

Revised Draft PFPAD Member Alice A Nkom's Paper Presentation

3rd PFPAD Session, Thursday, 18th April 2024, Room 20, United Nations Office at Geneva

Item 5: Thematic Discussion (continued): Culture and Recognition

Thank you so much, Ambassador Kimani.

Excellencies, experts, colleagues, contributors, guests, greetings to everyone.

Before I share my talking points, I would be remiss if I did not express my dissatisfaction about the human rights injustices happening in our world today. As communicated already, in many statements, the lives of Africans and People of African Descent are not respected even though Africans and People of African Descent have contributed to this world substantially.

In this regard, I insist that culture is very much connected with recognition; and, that protecting human rights is very much a tangible way to sustain culture and recognition.

Respecting the tradition of rule of law, therefore, is necessary.

The United Nations remains, at the global level, an entity which connects over 190 United Nations Member States through the United Nations Charter - the Charter being an integral step for how "a new State or Government obtains recognition by the United Nations"; and, noted that "the United Nations is neither a State nor a government, and therefore does not possess any authority to recognise either a State or a Government".

Also, the United Nations is criticised, rightly so, by local civil society for losing its credibility. For example, international law continues to be argued for, rather than widely implemented and sustained. In other words, international law is not applied largely and is applied selectively especially in terms of the lives / livelihoods of Africans and People of African Descent. Civil society statements during the General Debate, for example, referenced such disparities and inequities.

Therefore, my assertion is, that the rule of law can be realised and sustained through the respect of tradition. I mean a tradition which is indigenous to our Motherland, Africa; a tradition that respects "notions of identity, recognition, equality and non-discrimination; the right to life and security, including physical and mental health; the right to culture and history; the rights to participation and self-determination; the right to equality in the distribution of economic goods and progress; and the right to justice." Said terms are quoted from the Permanent Forum's inaugural report.

My last point, before I go to my four recommendations is to reiterate what previous speakers have mentioned in their statements, which is that there are and have been severe harms caused by "historic injustices of enslavement, colonisation and dispossession"; and, I would add, severe harms carried out under the premise of culture / tradition.

Revised Draft PFPAD Member Alice A Nkom's Paper Presentation

3rd PFPAD Session, Thursday, 18th April 2024, Room 20, United Nations Office at Geneva

Item 5: Thematic Discussion (continued): Culture and Recognition

In 2023, my Colleagues and I wrote an article titled “A Rights Based Critique of Cultural and Religious Intolerance against Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, and Asexual Persons in Five African Countries”, which was published in the African Human Rights Yearbook, Volume 7 (2023).

In the said article, for instance, Colleagues and I critiqued the notion that a person — who is lesbian, gay, bisexual, transgender, queer, questioning, intersex, or asexual — becomes out of one's culture for being a person who is not heterosexual.

Thus, I ask please that, whilst in our discussions about honouring our culture or cultures, our tradition or traditions — we return to the very core of what is recognition; what is human rights. For instance, “[s]upporting the development of culturally safe structures and processes within national systems” in Africa, so that “Brain Drain” and “claiming asylum” is not out of Africa. Rather that, the “Africa we want” is within Africa.

My four recommendations to civil society (especially at the local level) are:

1. Continue to follow up the recommendations specified in the Permanent Forum's inaugural report.
2. Engage in partnerships with the African Union through, for instance, its Diaspora Division and/or its Economic Social and Cultural Council.
3. Continue human rights advocacy, in order to hold your governments to account to address the root causes of human rights injustices.
4. Continue to participate collectively and strategically in philanthropic, private sector, and United Nations spaces.

Alutta continua. Thank You very much.