The Learning Network on Health and Human Rights

Knowledge pluralities: African perspectives on health & human rights

SEMINAR REPORT

PERC Seminar 2
09/23/2010

REPORT

The Health and Human Rights programme in the School of Public Health and Family Medicine at UCT, in conjunction with its partners in a Learning Network for Health and Human Rights (LN), hosted a second seminar on African perspectives on health and human rights. This was the last of two Seminars organised as part of a grant in terms of the African Knowledge Project under UCT's Programme for Enhancing Research Capacity (PERC).

The seminar was focused on the presentation of three research papers led by academics on the PERC project. This included presentations by Professor Chuma Himonga on 'The right to health in the African cultural context', Dr Maria Stuttaford on 'Dialogue, co-learning and knowledge creation on the right to health: reflections from the Learning Network', and Professor Nomafrench Mbombo on 'The meaning of the right to health in horizontal relationships and the regulating role of the government'. Each of these presentations was followed by a discussion in plenary which covered several broad issues briefly outlined below:

'The right to health in the African cultural context'

- How ubuntu could be operationalised in the courts, taking into account the nature of the legal system, the structure of reasoning applied in the courts; nevertheless, and the view taken of African ideals about morality in the legal system.
- Whether there is a need for a clear and universal definition of ubuntu.
- What approaches should be adopted for dealing with rights violations involving health workers.
- How to deal with tensions between ubuntu as an African cultural concept and the principle of equality guaranteed by the Constitutions and other human rights.
- Whether greater realisation of the right to health could be achieved at the health systems level if patriarchy were reduced, and whether ubuntu can be used to deconstruct patriarchy.

'Dialogue, co-learning and knowledge creation on the right to health: reflections from the Learning Network'

- Within civil society organisations (CSOs) there is a recognised need for knowledge on the right to health and how to translate this fundamental right into practice. At the same time, CSOs are aware that people 'come and use' their knowledge without due credit given to CSOs for their expertise.
- When the Learning Network was established, a research design based on an emancipatory spiral (Bhaskar) and dialogical processes (Long and Long) using participatory methods was adopted. The aim of this was to elicit a more authentic understanding of how CSOs use rights based approaches to health, compared to research that had used more traditional designs. The underlying

assumption is that the process of dialogue and co-learning surfaces subaltern knowledge, contributing to the development of theory and practice.

▪ This paper explores how members of CSOs and academic researchers understand and participate in the Leaning Network and the extent to which an emancipatory spiral has been established.

▪ The intertwinement of 'new' knowledge, or subaltern knowledge, and the resultant changes in practice are the focus. In particular:

  ▪ What participants value about the Learning Network process

  ▪ How different participants understand, participate and contribute to the process

  ▪ The role of trust and power in establishing a dialogical process

  ▪ The extent to which new knowledge has or has not been created/surfaced

  ▪ How new knowledge has strengthened agency leading to advances in rights claims and the translation of the right to health into practice

'The meaning of the right to health in horizontal relationships and the regulating role of the government'

▪ Whether there are pitfalls to the application of ubuntu, such as to non-homogenous groupings of "Africans" and the tensions between cultural concepts and human rights.

▪ Considering approaches used by health professional bodies, ie. Ethics, in regulating the "human rights" violations by health workers, and the meaning of this in human rights language.

▪ Whether there is a collective South African identity to support a universal application of ubuntu across the health care system.

▪ Whether we should distinguish between African values, like ubuntu, and those in the West or whether we should adopt an "ethic of becoming".

The presentation of the final paper was followed by responses prepared by Mr. Moses Mulumba and Dr. Andra Le Roux-Kemp, who highlighted key points from each of the three papers for further discussion. Mulumba's presentation touched upon the potential of operationalising ubuntu via international customary law and the pros and cons of utilising "soft" versus "hard" law for this purpose. Le Roux-Kemp underscored the potential to apply theories on plural knowledge systems to work involving plural medical systems and concluded that an interdisciplinary understanding is pivotal for the realisation of health rights on the Africa continent. A final round of discussions from the wider audience covered the following key points:

(1) **National health Insurance and social solidarity**

(2) **Traditional medicines, traditional leaders and their regulation**

(3) **Documenting African philosophy and its concepts**

THE WAY FORWARD

The way forward was planned at a separate meeting held with members of the Learning Network research team. The following outline our plans for the way forward from the seminar:

A meeting was held following the Seminar and it was decided to take-forward key discussions in the following ways:

(1) Additional seminars
- Take forward issues discussed at this seminar, particularly the debate on hermetic divisions between Africa and the West.

(2) Future research
- Test Mbombo's theory that there is better access to health care/services when there is a common understanding of ubuntu as a second piece of work; investigate using empirical data
- Application of vignettes to conduct further investigations into social solidarity
- Deployment of ubuntu in a political analysis
- Test ubuntu as a legally operationalisable principle in the context of civil society
- Investigate linkages between plural knowledge systems and plural legal systems
- Investigations in the area of plural health systems and the right to health, looking at this with the lens of ubuntu.

(3) Timeline for papers and book chapter
- Discuss again in February 2011 - all to be completed by April/May 2011

(4) Regional Collaboration
- Potential to fit PERC work into a regional focus - hold another regional meeting?

BACKGROUND TO THE SEMINAR

This seminar, *'Knowledge pluralities: African perspectives on health and human rights'*, is a follow-up from a seminar held by the Learning Network for Health and Human Rights in March 2010. The March seminar presented the results of a review of published and unpublished literature on the contribution of African philosophies and traditions to the conception of individual and collective rights. Through reviewing the contribution of intellectuals from Africa, drawing on traditions more rooted in collective social identities, we explored and attempted to develop new understandings to resolve the seeming contradiction between individual claims to health rights and the collective.

From the dialogue which followed our seminar presentations, issues involving three key themes of cultural relativism versus universalism, individual versus collective rights and the place of ubuntu emerged. It was agreed that, despite overwhelming evidence that Human rights has its origins in the West, this should not prevent us from reclaiming a space for African concepts in human rights discourse. Importantly, participants argued that we should not discard Western notions of human rights but rather attempt to strike a balance between Western and African concepts of human rights. Further still, some participants affirmed that we should not engage in the blind 'transplantation' of international laws without interrogating how they apply to the African context and whether we can benefit from them.

The notion of Ubuntu was brought to the fore as a tool to advance African theoretical discourses on human rights through investigations of how cultural values are capable of bestowing human dignity to address contemporary rights violations in African society. Participants largely concurred that collective rights are central to African conceptions of human rights but some cautioned that the realisation of collective rights can have both positive and negative implications. In particular, how "the people" are defined can have exclusionary implications while the term Ubuntu can be manipulated and misappropriated for political agendas. On the other hand, it was argued that by understanding Ubuntu as a right to respect humanity, this African notion can perhaps be used in a legal sense to reconcile conflict between individualistic rights in a way that does not rely on moral order. To this end, a key task remains the consolidation of different ideas about African philosophical ideas, proverbs and notions (like Ubuntu) to give them realisable application.

This seminar, held in September 2010, was therefore an opportunity to present three working papers by PERC researchers who have had time to engage with the issues emerging from the first seminar held in March. These researchers seek to construct new knowledge paradigms and to analyse the voices and practices of civil society groups using frameworks cognisant of African theories and philosophies.

PROGRAMME FOR SEMINAR

Thursday, 23rd September 2010

9h00 – 13:00

Level 2 Seminar Room, UCT Research & Innovation,
2 Rhodes Avenue, Mowbray

Knowledge pluralities: African perspectives on health and human rights

8:30	Registration and tea/coffee
9:10	Welcome / Introduction
09:20	**The right to health in the African cultural context**. Professor Chuma Himonga, Department of Private Law, UCT
09:40	**Discussion**: Questions and answers from the wider audience
10:00	**Dialogue, co-learning and knowledge creation on the right to health: reflections from the Learning Network.** Dr Maria Stuttaford, Honorary Senior Lecturer, School of Public Health, UCT
10:20	**Discussion**: Questions and answers from the wider audience
10:40	Tea/coffee
11:00	**The meaning of the right to health in horizontal relationships and the regulating role of the government.** Professor Nomafrench Mbombo, Division of Nursing, UWC.
11:20	**Discussion**: Questions and answers from the wider audience
11:40	Response from the panel: ▪ Mr Moses Mulumba, human rights lawyer with HEPS-Uganda ▪ Dr Andra le Roux-Kemp, Department of Criminal Justice & Procedure, UWC
12:00	**Open discussion**
12:50	Concluding remarks, identification of future research directions, and thanks
13:00	Lunch and informal networking

Participant List

Name	Organisation
Nomafrench Mbombo	UWC – Nursing, , Learning Network
Leslie London	UCT – Public Health, Learning Network
Gary Gabriels	UCT – Pharmacology
Moses Mulumba	HEPS – Uganda
Glynis Rhodes	Women on Farms Project, Learning Network
Chuma Himonga	UCT – Faculty of Law
Chiedza Simbo	UCT - Faculty of Law
Gabriela Glattstein-Young	UCT – Public Health, Learning Network
Veronica Mitchell	UCT – Higher Education
Maria Stuttaford	U Warwick – Health and Social Science, Learning Network
Zareena Parker	UCT – Dept psychology and mental health
Andra Le Roux-Kemp	UWC – Law Faculty
Yolisa Hobongwana-Duley	UCT - Education
Warren Smit	UCT- African Centre for Cities
Robert Morrel	UCT – Research offices
Artwell Nhemachena	UCT- Social Anthropology
Josh Cohen	UCT – Social Anthropology
Melanie Alperstein	UCT-CHED ADP FHS
Frank Kronenberg	UCT – Occupational Therapy
Nicole Fick	UCT – Public Health, Learning Network
Rashida Manjoo	UCT – Public Law Department UN Special Rapporteur on Violence against women
Crain Soudien	UCT – School of Education
Ruth Watson	UCT – Occupational Therapy
Melanie Zuck	MRC