



COLLEGE OF SOCIAL SCIENCES, THEOLOGY, HUMANITIES & EDUCATION

NHIR 422: CONSTITUTIONAL RIGHTS & SOCIAL CHANGE

END OF FIRST SEMESTER EXAMINATIONS

AUGUST/DECEMBER 2021

LECTURER: N. PINDUKA

DURATION: 5 HRS

INSTRUCTIONS

Answer **One (1)** question only

Credit will be awarded for logical, systematic and neat presentations

Question 1

His face is on money, his photograph hangs in every office in his realm, his ministers wear gold pins with tiny photographs of him on the lapels of their pinstriped tailored suits. He names streets, football stadiums, hospitals and universities after himself. He carries a silver inlaid ivory rungu or an ornately carved walking stick or a fly-whisk or chiefly stool. He insists on being called doctor or being the big elephant or the number one peasant or nice old man or the national miracle or the most popular leader in the world, his every pronouncement is reported on the first page. He shuffles ministers without warning, paralysing policy decisions as he undercuts pretenders to his throne. He scapegoats minorities to show up popular support. He bans all political parties except the one he controls. He rigs elections. He emasculates the courts and he cows the press, he stifles academia. He gives the church. The Big Man's off-the-cut remarks have the power of law. He demands thunderous applause from the legislature when ordering far-reaching changes in the constitution. He blesses his home region with highways, schools, hospitals, housing projects, irrigation schemes and a presidential mansion. He packs the civil service with his tribesmen... His enemies are harassed by youth wingers from the ruling party. His enemies are detained or exiled, humiliated, tortured or killed. (Willy Mutunga in Mandaza, 2015:1).

i). Willy Mutunga's citation above is arguably an apt description of one of the main symptoms of the political pathology that is attendant to the legacy and scourge of the postcolonial state in Africa. As an expert of civil and political rights in Africa, you have been invited by the African Commission on Human and Peoples' Rights to prepare a detailed policy brief on the best possible ways to deal with civil and political rights violations that continue to impact on most African states. (50 marks)

ii). Almost 65 years since the first Sub-Saharan country (Ghana) gained its independence in 1957, Kwame Nkrumah's clarion call – "Seek ye first the political kingdom and all else will be added unto it" rings so hollow for the majority of Africa's citizens.

You have been invited by the Institute for Democracy, Citizenship and Public Policy in Africa at the University of Cape Town as a Guest Lecturer to deliberate on this claim in relation to social and economic rights in Africa, particularly in the post new-millennium epoch. Discuss the major factors that you will consider in the presentation. (50 marks)

Question 2

'Society changes the law', as per its needs.

As the best final year student in International Relations at Africa University, you have been engaged as a Consultant by the Youth Forum in Africa, to make a presentation before the organisation's Trustees based on the above statement. Taking cognizance of constitutional rights, social change and social movements,

discuss the main factors that you will consider in the presentation. Use relevant practical examples in the presentation. (100 marks)

Question 3

i). ‘While it is manifest for all societies to undergo some changes, the reasons for these changes are not obvious.’

You are required to make a presentation based on this assertion to a group of 3rd International Relations students at a local Think Tank in Mutare. Refer to at least two theories of social change in the presentation. (50 marks)

ii). Human Rights Day is observed every year on 10 December — the day the United Nations General Assembly adopted, in 1948, the Universal Declaration of Human Rights (UDHR). The UDHR is a milestone document that proclaims the inalienable rights which everyone is entitled to as a human being - regardless of race, colour, religion, sex, language, political or other opinion, national or social origin, property, birth or other status. It is the most translated document around the world and is available in over 500 languages. It has inspired countries and people alike to start treating every person with the right to life, liberty, property, and the pursuit of happiness. On Human Rights Day, the world acknowledges the importance of human rights. In your country, the Commemorations for 2020 were shelved due to the severity of COVID-19 but because of a gradual improvement in curbing the pandemic due to the availability of the COVID-19 vaccines your government has decided to conduct the annual commemorations on 30 November 2021. The theme for 2020 was Recover Better – Stand Up for Human Rights.

As the best student in Constitutional Rights and Social Change at Africa University, a renowned university in Africa; you have been invited as a Guest Speaker to an audience of Human Rights and Constitutional Rights Experts PhD Students to deliberate on the assertion which states that ‘Although a myriad of factors influence the establishment of social policy intended for social change, the respect for fundamental rights is the starting point in any given society.’

Provide an abridged version of the presentation on the validity of this contention. (50 marks)

End of Paper