

The Relevance of Human Rights in African Thought System

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Abstract

African societies had a system of law comparable to Western legal systems with one major exception; in traditional African societies, the law existed outside the framework of a state, and compliance to the law was maintained through custom and religion as well as traditional patterns of sanction. These pre-colonial African societies had a high level of organization in which political, economic, and social control were upheld. Tradition African society practiced rights such as right to life, right to education, right to land, right to fair hearing, and freedom of worship among others. This paper uses historical and analytical method to reveal and evaluate the notion of human rights in African thought system. Generally, human rights are rights inalienable to man by the virtue of being human. It could be seen as moral guiding principles that defined or shaped the moral behaviour of individuals in a society. With this understanding, this work argued against the critics of tradition African society who claims that African traditional codes of conduct discriminate between insiders and outsiders and are dogmatic, therefore, they are said to have restricted applicability. In response, the research argued that, in Africa, customs are highly revered and even cherished. But this is also true of every human society anywhere in the world- be it Europe, America or Asia. The paper concludes that, African traditional society was an embodiment of human rights, and it is truth that needs no proof that human rights existed in African life style before colonialism.

Introduction

The early parts of the 1980s and late 1990s were saturated with debates.¹ The first of its kind was the efforts of the Executive Board, American Anthropological Association whose Statement on

¹. Dunstan M. Wai, "Human Rights in Sub-Saharan Africa," in Human Rights: Cultural and Ideological Perspectives, ed. Adamantia Pollis and Peter Schwab (New York: Praeger, 1979), 116; Jack Donnelly, "Human Rights and Human Dignity: An Analytic Critique of Non-Western Conceptions of Human Rights," American Political Science Review 76 (June 1982).

Human Rights”² opened the gateway debate in preparing its Declaration on the Rights of Man. There was an overwhelming need to consider the place of the individual who has rights as an individual, but not cut off from his/her society with cultural values that ought to be recognized and respected. The problem which was to be resolved was the applicability of the declaration on the rights of man to all human beings the world over and not strictly for prevalent values in Western Europe and America. When Josiah Cobbah (1987), was writing on “African Values and the Human Rights Debate: An African Perspective”³ came up with two fundamental questions; can we really expect non-Western peoples to embrace the international human rights instruments which are by and large Western in character?

The challenge for Africans is the difficulty in adequately answering the question on human rights or African philosophy. However, the African researcher has refused to be deterred by this dilemma. Cobbah notes that “despite an increase in the discussion of human rights in Africa, very little exists in the form of literature that approaches the idea of human rights from an African perspective. This is likely true in the sense that the political philosophy of the African does not insist on the idea of liberalism which is fundamentally based on natural rights of the individual without totally thinking of the consequence on society and culture of the people.

Bonny Ibhawoh after reviewing the following works of Wai 1979;⁴ Pollis& Schwab 1979; Pannikkar 1982;⁵ Okere 1984;

². The Executive Board, American Anthropological Association. “Statement on Human Rights”. *American Anthropologist* 49, no. 4 (1947): 539–43. <http://www.jstor.org/stable/662893>.

³. Josiah A. M. Cobbah. “African Values and the Human Rights Debate: An African Perspective.” *Human Rights Quarterly* 9, no. 3 (1987): 309–31. <https://doi.org/10.2307/761878>.

⁴. Dunstan M. Wai, "Human Rights in Sub-Saharan Africa," in *Human Rights: Cultural and Ideological Perspectives*, ed. Adamantia Pollis and Peter Schwab (New York: Praeger, 1979).

⁵. Raimundo Pannikkar, “Is the Notion of Human Rights a Western Concept?” *Diogenes* 120 (Winter 1982): 75 – 102.

Donnelly 1984; Bunch 1990; Howard 1984; Cobbah 1987;⁶ Ojo and Sessay 1986,⁷ came to discover that the available literature from African scholars are geared to achieve two things to; “show that the Western concept exists in African cultures or Western-style condemnations of the abuse of human rights in Africa. The third categories of African writers are deeply concerned with those who are vehement at “the condemnations of African regimes or African peoples for violating the basic human rights of segments of the African population”.⁸ Makau Mutua has provided a long-standing critique of this universal human rights works. He argues “the contemporary human rights discourse and practice, which came into being following the atrocities of World War II, has its theoretical underpinnings in Western colonial attitude and that it continues to be driven by totalizing, Eurocentric impulses.”⁹ The persistent attack on non-European peoples and cultures must be stopped henceforth.

The simple implication is that there are efforts by these scholars to refuse to accept any identity and definition of which an African is by merely holding to communitarian principles. There is a failure by the European educated elites to trace the history of the human rights projects and but bringing practical experiences of the African values to bear on injustice that goes on in Africa. This is the common stand for most Africans who identify themselves by their ethnic group or country name. The inability of Josiah A.M. Cobbah present a clear African perspective to this longtime debate on human rights and dignity in Africa is the reason for this paper.

⁶. Josiah A. M. Cobbah. “African Values and the Human Rights Debate: An African Perspective.”

⁷. Olusola Ojo and Amadu Sessay, "The O.A.U. and Human Rights: Prospects for the 1980s and Beyond," *Human Rights Quarterly* 8 (February 1986): 89-103.

⁸. Josiah A. M. Cobbah. “African Values and the Human Rights Debate: An African Perspective.”, p. 310.

⁹. Makau Mutua. *Human Rights: A Political and Cultural Critique*. Philadelphia: University of Pennsylvania Press, 2002, 252.

Hman Rights Defined

There is hardly a universal definition of the concept of Human Rights. The idea of human rights can only make sense if the individual human person is understood deeply through its objective good. This good does not come from a particular perspective. It is neither western nor African. However, it requires the provision of an essential definition that will serve as a means to understand the reality of an individual much more through a lens that will enable us to see the human individual wholistically and metaphysically. Wherever the human being is, he is defined not based on his age, ethnicity, nationality, ideology, orientation, sex or creed. This entity is philosophically referred to as a human person who is essentially a substance, an individual with rationality. This requires further explanation.

When a human person is spoken of as being a substance and an independent individual with rationality, only metaphysicians would comprehend this thoughtfulness to the fullest. It was St. Boethius that came up with the definition of a person as an "individual substance of a rational nature".¹⁰ This is better understood if the meaning of the three terms is provided with relevant examples. It was a difficult task to do and most of the thinkers took to the use of the definition without worrying themselves about the deeper meaning that was inherent in it. It took humanity over eight hundred years until the advent of Thomas Aquinas who continued to use the same phrase to define a person, but provided a deeper understanding of the definition of person by explaining the component parts as; substantiality, rationality, and individuality. For the purpose of this paper, we shall be brief in explaining Aquinas' arguments.

Substantiality

The idea of substantiality demonstrates the independence of an individual existence of a human person who is a substance. The

^{10.} Boethius. *The Theological Tractates*, Loeb Classical Library (Cambridge, Mass. London: Harvard University Press, 1978.

human person as a substance has an existence in virtue of him/herself. To be a human person an individual does not depend on the existence of something else as an underlying being for it to exist. If it does, it ceases to be a substance, but rather an accident. We talk about colours only in so far as they depend on something else for it to inhere. Colour as an accident does not float by itself. It must find a surface to do so. Based on this explanation, Aquinas insisted on using the term subsistence in his definition of person not so much that it underlies the other categories of being such as quantitative and qualitative, but due to the fact that it is an independent type of being.

Rationality

The human person is not just a mere substance; it is a living substance simply on the basis that it demonstrates rational life. The presence of rationality truly distinguishes the human person from other animals. It has the capacity to self-nutrition, growth, reproduction, sensation, movement, thinking and willing. In ethical parlance, the distinction between human person and other animals is the presence of thinking and willing. The other animals are spoken of as undertaking some behavioural acts whereas the human person is referred to as performing a human act which qualifies the human person's actions to be known as human conduct. It is highly controversial in recent times to instructively attribute to the human person as being superior to all non-humans because of the presence of thinking and willing.

Individuality

What it means for a human person to be individual is to be one and whole. This entity must necessarily be indivisible in itself and yet stands divided from every other thing that exists. Whatsoever is known as substance is ontologically self-dependence and do not need another substance to exist. However, the uniqueness of human person's individuality is expressed in the character of Adam in having the power to name other creatures. George Trevor

wrote: "For to give the name to a living thing implied at once knowledge of its nature and dominion over its actions"¹¹ and most especially through freedom of thought and of action. Here lies in the originality of human action that is rationally determine and comes freely from the nature of the person. It is no longer a debatable fact that the will in an individual person is the propelling motif for performing self-initiated acts. Such an act when carried out freely becomes the personal act of the person and can be held responsible for himself and for his action which is better referred to as attitude. This understanding of human person is universal.

Human Rights

Human Rights are basic privileges, entitlements and opportunities which a person is entitled to by the simple virtue of the fact that he is a human person. Like the description of a human person, human rights are universally applicable to every human person by virtue of their sharing in the humanity of others. The United Nations High Commission for Human Rights defined human rights as:

Human rights are universal values and legal guarantees that protect individuals and groups against actions and omissions primarily by State agents that interfere with fundamental freedoms, entitlements and human dignity. The full spectrum of human rights involves respect for, and protection and fulfilment of, civil, cultural, economic, political and social rights, as well as the right to development. Human rights are universal—in other words, they belong inherently to all human beings—and are interdependent and indivisible.¹²

^{11.} George Trevor. *Types and the Antitype: Lectures delivered in Lent 1862 & 1863*. London: J. & C. Mozley, 6, Paternoster Row, 1864, 16.

^{12.} The United Nations High Commissioner for Human Rights, 2008. <https://www.un.org/en/global-issues/human-rights#:~:text=Human%20rights%20are%20rights%20inherent,religion%2C%20or%20any%20other%20status>.

The most important thing to note about human rights is that they rights are inherent in each person regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Each individual person has inalienable and fundamental rights as a human person. The race, religion, political affiliation of an individual does not give him/her rights much more than any other individual in any part of the global. This understanding is what is translated into the declaration of Universal Declaration of Human Rights by the United Nations General Assembly in 1948. As far as you are a human person, it is a given that you are entitled to the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education without any form of discrimination and maltreatment from any person or authority whatsoever.

Human Rights in Traditional African Society

Every human being who has the capacity to think is conscious of the fact that the life he/she has is a gift that needs to be cherished, respected and most importantly protected. This leads to the ideas of not just self-preservation, but the reproduction of the same species. Nature has a way of teaching humanity about the universality of humanity. The right to life is universal. Living is the mark that does not discriminate in terms of sourcing for whatsoever that can support life. It is sheer arrogance by certain individuals that make them to reject blood transfusion from other peoples and cultures. Without any form of discrimination, the blood of an African can be transfused into the body of a European and the sick European will become well and healthy. In fact, there are no different blood groups for Africans and Westerners. So, where is the discrimination coming from? For the African, what is most important is the dignity of an individual. This is respected without looking back at where the person in need is coming from.

It is difficult to agree that “human rights as a legal concept

and codification of human dignity were late to arrive Africa".¹³ This is the because of the ever-existing cases of unlawful killings (extrajudicial killings), torture, forced disappearances and arbitrary arrests in every part of Africa. The traditional Tiv society manifests great happiness at the birth of a child. In Tiv culture, the birth of a child is celebrated not so much that the existence of the Tiv culture and morals like; compassion, generosity, honesty, magnanimity, empathy, understanding, forgiveness and the spirit of sharing with others who are sustained, but they are highly in need for the wellness of society.

The values listed above and the manners in which they are applied in their interactive capacities are ingrained in every rational individual. They come in form of indoctrinations of dogma and are purported to enhance every independent individual within and without the Tiv society. The respect which is accorded to an individual in Tiv society appears to be universal to the whole of Africa as captured in the work of John S. Mbiti as summed up in the way life is understood generally among Africans. John Mbiti and many other countless Africans believe in the philosophy of "I am, because we are; and since we are therefore I am".¹⁴ This statement has become a given to most traditional African societies. Hence, there is usually a deliberate act by every member to protect the dignity of every human person.

The rationale for this perspective about life is not far-fetched. It is built in the cultural values that guide human relations. Erroneously, people who are not Africans consider the African as a simple-minded person who prefers emotions to reason. In this sense, the African does not relate to the other people who are not Africans as being inferior to them. The idea of superiority is always thrown out of the thoughts of many Africans

¹³. Anton Bosl and Joseph Diescho (eds.) *Human Rights in Africa: Legal Perspective on their Protection and Promotion*. Namibia: Macmillan Education Namibia, 2009.

¹⁴. John S. Mbiti. *African Religions and Philosophy*. Heinemann Educational Publishers, 1969, 1.

when dealing with others. They prefer to act in compliance with nature in the spirit of equality. If the spirit of equality is abused by other parties in dealing with Africans, it does not actually reduce the African to something less than an independent substance and individual with rationality.

This is reflected in a relationship between the child and parents in which the child knows that the father, mother, and other associates age-wise are higher than he/she who is the child, it brings in a mutual recognition of their differences. The identified differences between both children and parents give rise to an unconditional tolerance and appreciation of the other who fittingly shares in the same humanity that is the ground for any discourse on human rights. Claude Ake explains the concept of human rights as when “Human beings have certain rights simply by virtue of being human”.¹⁵ Yes, the idea of human rights provides the independent individual substance the grounds to think not of the self alone, but his meaningful existence in a community with basic conditions upon which members can live good lives and flourish.

The role the community places in solidifying the respect for the human rights of both individual and members of the community is reiterated by Nelson Mandela while talking about the commonality spirit of Africans in the use of Ubuntu. The phenomena respect is summed up in the following words of Nelson Mandela about Ubuntu which are, “the profound sense that we are human only through the humanity of others”. A reflection on the way of life of the early Africans shows that there was no serious external display of what is known as human rights as declared by the United Nations. Emphasis on the rights of an individual to the point of creating conflict of interest among members of the family, community and society. Everything the African does or says is about interdependence and connectivity among members of the community. Members were not so

¹⁵. Nelson Mandela. Nelson Mandela's Speech at the Launch of The Elders”. The Elders. Retrieved from <https://theelders.org/news/nelson-mandelas-speech-launch-elders>. 6/2/2025 6.01am.

conscious of their particular interests against the interests of others. This is crisply captured by Claude Ake:

The values implicit in all this are clearly alien to those of our traditional societies. We put less emphasis on the individual and more on the collectivity, we do not allow that the individual has any claims which may override that of the society. We assume harmony, not divergence of interests, competition and conflict; we are more inclined to think of our obligations to other members of our society rather than our claims against them.¹⁶

This clearly implies that traditionally, the spirit of entitlement was absent in Africa. All that was needed and made sense was an unalloyed desire to live happily. Life was lived meaningfully only within a family setting, not in isolation. Even though some members of the family would want to make claims against others, there were modalities that were put in place to checkmate such unruly attitude. Marriage by exchange is an example of the guiding principles in Tiv society against greed by a member of the family. A male member of a family no matter how stupendously wealthy can only marry a wife if there is a sister to use in exchange for a wife. So, it was difficult for a greedy person to usurp all the free girls in one family as a means of marrying many wives.

In fact, the beauty of all individuals having an affiliation in a family is so great and rewarding. It must be understood that in Africa, the idea of family goes beyond the build-up of a father mother and child or children. The value of a family is inclusive of the extended members. The opening words of his letter to the editor titled: "Re: African family", Patrick Hume¹⁷ explained, "In Ugandan languages, the words to describe family relationships are confined to mother, father, son, daughter, brother, sister. There are no simple words for aunt, uncle, niece, nephew or

¹⁶ Ake, Claude. "The African Context of Human Rights." *Africa Today* 34, no. 1/2 (1987): 5–12. <http://www.jstor.org/stable/4186405>.

¹⁷ Hume, Patrick. "Letter to the Editor: Re: African Family." *Studies: An Irish Quarterly Review* 97, no. 385 (2008): 44–46. <http://www.jstor.org/stable/25660534>.

cousin. Therefore, a niece is described as a “daughter” and a nephew a “son” and all cousins are “brothers and sisters”. It is significant to state that lack of the idea of separating members of the family into cousins, nephews and nieces gave African a stronger need to be together. The wise saying of together we stand, divided we fall can be traced to this concept of the family devoid of cousins, nephews, nieces, grandparents and step-children.

This is complimented by the use of a bunch of broom as a symbol of unity. When a broom stick is picked out of the bunch, it is easier to break it, but when you want to break a whole bunch of broom it is very difficult. This relationship goes as far as the village arrangement, clan and the entire nation. For instance, the Tiv people around the world believe that they are all children of one man called *Takuruku Ayam Azenga*. We agree with the explanation of Patrick Hume when he said that “One top of this extended set of blood relatives is the clan to which members also owe an allegiance akin to blood family because of a shared common ancestor”. Every person that is born of a Tiv father automatically gives allegiance to another Tiv person because of a shared common ancestor in Takuruku. This does not imply that marrying a Tiv girl by a Tiv boy is incest. This will be explained later.

Based on the explanation provided above, it is very clear that in Africa every individual possesses rights to life. Every born African is accepted, cherished, respected and protected as a full human being with all rights and privileges. This implies that each human being is naturally endowed and is universally linked to class of human beings. In this light, Oliver Tersoo Agundu, is right to emphasise that Africans have human rights that “are not indelible, inalienable and do not constitute a gift item from authoritarian government... they are man's property and can never become acts of political charity to be dished out to the

mass...at will".¹⁸ The argument provided above is often challenged by Westerners who make claim that traditional Africans do not have the concept of individual rights. The propaganda holds that what appears to be close to the notion of rights is the community rights.

Invariably, the individual rights are not separated from the group rights. Such a denial of human rights comes with sheer arrogance and ignorance of the African culture and values. With relevant examples, traditional African society had cultural values or mores that truly expressed what we are referring to as human rights. For instance, when Africans talk about justice, it is specifically talking about the just act done to an individual, but to the whole of the community in which the individual is a part of. This is the idea behind Gilbert Arhinful Aidoo's observation that "African societies are built on the principle of communitarianism manifest in the extended family system".¹⁹ The candidate who is interested in understanding the way of life of Africans must keep this connection between the individual and family or group in mind.

This implies that in most societies in Africa, the virtue of impartiality was upheld in honour of every member of society. It was a just act for people who lived in the house to let in a visitor to eat with them in the same place (sharing of places and cups). There is a saying to support the idea of equal treatment among the Tiv people. It says, *kwaghyan u ken ate lohon yol na* which means, the food in the hut invites itself. There is no segregation between the people who are indigenous and visitors; everyone is treated equally with honour and dignity. It is taken as a given or moral reciprocity or what is considered as the Golden Rule of do unto others what you wish others to do unto you. For many in Tiv

^{18.} Agundu O.T., The Idea of Human Rights in African Thought System: The Tiv People in Perspective in *Makurdi Owl Journal of Philosophy* Benue state University, Makurdi, Vol.2 N0 1. 2019, 90.

^{19.} Gilbert Arhinful Aidoo, "African Conception of Human Rights" A Term Paper presented to the Department of Political Science, University of Ghana, Legon, 2019.

society, everyone who shares bloodline is equal; in terms of being a father, mother, brother, sister, son and daughter.

A traditional Tiv person who is a standing witness before a judicial authority cannot be said to be telling lies when the witness refers to a cousin as a brother or sister. The witness is right to refer to his cousin as a brother or to a niece as a daughter. The person is valued as a brother or sister as the case may be. What it means is that the fundamental right attributed to a brother, father, grandfather, an uncle and sister, mother, grandmother is sharable by all persons as far as they are related by blood. Strictly speaking, the idea of individualism is not conceivable not in the sense that the individual is completed left without his right to decide based on his personal interest. The African insists that each person is treated justly in a way that all parties involved in the community will accept the offer made to a particular person as an offer that is beneficial mutually to every member of the family, group and community. This goes further to explain that in Tiv society, the community rights are complementary to the intended individual rights and do not for any reason compete for recognition. An individual, who is a part of the whole society, cannot seek to be above other members of society.

It becomes clear that the justice system in most traditional African societies were linked to the idea of equal participation in the decision-making process. At the peak of human existence is the value of life. Human life is the ultimate gift anyone has and holds with total respect. This makes the rights to life very significant in the discourse concerning human rights. Every person estimates the value of life by the cover of available security that is essential to a healthy living. It is based on this understanding that elaborate mechanisms and procedures for making decisions are tied. No wonder, Oliver Tersoo Agundu observed that the notion of human rights is not alien to the people of Africa, but was only different from that of the West. Buttressing more, he quoted Khushalani who asserted that: "Traditional African does not possess a coherent system of human rights, but philosophy underlying that

system differs from that which inspired in France the declaration of the rights of man and citizen".²⁰ However, as M'Baye and co., submitted:

The traditional African conception of human rights was humanist in orientation. In the community, decisions were made for the benefit of the group and were achieved by consensus. The core of African societies was egalitarian in character and the economic benefits achieved were shared by the group.²¹

This is not to say that there were no discrepancies between different members of the group. However, there were mechanisms to ensure that individuals did not deviate so much from the norm so as to overpower the other members of the society. President Kaunda of Zambia in Ziyad in describing the practice of African humanism said:

The tribal community was a mutual society. It was organized to satisfy the basic human needs of all its members, individualism was discouraged. Human need was the supreme criterion of behaviour, social harmony was a vital necessity. Chief and tribal elders adjudicated between conflicting parties and took whatever action was necessary to strengthen the fabric of social life.²²

Hence, in traditional societies the individual was not viewed as standing apart or alienated from the society. The individual enjoyed a great number of rights and duties. These rights and duties, however, were enjoyed through or within the society, of which the individual was only a part. Within the framework of the group, the individual enjoyed

^{20.} Agundu O.T., *The Idea of Human Rights in African Thought System: The Tiv People in Perspective*, 97.

^{21.} M'BayeBK., and Ndiaye B., *The organisation of Africa Unity (OAU) in international dimensions of human rights* (K.Vasak ed.) Oxford university press 1982, p.588.

^{22.} Kaunda, Kenneth David., Morris, Colin. *A Humanist in Africa: Letters to Colin M. Morris from Kenneth D. Kaunda*. Kiribati: Abingdon Press, 1966, 380.

freedom of expression, freedom of religion, freedom of movement, freedom of association, the right to work, and the right to education. Traditionally, to be part of the extended family was considered a fundamental right. A person who failed to conform to the norms of the society lost his or her status and no longer enjoyed the protection of the social unit. Freedom of thought, speech, and beliefs were considered to be a communal right. They were, however, subject to one qualification, namely the "principle of respect." Marashinge states in Ziyad Motala that:

This concept of respect involved both a respect for oneself and for others. The individual members of society recognized and respected the position and rights of other members. The degree of respect varied according to age, ability, and sex" This respect towards others did not constitute merely the morals of the society but, it was very much a part of the normative structure of the legal system, and determined the extent to which freedom of speech could be expressed. The limitations imposed on freedom of speech aimed to preserve the common fabric of the society.²³

It is arguable from an African perspective that this is similar to the limitations imposed in "modern" day society which edifies one to act responsibly. The enjoyment of wealth and property also occurred within the collective framework. Traditional African societies generally distributed their wealth evenly and provided security for all members of the society. All members in society had to work for their living. Idleness was little or almost non-existent. For instance, to be classified as a loiterer carried a social stigma. Though the society's elder was custodian of the wealth, the group did not work for the elder. As a matter of fact, if the elder in any way abused his position or squandered the wealth, he could be removed. Traditional African societies did not include a leisured class of land owners since land was viewed as community property.

²³. Motala, Ziyad., Ramaphosa, Cyril. Constitutional Law: Analysis and Cases. United Kingdom: Oxford University Press, 2002.

Hence, Ziyad Motala posited that:

In traditional African societies the individual had the right to use the land to produce food for himself and his family, but the right did not extend beyond this. Moreover, land was not a marketable commodity. African humanism viewed a person in his or her totality as opposed to dissecting him or her into various elements. To concentrate on one or a few aspects of a person, and neglect others, is to upset the traditional balance of viewing a person in the totality. Thus, approaches to human rights which consider only economic goals, or political or civil rights, are not in keeping with African traditions.²⁴

This presents the fact that the conception of African human rights contributes hugely to humanitarian law practices today. This says a lot about African kindness in all ramifications. The rewards for this attitude are yet to be enjoyed by Africans themselves.

Right to Life

Just like every other society, the survival of human beings remains the basic and fundamental right of an individual in Africa. Human safety and peace were guaranteed. This was because any harm on one member of the community was harm on all members of the community. So, the protection of life was the collective responsibility of the entire community. And shed of blood was highly frowned at and due punishments such banishment from the community among other were dished out to whosoever was found guilty. So, preservation of life was held in high esteem and even considered sacred. This made the African to believe that death is not an end to life. On this ground Agundu averred that:

It is a common belief by the Tiv people that the life principle in man is divine. Death therefore, does not mean the end of the matter and does not affect the life principle, immortal, death only means the separation of the life principle from the rest of human system and that is why the Tiv people

²⁴ Ziyad Motala Human Rights in Africa: A Cultural, Ideological, and Legal Examination in Hastings Int'l & Comp. Law. Rev vol.12, N02. 1989, pp. 381-382.

celebrate at old age. The whole point of life consists in the pursuit of human well-being both in one's own case and in accord with the others.²⁵

This has made it clear that, it was a great taboo or even unimaginable for a man to take arms against his fellow man talk more of killing his kinsman or woman. The intrinsic connection between individuals in a community is radically weakened by the lifestyle live by the youths of the day in Tiv society. Individual wellbeing speaks louder than the good of the whole community. It is common place in recent times for a member to betray the whole of the community for the sake of a recharge card that is as low as N400 or N500 airtime. Confidential information the community holds dearest to their hearts are sold out to common enemies. When the enemies arrive to destroy the people, their collaborators are included in the destruction for fear that they may change their hearts and give out the identity of the enemies.

Right to Fair Hearing

In traditional society communities, traditional leaders were chosen for the explicit purpose of performing a judicial or quasi-judicial role. A person's position as a traditional leader of the community includes the responsibility to hear and resolve disputes. This is to say that African society had sense of, equality, justice, and fair play in an open fashion which left no one in doubt of sound judgement. In support of this, Benedict Michael posited that:

An individual presented his case to the family members who with the elders sit together to resolve. in any case presented to them they made sure that they summon those involved in the principle of fair hearing; a full decision and deliberation based on the statement of those concerned will be had, after which judgement is passed. In passing the judgement, they take all the elements in the case as well as put into consideration the unity and the peace of the entire

²⁵. Agundu O.T., *The Idea of Human Rights in African Thought System: The Tiv People in Perspective*, 105.

community, whatever judgement passed, it was basically for justice and fairness as conciliation, arbitration and mediation rather than formal judgment served as the ultimate motive behind the judgement.²⁶

This implies that, fair hearings were prevalent in traditional justice systems and reflect their primary emphasis was on reconciliation. The party who cause the disharmony was asked to make public apology to the victim and the entire community. The intention was to recreate team spirit of fellowship in the membership of the community for growth and progress of the community. No harm was intended and no individual or members of the community who were involved felt betrayed and ostracize from the community.

Right to Political Participation

The participation of individual to the politics in traditional Tiv society was based on maturity. Male elders were selected based on their age to form the king makers. The king makers were known to be honest, transparent, fair and just in their decision making. They did not consider the personal interest in the election of who was to be their representative. The common good was the guiding principle in the choice of a political representative. Traditional systems are often present in communities that have “multiplex relationships”—where community members are connected through economic, social and familial bonds. Yet, it is important to state that factors like economic status, socialization and familial bonds were not the ultimate qualities for the choice of a representative. The character of an individual was the best-selling point for a representative.

Becoming a representative of the Tiv nation was not just because an individual had indicated interest in a particular position. The antecedent of the aspirant was a yardstick for

²⁶ Benedict M., “The Tiv Concept of Human Right” in *Swem Journal of Religion and Philosophy* Joseph Kerker (ed.), (Garki: Solar Publications Vol.1,N06 2005) 35-36.

determining the suitability of the candidate for a political position. A warrior was often given the privilege to lead the people due to his already exhibited selfless service in the art of protecting the group at times of conflicts or wars with neighbouring communities. Anyone who was chosen to represent the people had established very close ties with the people. The representative to be was considered as a good person. There was no need preaching to the people about promise making.

The Tiv people did not believe in imposition of unqualified, unmerited and worthless sons and daughters to represent them. The distinction between the worthy and unworthy candidates was glaring and aspirants knew their chances before coming before the people. This knowledge does not take away the need for consultation, lobbying, presenting oneself for election. The date was usually set for the election of a member of the society to represent the people. Each constituent group was expected to be represented at the day of election by a designated leader chosen by age. The representative of the component group is the only person that is mandated to nominate the candidate from his area and present the candidate to the selecting team.

Election was based on casting of votes. The *modus operandi* was usually open ballot or rising of hands. The king makers were insulated from any form of violence by the community. Truth was the virtue inherent in the lifestyle of the Tiv people. When the winner emerges after the open ballot system, those who did not vote the candidate that won the position automatically accept the decision of the majority. The winner becomes the representative of the whole. The people who came to witness the election do not grieve in anger. The parameters for the winner emerging were clear and loud before every member of the community. Merit won the day. Those who lost were also convinced that truly there was justice done. Results of the election were accepted by all contestants and their followers. This attitude is summed up by Oliver Tersoo Agundu in these words:

All decisions are reached through a consensus with disregard to descending voices. Closely linked with this

consensus system in the principle of decentralization at all levels of political organization, the group involved enjoy self-governance; the family level, family level extended family level and the village leaders together conduct its affairs without interference from any higher authority, that is within its jurisdiction.²⁷

It is not true to say that traditional Tiv society did not practice any form of godfatherism. The practice of godfatherism existed in almost every society. A godfather was considered to be a mentor. A role model to be more precise to bring out the kind of role he plays in the life of the mentee. When Chief JKI Ugela was alive, he chose to mentor a lot of young men and women. He was not over ambiguous and never wanted to use his mentees as conduit pipes to siphon the resources within the community for himself. His integrity spoke loudly in the interactions with the uprising youths in his community. He was a visionary, transformative and dedicated leader. This is what is lacking in the leaders who are available in the political space in recent times. The destructive leaders are prioritizing their egoistic interests more than serving the general good of the people.

These crops of leaders and their mentees are destroying the political space and the fruits are bad governance and underdevelopment. There was no debate about women contesting for political positions. The women who were naturally gifted to lead the people got no hesitation. The twist that calls women to participate in politics has come at a time that cultural values are already thrown to the refuse dumps. It becomes very difficult for women of integrity to present themselves for political offices. The crop of women who are in politics today, have come because their husbands have been in the political arena for so long that they can cash in on it without much negotiations from the people.

²⁷. Agundu O.T., *The Idea of Human Rights in African Thought System: The Tiv People in Perspective in Makurdi*, 106-107.

They are not basing on their knowing their human rights and the expression of same at the appointed time. This does not in any way question the capacity of the women to equally participate in any political office on their merit. It is no mistake for the wise to say that what a man can do a woman can do much better. There are good women that religion, culture, man's chauvinism has relegated to the background for so long. The likes of Professor Charity Angya, Professor Dora-Akunyili, are standing examples of the good women in the society. There are more of these good women in our society that should be encouraged by our kind and generous attitudes to fully participate in politics especially in the practice of democracy.

Freedom of Worship

In traditional African society, did not discriminate against women as most literature portrays. Male and females were free to participate in the art of religious worship. On a normal day and occasion, the male and female enjoyed free worship without discrimination. There was freedom and protection of the women during worship. The perception by Daniel Kasomo that:

In Africa often women have been treated as “second-class” as portrayed in many African proverbs and sayings. In most of these proverbs, women are referred to as stoves, old cooking pots, large wooden stirring spoons, hoes, cows, merino sheep, fields and fires and even dogs usually with a derogatory meaning. “Does woman speak in public?” “Is the woman considered person?” “When are you going to make me a babe?” “Woman is the devil's tail.”²⁸

These names calling can be contestable with experiential facts. Traditional African society before the coming of missionaries and explorers treated males and females in an egalitarian way. When Tiv elders are to discuss about the happenings in the society, women were not driven to stay indoors. They were allowed to sit

²⁸. Daniel Kasomo. “The Role of Women in the Church in Africa”. *International Journal of Sociology and Anthropology* Vol. 2 (6), June 2010: 126–139,

where the men were discussing vitals issues about the development of the place. In the area of worship, things were very smooth for women. Women shared in the role of leadership of the shrine as priest. She is head of the akombo aa igbe, ikyoor and tumbun. These were no go areas for males. The emphasis on women as playing the second-fiddle to men is actually something very new.

When a Tiv woman in response to the question of *Ka nalu hen ya ne?* It literally means, "Who is this house? She answers that "*Or ngu heenga saa mot se!* Implies, there is nobody here except me. This does not provide any African scholar with the impetus that these perceptions were original to Africa. The traditional woman did not perceive the behaviour of the husband as discriminatory, mistreatment, abuse and an art of subjugation. This can be contrasted with the attitude and treatment of women in Eastern religions where women were considered as less than human or at best as animals.

The Holy Bible paints a lasting picture of a woman as inferior to her counterpart in the world (the man). How can a female be equal to a male? This brain stricken worry drove men who wrote the scripture to find an escape route to the problem of sin. God created man in his image and likeness. He felt man was alone so the woman was made not just out of the rip of man, "the 'crooked rib' which is bent in the contrary direction from the man".²⁹ This story is always told to excuse or exonerate men from the original sin brought to humanity through the Holy Bible. Highly learned scriptural scholars are yet to remove this veil of ignorance on the faces of human beings in relation to original sin. Humanity has been condemned to the doctrinal intoxication eternally.

Africa will remain under bondage as long as those who know about the truths of reality would refuse to share it with those who do not know, but claim to know what God is saying to

²⁹ Summers, Montague *The Malleus Maleficarum of Heinrich Kramer and James Sprenger*. Courier Corporation, 2012.

the world today. How is it possible for Aristotle the Philosopher who is attributed to be the second pillar of Western philosophy describes a woman as “a male which is not full developed for some accidental reasons”. No doubt Saint Thomas Aquinas in his usual way Christianised the teaching of Aristotle when he offered that “Woman is an occasional and incomplete being, a misbegotten male. It is unchangeable that woman is destined to live under man's influence and has no authority from her Lord”.³¹ Building on the teaching of Aquinas, St. Augustine while speaking on the Trinity sees “women as fit for helpmate only as they lack in them the capacity to carry the image of God”.³² It is as a result of these perceptions that Catholic Church has stuck to its guns not to admit women to the Holy Orders. It is a flimsy reason to stop women from becoming priest at the altar of God because Christ Jesus did not invite any women to be one of the twelve Apostles.

It is the position of the paper that the divide between the rich and the poor, the white and black, the developed and underdeveloped world will remain until those who are teaching that God made man before the woman will confess to the world the ulterior motive for confusing humanity with such a devastating propaganda. The change will free the captive woman from man. It will be the right avenue for Africans to take a second look at the human condition with a leap of faith that they have been locked in a bottle under the siege and control of white supremacists.

The existing fear men have about the capacity of women will be destroyed and there will be no more discrimination and preferential treatment of one sex than the other. The ability of women to menstruate periodically will be given a new positive connotation. Women would no longer be accused of defying and desecrating the Holy of Holies and the shrine. Their ability to menstruate would become a grace and power to sanctify anything

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^{31.} Aquinas. *Summa Theologica* I. Q.92

^{32.} Gareth B. Matthews (ed.) *Augustine on the Trinity Books 8 - 15*. Translated by Stephen McKenna The Cambridge Texts in the History of Philosophy. Cambridge: Cambridge University Press, 2002.

that is unholy and profane. It is only at this point that the world can boast of establishing a flourishing life that understands the value of freedom of worship.

Right to land

One of the most valuables of an African man is land. This could be because of the arable nature of the soil. Hence Agundu quoted the Tiv saying that '*Aondohemba man nya dondo*' (After God, land follows).³³ This assertion holds true speaks volumes of the meaning and significance of land to the Tiv person in particular and Africans as a whole. In a like manner Benedict Michael posited:

Each family had piece of land, which was identified and demarcated among all members of the family unit for farming purposes, the same case went for widows, who were taken to be the responsibility of the community, the community see to it that they are properly taken care of, non-otherwise was without land.³⁴

Majority of the people in the rural areas live their lives on the land in their possession. The land is everything to them. Anyone who does not have a portion of land to cultivate on, to be buried on when death comes knocking is valueless in an African society. The right to land is being inhibited by foreigners; the cattle farmers and foreign miners. In most cases both herders and miners collude to displace the indigenous occupants of their lands for their exploitative businesses. It is on record that most of the trouble zones in Nigeria and other countries in Africa are mining sites where private jets are used the rich for gold smuggling. The usual thing is that those who do not “understand” with the security are made to face investigative panels. For instance, the

^{33.} Agundu O.T. The Idea of Human Rights in African Thought System: The Tiv People in Perspective in *Makurdi*, 104.

^{34.} Benedict M., the Tiv concept of human right in *Swem journal of religion and philosophy* Joseph Kerker (ed.) Benue state university Makurdi, solar publications ltd Garki Abuja Vol.1,N06 2005, p.37.

Senate Committee on Solid Minerals, Mines, Steel Development and Metallurgy is investigating a case of \$9 billion annual loss to illegal mining and smuggling of gold.

The sacred cows in this interface are the smugglers, their collaborators, the International Non-Governmental Organizations (INGOs), the Red Cross and hired mercenaries who are paid to carry out the ruthless killings of innocent citizens. The saddest aspect of this manipulation strategy is that those who have rigged themselves as the representatives of the people are sometimes in the forefront of these illegal activities. What proofs do scholars have to support these kinds of allegations? Personal observation will always prove abortive. The killers will not allow you to get close to the site of mining. The only available evidence is the fact that humanitarian services are being rendered to the unfortunate victims.

International Non-Governmental Organizations rent office accommodation and apartments for more than two decades and pay same facilities off-front. Here are the proofs that illegality is happening in such places. Who are the rich using their private jets without the government in power confronting them for questioning and prosecution? Who has right to the land? Is declaration of the ECOWAS Transhumance Protocol of 1998 and the ECOWAS Protocol of Free Movement of Goods and Persons meant to benefit and protect the indigenous citizens of Nigeria or Fulani nomads and foreign miners? Are the conditions necessary for border crossing kept by these foreigners? Who is responsible for certifying and is the Livestock Department faithfully carrying out its constitutional duty? Is it not selective implementation for the host country especially in Nigeria to protect the fundamental rights of the invaders and not the bona fide citizens of the host country? These are some of the questions begging for answers from those in power and have authority.

It is clear from the discourse above that Nigerians and other citizens in some African countries do not have the right to their lands. One needs to revisit the African Union and ECOWAS

Charters and the Constitution of the Federal Republic of Nigeria to rejig those areas that support the free flow of the foreigners into Nigeria without following due processes and keeping the conditions for such movements for the sake of the indigenous citizens who have a right to the natural gifts that are attracting illegal business gurus to Nigeria.

Right to Education

Education is the needed for the purposes of building human capacity and for development. Any nation that does not take the education of its citizens as a priority is at the brink of its grave waiting to be buried with the perching flies and maggots. There are many ways in which education is useful to the citizens. When a child is properly educated, the child acquires the skills, attitudes, and capacity to build the potentials inherent in the child to become a useful citizen later in life. The cherished, recognized and respected cultural values which are moral in any given society are inculcated in the child through the parents, early in life in an informal setting and at the primary school level. It is based on these potential directions that education is one among the inalienable rights of a citizen.

The benefits of an educated society are enormous. An educated group has high potentiality to escape poverty, refrain from engaging in societal ills like cultism, thuggery of any kind, mercenary for politicians against their perceived enemies, and for purposes of getting accreditation by departments in our universities. The mind of an educated child understands what it means to engage in self-valuation. A citizen who has value for him/herself will not present him/herself in the hands of an uneducated politician or criminally wealthy business person as a tool for the destruction of perceived enemies.

These facts are not hidden to those who have smuggled their way into power politically or economic destinations. They have done everything possible to ensure that the citizens are not adequately educated. Funding of education is never taken

seriously. The change in education policy from the 6-3-3-4 to 12-4 which is geared to improve foundational learning, increase vocational and digital skills, prepare students for the workforce, meet global standards, improve learning and skill development and increase enrolment and ensure academic security for children will not yield the desired result of the formulators. The simple reason is anybody who is in power can bring out any policy and try to implement it as a pilot project, but if the character of the citizens has not change, then nothing good will come out of a new policy no matter the intention of the policy maker.

Lack of moral character is the bane of any policy in Nigeria. The parents who are supposed to be carriers of moral character have thrown it to the winds in search of material progress. The process by which a person imbibes attitudes, develop skills, cultivate values and acquires knowledge must surely begin with the conscious and deliberate decision of parents, family and the entire community. This is greatly lacking in the Nigerian society. Nigerians respect the number of houses, cars, and the amount of money in individuals' bank accounts, how long a politician has stayed in power etc. this trend has introduced ritual killings by the Gen Z group who prefer to engage in Yahoo frauds than attend formal school to development the desired manpower for productive services to the country.

The values of transparency, honesty, integrity, love for peace and solidarity are no longer the trending values recognized, cherished and respected in Nigeria in recent times. The make matters worse for the vulnerable citizens who are living in penury heavily due to the activities of herders, kidnappers for ransom, illegal miners who are not hidden from the political and business class of our day. There is the flooding of the nation with the opening of unethical centres of learning at the level of the nursery to tertiary education without adequate funding. This clearly indicates that citizens have no right to education no matter what the constitution says in Section 18 that "the government is responsible for providing equal and adequate educational

opportunities at all levels. This includes free and compulsory primary education, free secondary education, free university education and a free adult literacy programme”.

There is virtually no place in this country that this provision is kept even partially. What is possible is nothing else but the death of public schools and the proliferation of private nursery to tertiary education on a daily basis. These new developing attitudes have succeeded in changing the expected manner of behaviour, expected life style and certain skills on how to survive in a given socio-cultural, political and religious were inculcated. And these time-honoured values were transmitted through folktales. Even though there was no curriculum or time table, all due processes of attaining human developmental stages were attained.

The Death of Traditional African Value System

Academic discourse may give room for review of historical facts that demonstrate the path to Africa's backwardness. The easiest was to destroy a group of people is deny them their humanity which is reflected through their ability to think and act rationally. There is no need to blame the colonial leaders for the kind of education that was introduced to Nigerians. Nigerians must as a matter of fact blame themselves for keeping education very low on the rung of the ladder. Whatever form of education a country adopts for the citizens, it must be given the highest priority. The destruction of a nation can best be achieved when the educational system is destroyed. This is what is happening to Nigeria. Lovers of Nigeria should take to heart this great piece attributed to a university in South Africa. It reads:

How to Destroy a Nation

At the entrance gate of a university in South Africa the following message was posted for contemplation:

“Destroying any nation does not require the use of atomic bombs or the use of long range missiles. It only requires lowering the

quality of education and allowing cheating in the examinations by the students.

“Patients die at the hands of such doctors.

“Buildings collapse at the hands of such engineers.

“Money is lost at the hands of such economists and accountants.

“Humanity dies at the hands of such religious scholars.

“Justice is lost at the hands of such judges.

“The collapse of education is the collapse of the nation.”

Anyone who is in doubt should look back at what Nigeria was thirty years before now. The country is just sick, it is gradually a dying baby surrounded by highly qualified doctors, engineers, business gurus, qualified teachers, and other great men and women who are putting to use their wealth of knowledge and skills in the services of other nations in the name of greener pastures. The far-reaching result of this disparaging hostile mentality is an immediate disconnection with reality. The reality of having all it takes to be better than so many others, a refusal to put to use for our comfort what is in our power. The reality is that we hold the key to our progress or self-destruction. The reality is that we allow foreigners to exploit our minerals resources uncontrollable to the detriment of the development of this only country that is ours.

This reality is superintended by the sudden death of traditional African value system that taught our forefathers to give the gizzard to the eldest man in the village without taking it to the laboratory to know that it is low in cholesterol and that not all trees in a farm land are to be cut down to prevent deforestation and draught without enrolling in a department of agriculture and forestry or aware of climate change studies. This paper calls for change of the existing blame game where the Westerners and Americans are blame of bringing education to us with the intent of destroying every good thing that had the impression of Africa. They did the wrong thing by casting aspersion on religious rituals and cultural values like respect for elders and living communal

lifestyle, our ancestors were considered “backward” or “uncivilized”.

Today, they have gone away. Why are Nigerians holding hard to their aprons in the name of funding programmes and projects? Are we better than when they were here with us? Are we now respecting and communing with our ancestors on the problems we face in our country? Are Nigerians producing guns, luxurious cars, and even tooth picks? How long can we remain the crying babies before the foreign governments? Are we still holding strong to the dogma that the ways of our ancestors will continuously hinder our material progress? What new ways of life indigenous to us are we living as a people? Sadly, Nigerians have jumped ways of achieving development in the land to discuss issues of Artificial Intelligence (AI). Every group of academics that meets is hammering on digital and Artificial Intelligence.

There is no doubt that the kind of education that was introduced to Africa cannot be easily erased. It may be extremely difficult, but it is not an impossible task to achieve if Nigerians have not sold out their birth right to foreigners like Britain, America and now China. Nigerians must be reminded by the word of Josiah A. M. Cobbah that:

The Western world was quite sure of the fact that they were not extending to Africa economic independence, but mere political change of guards. African countries that were said to be independent could raise a new flag, but the structures of their control were liberal with all the paraphernalia of the West especially the notion of individual rights and constitutional law.³⁵

Let us be careful after hearing the advice provided above. The people of Africa should not hesitate to put to use the Universal

³⁵ Josiah A. M. Cobbah. “African Values and the Human Rights Debate: An African Perspective and this position is reiterated by John D. Fage and T.C. McCaskie. “Decolonization and the Bargaining of Independence in Western Africa” *Britannica*. <https://www.britannica.com/art/African-art/Central-Africa>

Declaration of Human Rights provided by the United Nation even if it is considered to be based on the so-called existing Western liberal ideology. What makes it guide to Human Rights universally? It is not about the colour of the skin, not the race, not religious and political affiliation. There is no doubt in the mind of any rational human being that the UDHR is the foundation for the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights together constitute an international Bill of Rights? The correct thing to say is “yes”. So if all the four constitute international customary laws, then we have no sufficiently justifiable reason to reject any of them because it is not culturally connected with blacks and Nigerians in particular.

Conclusion

This study shows that a human being is not defined by race, colour of skin, geographical location, economic capability, social status or physical abilities. A human being mistakenly defined by culture. The way of life of a people defines who the people are. The constituents' parts of a human being are the same universally. The human being is made up of the body and soul. Any unguided description is out of the normal way and must be avoided. It is advisable for Africans to rise up to the occasion and grasp their dignity and human rights. This can be possible if there is a conscious effort by majority of Africans who are aware of their historical backgrounds and have allowed true education to energize them on the journey to the revival of our drooping African spirit.

Africans must explore their traditions and its prospects for economic liberty, natural integration, and stability. It is high time, Africans identified with one another with good knowledge of relics of the endowment and be versed in the history of various cultural sites, mining sites and cattle routes if they actually existed to protect themselves from the unruly behaviour of foreigners on African soil for purposes of stealing our natural wealth. Africans

can only make gains rather losses by investing resources in individuals through provision of adequate and standardized educational system and the desired ideas that if properly put to use in Africa can transform the society into a blessed nation second to none in the world.

African must glow in their pride as continent that is blessed with abundant human and natural resources. There is nothing lacking on the shore of Africa, from enviable cultural values, religious systems, agricultural produce, solid minerals, and respect for peace. It is high time Nigerians and Africans stopped buying of arms and ammunition for purposes of causing conflicts and communal wars against our very own brothers and sisters. The right built of human manpower and availability of capital the management of the universities where specialized manpower is produced will go a long way in fulfilling our dreams in Nigeria and other African countries.

African elites should never relent in documenting and educating African cultural values and its transmission from one generation to another. Premium must be placed on teaching of both history and philosophy at the nursery, primary and secondary schools in Nigeria. Just like teaching of ABC and 123 which are used to build the child to understand English and Mathematics, if the teaching of philosophy at the nursery at philosophy at the primary school is captured in the curricula, the pupils would begin to learn critical thinking which will be useful to them when they are in a position to plan for the wellbeing of society in future. It would also contribute to the preservation of African heritage for future generations and for the development of knowledge and cultural understanding as being experience in other areas.

Interestingly, democratic values which are inherently common to African conceptions of human rights, values and that transcend the political realm, including respect for , and protection of, the individual and individuality within the family and the greater socio-political unit commitment will be regulated.

The values of tolerance for difference in political views and personal ability; reciprocity in labour issues and for generosity; and consultation in matters of governance are will remain very strong in Africa. This clearly shows that human rights are natural to Africans. They can no longer be talked about in terms of implementation but enjoyed to the fullest by Nigerians, Africans and those who come to us will be committed to respect our laws.

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