4.
- ⁸⁵ No respondents made mention of the San, a socio-economically disadvantaged ethnic minority.
- ⁸⁶ International Covenant on Civil and Political Rights
- ⁸⁷ Author's interview, BONELA, Respondent #9.
- ⁸⁸ Author's interview, BONELA, Respondent #6.
- ⁸⁹ Author's interview, BONELA, Respondent #7.
- ⁹⁰ A photograph of one woman kissing another woman on the cheek.
- ⁹¹ Author's interview, BONELA, Respondent #3.
- ⁹² Author's interview, +SECTION 27, Respondent #2.
- ⁹³ Author's interview, +SECTION 27, Respondent #5.
- ⁹⁴ Author's interview, +SECTION 27, Respondent #8.
- ⁹⁵ Author's interview, +SECTION 27, Respondent #3.
- ⁹⁶ Author's interview, +SECTION 27, Respondent #3.
- ⁹⁷ Author's interview, +SECTION 27, Respondent #5.
- ⁹⁸ Author's interview, +SECTION 27, Respondent #5.
- ⁹⁹ Author's interview, +SECTION 27, Respondent #10.
- ¹⁰⁰ Author's interview, +SECTION 27, Respondent #10.
- ¹⁰¹ Author's interview, +SECTION 27, Respondents 1,8, 10.
- ¹⁰² Author's interview, +SECTION 27, Respondents 5, 10.
- ¹⁰³ This is a Sesotho term but was given as the Tswana term by a Tswana speaker.
- ¹⁰⁴ Author's interview, +SECTION 27, Respondent #3.
- ¹⁰⁵ Author's interview, +SECTION 27, Respondent #4.
- ¹⁰⁶ Author's interview, +SECTION 27, Respondent #5.
- ¹⁰⁷ Author's interview, +SECTION 27, Respondent #6.
- ¹⁰⁸ university
- ¹⁰⁹ Author's interview, +SECTION 27, Respondent #4.
- ¹¹⁰ Author's interview, +SECTION 27, Respondent #6.
- ¹¹¹ Author's interview, +SECTION 27, Respondent #3.
- ¹¹² Author's interview, +SECTION 27, Respondent #7.
- ¹¹³ Author's interview, +SECTION 27, Respondent #5.
- ¹¹⁴ Author's interview, +SECTION 27, Respondent #6.
- ¹¹⁵ Author's interview, +SECTION 27, Respondent #5.
- ¹¹⁶ Author's interview, +SECTION 27, Respondent #10.
- ¹¹⁷ Howard, 'Dilemma of Human Rights', 731.
- ¹¹⁸ Cobbah, 'African Values and Human Rights', 320.
- ¹¹⁹ Englund, 'Rights Talk in New Democracies', 17.
- ¹²⁰ Author 2015.
- ¹²¹ Despite significant inequalities between San and non-San, and high profile international campaigns.
- ¹²² Harri Englund, 'Dead Hand of Human Rights', 579.
- ¹²³ Author's interview, +SECTION 27, Respondent #10.
- ¹²⁴ Englund, 'Chinyanja', 303.
- ¹²⁵ Max Weber, 'Politics as Avocation' From H.H. Gerth and C. Wright Mills (Translated and edited), *Max Weber: Essays in Sociology*, pp. 77- 128, (New York: Oxford University Press, 1946), 77-128.
- ¹²⁶ Englund, 'Chinyanja', 303.
- ¹²⁷ Englund, 'Chinyanja', 303.