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The Effects of Racial Discrimination on Development in Africa

By

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1 Introduction

Racial discrimination remains an unfortunate reality in Africa. It is not disputed that racial discrimination has a profoundly negative effect on development. In most cases, the conflicts that occur in Africa are a direct result of racial discrimination, which compromises development. Africa remains a cauldron of instability and economic deprivation, which among other things could be reversed through the elimination of all forms of racial discrimination. This paper seeks to consider the effects of racial discrimination on development in Africa.

Firstly, the paper looks at the definitions of racial discrimination, development, and the right to development. It makes a case that racial discrimination negates development and impedes the enjoyment of the right to development. Secondly, the paper discusses the African reality regarding what obtains in some African countries. Thirdly, it focuses on the correlation between development and human rights making reference to the African Charter on Human and Peoples' Rights. Lastly, a conclusion is drawn with the emphasis that the Working Group on People of African Descent must not only focus on the diaspora but also on focus on the African continent in line with its mandate.

2 Definition of terms

2.1 Racial discrimination

For purposes of this paper, the definition of the term “racial discrimination” as found in the UN Convention on the Elimination of All Forms of Racial Discrimination will be used. By racial discrimination, we mean “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or other field of public life.” Any segment of society that is racially discriminated cannot enjoy their fundamental freedoms in the political, social, cultural or other field of public life. In turn, development cannot flourish in a racially discriminated environment.

2.2 Development

For our purposes, the definition for development provided in the Declaration on the Right to Development (Declaration),¹ will be used. Accordingly, development is “a comprehensive

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economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.”² It must be noted that this definition considers the “constant improvement of the well-being of the entire population and of all individuals. The words “entire population” and “all individuals” presuppose that individuals are treated equally and that no distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin is present.

2.3 *The right to development*

Linked to the definition of development is the right to development. The right to development has been recognized in the Declaration on the Right to Development.³ Article 1 provides that “[t]he right to development is an inalienable human right by virtue of which every person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and individuals can be fully realized.” It must be noted that this right focuses on “every person” and “all peoples” and this means that no individual is subjected to any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin.

3 **The African reality**

In reality, many countries including African countries have not eliminated racial discrimination, which adversely affects their development. In fact, the presence of any racial discrimination in any society negatively affects a country’s development. Within Africans and people of African descent in Africa, there exists segments of societies which are constantly subjected to racism and racial discrimination thus hindering their development. I now turn to what obtains in the continent, albeit in brief.

3.1 **Apartheid**

3.1.1 *South Africa*

It cannot be easily swept under the carpet that through the apartheid policy in South Africa, the assumption was that “development” in a plural society could be promoted by dividing the population into four separate “racial groups”, which were sometimes referred to as “population groups”. This system of segregation brought about hardships for the majority of South Africans classified as “non white”. To date, the social challenges in South Africa are linked to systematic racial discrimination, which took place over a long period of time. This illustrates the adverse effects of racial discrimination on development.

Most recently, South Africa has witnessed xenophobic attacks against non-South African citizens owning shops in the various “black” townships by South Africans. These attacks included the looting of shops owned by non-South Africans in broad daylight. One of the challenges faced by the victims of the attacks was the failure of the South African government in acknowledging that these attacks were xenophobic. The government’s response was that these attacks were criminal

¹ Declaration on the Right to Development, G.A. res. 41/128, annex, 41 U.N. GAOR Supp. (No. 53) at 186, U.N. Doc. A/41/53 (1986).

² Para 2, Preamble to the Declaration of the Right to Development.

³ Adopted by the General Assembly on 4 December 1986. See General Assembly Resolution 41/128 of 4 December 1986. See also Stephen Marks ‘The Human Right to Development: Between Rhetoric and Reality’ 17 (2004) *Harvard Human Rights Journal* 137.

activities. In as much as these attacks were criminal activities, there were nevertheless targeted at foreigners from other parts of Africa and other parts of the world.

3.1.2 *Madagascar*

In the case of the Madagascar reports that something akin to apartheid exists within the Malagasy society where the Merina (who are light-skinned) hold key positions while the “African looking” (who are dark-skinned) are always discriminated against. The fact that the Merina constitute a large proportion of the educated middle-class and intellectual elite in Madagascar (serving as businessmen, technicians, managers and government officials) is a sign that a segment of the society is discriminated against. It has been reported that ethnic tensions in Madagascar often produce violent conflict between the so-called highlanders (Merina) and the coastal people (Africa-looking).

What is even more disturbing is the fact that among all the Malagasy ethnicities, the Merina historically have one of the most stratified caste system. There are generally divided into three classes, namely, the Andriana, being the nobles, the Hova being the freemen, and the Andevo being the slaves. Each class is further divided into subclasses, with the highest ranking to the lowest ranking. This is a clear case of the absence of equality. In 2012, the then UN Special Rapporteur on contemporary forms of slavery, Gulnara Shahinian detailed the lingering effects of Madagascar’s caste system and the deeply rooted discrimination resulting from it, which continues to marginalize the most vulnerable people in society, particularly those descended from slaves. She observed that “Human rights cannot thrive in an environment of extreme poverty.”⁴

3.2 **Ethnicity**

3.2.1 *Rwanda*

Rwanda represents a perfect example of how discrimination on the grounds of ethnicity can be a devastation. The effects of the 1994 genocide had a significant impact on Rwanda’s development. The Rwanda genocide saw the extermination of an estimated 500, 000 – 1, 000, 000 Tutsi and moderate Hutu in Rwanda by members of the Hutu majority. The genocide was planned by members of the core political elite known as the akazu, many of whom occupied positions at top levels of the national government.

According to a UNICEF report,⁵ the 1994 genocide resulted in Rwanda being home to one of the world’s largest proportions of child-headed households. These children were on their own because their parents were killed in the genocide, died from AIDS or had been imprisoned for genocide-related crimes. Many women, whom were survivors of rape, were tested for HIV during the five years following the genocide and 80 % was found to be HIV positive. Most disturbing was the fact that many of the rape survivors were not sexually active before the genocide. Close to half a million children were out of school. All these were the effects of racial discrimination based on ethnicity and had devastating effects on development.

3.2 **Slavery**

⁴ Madagascar: “Poverty and impunity have increased contemporary forms of slavery,” warns UN Expert - 19 December 2012. See more at: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12902&LangID=E#sthash.Qf68w5ak.dpuf>. (Accessed 20 March 2014).

⁵ UNICEF, “Ten years after genocide, Rwandan children suffer lasting impact”. 6 April 2004. Available at http://www.unicef.org/media/media_20325.html (Accessed 23 March 2015).

The reports of slavery being in existence in countries such as Sudan, Mali, Mauritania, Tunisia are disturbing. This is despite the fact that slavery has been officially abolished in these countries. It remains despicable that black people are allegedly relegated to the rank of animals in the Arab world. Once upon a time, the Muslim historian Ibn Khaldun noted that “[t]he only people who accept slavery are Negroes, owing to their low degree of humanity and proximity to the animal stage.” This kind of analogy is not only dehumanising to people of African descent, but it goes to the heart of legitimizing racism and racial discrimination, thus compromising the development of a particular segment of the society.

3.2.1 *Sudan*

It is a known fact that in Sudan, Sudanese “blacks” / “Africans” make up the minority and are generally viewed with disfavour. This does not advance any development, particularly among the so-called Sudanese “blacks”. It is also known that black African captives were often enslaved during the civil war and that female black prisoners were sexually abused and there was a claim that Arab captors claimed that Islamic law permitted them to do so. It was a known fact that racism was at the root of the Sudan’s Darfur crisis. It was also reported that there was a government declared holy war against African groups in the south –being the Dinka, Nuba and Nur peoples. A considerable number of these African had been decimated, internally displaced and exiled. This state of affairs cannot be said to be advancing any development of the African Sudanese.

3.2.2 *Mauritania*

It has been argued that Mauritania is home to the world’s largest proportion of slaves. African or “black” Mauritians, the so-called “Moors” are still subjected to slavery-like practices including sexual violence and discrimination. While the government of Mauritania is not directly involved, it nevertheless refuses to publicly admit that slavery exists. Slavery in Mauritania is more of a private tradition than public institution. In its concluding observations adopted after its examination of the Mauritanian report in 2004, the CERD Committee expressed its continued concern about the inferior position of black Africans (Moors) in Mauritanian society, and ‘about information on the persistence of slavery-like practices, which constitute serious instances of discrimination based on descent’, despite that abolition of slavery in 1981.

In 2000, the African Commission on Human and Peoples’ Rights found that the government of Mauritania was responsible for grave or massive violations of human rights, including ethnic discrimination, torture, illegal detention, extrajudicial killings and mass expulsion of Afro-Mauritians. In his 2013 report, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, noted that groups that had been historically marginalized due to slavery continued to be economically dependent on their former masters. This situation, he argued, “perpetuates the their marginalization, even if there is no intent to keep them in slavery-like conditions.”⁶

3.3 **Albinism**

In various parts of Africa, persons with albinism continue to face barriers to their participation as equal members of society and violations and abuses of their human rights. In several East African countries, people with albinism are abducted, wounded or killed for ritual purposes. What is worse is the fact that children are particularly targeted. According to the UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, as a result of these “stuningly viscous attacks”, people with albinism are living in abject fear. Some no longer dare to go outside, and children with albinism

⁶ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere. A/HRC/26/49/Add.1. 7 May 2014.

have stopped attending school because of the assaults, murders and kidnappings. This no doubt has negative effects on the development of people with albinism.

In order to address this challenge, in 2015, the Human Rights Council⁷ decided to appoint an Independent Expert on the enjoyment of human rights of persons with albinism, to among other things, promote and report on developments, challenges and obstacles towards the realization of the enjoyment of the human rights of persons with albinism in all regions of the world and to make recommendations to the Human Rights Council. This was based on the universality, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with albinism to be guaranteed the full enjoyment of their rights and freedoms without discrimination.

4 Development and Human Rights

The lack of development in Africa results from most States' failure to respect their citizen's right to development. The right to development drew its legal status from the Declaration on the Right to Development adopted by the UN General Assembly in 1986, and also from the Charter which was adopted by the OAU in 1981 and came into force in 1986. The right to development is more wanting in the Africa than in any other continent. Part of the failure to uphold the right to development is that racism and racial discrimination, whether directly or indirect, deprives a considerable number of people in many societies.

Today, it is difficult to think of any development without human rights considerations. The promotion and protection of human rights effectively addresses the question of development or lack thereof. This secures the "constant improvement of the well-being for the entire population and for all individuals." It is without any doubt that human rights affect almost every facet of our daily lives. In the African context, the right to development is a collective right that is guaranteed under articles 20 to 24 of the African Charter of Human and Peoples' Rights. Article 22 of the Charter, which is the main 'right to development clause', provides that

1. All peoples shall have the right to their economic, social and cultural development with regard to their freedom, identity and in equal enjoyment of the common heritage of mankind.
2. States shall have the duty, individually or collectively to ensure the exercise of the right to development.

Article 2 of the Declaration places the human person as the central subject of development and the fact that he/she should be the active participant and beneficiary of the right to development. Reading the articles on the right to development in the Charter, namely, articles 20 to 24, together with article 1 of the Declaration, it is evident that 'individuals' and 'peoples' are central subjects of development. As such, they are entitled to participate and benefit from the right to development. This should be a matter of right and not just a privilege. Given the current situation in Africa, it is high time for Africans to be bearers of rights in reality and not just on paper.

The right to development was reaffirmed in the Vienna Declaration and Programme of Action as a 'universal and inalienable human right and an integral part of fundamental human rights.'⁸ It is through the full realization of human rights, both individual and collective, that development comes into being. Development, therefore, can be hampered by many factors, the most important being the violation of human rights. According to the UN, "[t]he denial of human rights and fundamental

⁷ General Assembly, 28/... Independent Expert on the enjoyment of human rights of persons with albinism. A/HRC/28/L.10.

⁸ World Conference on Human Rights: Vienna Declaration and Programme of Action. UN doc. A/CONF.157/23, Part I, para. 10.

freedoms is not only an individual and personal tragedy, but also creates conditions of social and political unrest, sowing the seeds of violence and conflict within and between societies and nations.”⁹

Therefore, ensuring the respect for human rights and human dignity is the most important tool for the promotion of development in Africa. It is through this tool that racial discrimination can be eliminated for the betterment of many societies.

5 Conclusion

Africans and people of African descent suffer untold suffering as a result of racial discrimination throughout the world. Racial discrimination not only takes place in the diaspora, it is an unfortunate reality, taking place within the African continent. For Africa to develop, racial discrimination must be eliminated. Racial discrimination has long-lasting negative effects to any society.

While the Working Group’s mandate is to, *inter alia*, “make proposals on the limitation of racial discrimination against Africans and people of African descent in all parts of the world” it has been observed that the focus is mostly on people of Africans and people of African descent in the diaspora. It is, therefore, equally important for the Working Group to focus on what obtains in Africa as racial discrimination exists and adversely affects development in the continent. Not only does it affect an individual’s development, but also the entire country’s development.

A racially segregated society breed inequality based on race and compromises any efforts, which aim at advancing any development agenda. The reality in this case is that a particular segment of the society tends to be favoured over the other thus widening the gap between the haves and the have-nots. Discrimination based on ethnic differences is not only pervasive in Africa but remains a major source of conflict and erosion of security. Having considered the adverse effects of racial discrimination on development in Africa, it is important that efforts are made to eliminate racial discrimination in Africa and to create a conducive environment for development, and the enjoyment of the right to development.

⁹ United Nations *Human Rights: Questions and Answers* (1987) 4.