

GLOBAL JOURNAL

OF HUMAN-SOCIAL SCIENCES: C

Sociology & Culture

Century Social Origins

Millennium Development Goals

Highlights

Is Customary Law a Hindrance

Womens Rights in Democratic

Discovering Thoughts, Inventing Future

VOLUME 15

ISSUE 7

VERSION 1.0



GLOBAL JOURNAL OF HUMAN-SOCIAL SCIENCE: C
SOCIOLOGY & CULTURE



GLOBAL JOURNAL OF HUMAN-SOCIAL SCIENCE: C
SOCIOLOGY & CULTURE

VOLUME 15 ISSUE 7 (VER. 1.0)

OPEN ASSOCIATION OF RESEARCH SOCIETY

© Global Journal of Human Social Sciences. 2015.

All rights reserved.

This is a special issue published in version 1.0 of "Global Journal of Human Social Sciences." By Global Journals Inc.

All articles are open access articles distributed under "Global Journal of Human Social Sciences"

Reading License, which permits restricted use. Entire contents are copyright by of "Global Journal of Human Social Sciences" unless otherwise noted on specific articles.

No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopy, recording, or any information storage and retrieval system, without written permission.

The opinions and statements made in this book are those of the authors concerned. Ultraculture has not verified and neither confirms nor denies any of the foregoing and no warranty or fitness is implied.

Engage with the contents herein at your own risk.

The use of this journal, and the terms and conditions for our providing information, is governed by our Disclaimer, Terms and Conditions and Privacy Policy given on our website <http://globaljournals.us/terms-and-condition/menu-id-1463/>

By referring / using / reading / any type of association / referencing this journal, this signifies and you acknowledge that you have read them and that you accept and will be bound by the terms thereof.

All information, journals, this journal, activities undertaken, materials, services and our website, terms and conditions, privacy policy, and this journal is subject to change anytime without any prior notice.

Incorporation No.: 0423089
License No.: 42125/022010/1186
Registration No.: 430374
Import-Export Code: 1109007027
Employer Identification Number (EIN):
USA Tax ID: 98-0673427

Global Journals Inc.

(A Delaware USA Incorporation with "Good Standing"; **Reg. Number: 0423089**)

*Sponsors: Open Association of Research Society
Open Scientific Standards*

Publisher's Headquarters office

Global Journals Headquarters
301st Edgewater Place Suite, 100 Edgewater Dr.-Pl,
Wakefield MASSACHUSETTS, Pin: 01880,
United States of America

USA Toll Free: +001-888-839-7392

USA Toll Free Fax: +001-888-839-7392

Offset Typesetting

Global Journals Incorporated
2nd, Lansdowne, Lansdowne Rd., Croydon-Surrey,
Pin: CR9 2ER, United Kingdom

Packaging & Continental Dispatching

Global Journals
E-3130 Sudama Nagar, Near Gopur Square,
Indore, M.P., Pin:452009, India

Find a correspondence nodal officer near you

To find nodal officer of your country, please
email us at *local@globaljournals.org*

eContacts

Press Inquiries: *press@globaljournals.org*
Investor Inquiries: *investors@globaljournals.org*
Technical Support: *technology@globaljournals.org*
Media & Releases: *media@globaljournals.org*

Pricing (Including by Air Parcel Charges):

For Authors:

22 USD (B/W) & 50 USD (Color)

Yearly Subscription (Personal & Institutional):

200 USD (B/W) & 250 USD (Color)

INTEGRATED EDITORIAL BOARD
(COMPUTER SCIENCE, ENGINEERING, MEDICAL, MANAGEMENT, NATURAL
SCIENCE, SOCIAL SCIENCE)

John A. Hamilton, "Drew" Jr.,
Ph.D., Professor, Management
Computer Science and Software
Engineering
Director, Information Assurance
Laboratory
Auburn University

Dr. Henry Hexmoor
IEEE senior member since 2004
Ph.D. Computer Science, University at
Buffalo
Department of Computer Science
Southern Illinois University at Carbondale

Dr. Osman Balci, Professor
Department of Computer Science
Virginia Tech, Virginia University
Ph.D. and M.S. Syracuse University,
Syracuse, New York
M.S. and B.S. Bogazici University,
Istanbul, Turkey

Yogita Bajpai
M.Sc. (Computer Science), FICCT
U.S.A. Email:
yogita@computerresearch.org

Dr. T. David A. Forbes
Associate Professor and Range
Nutritionist
Ph.D. Edinburgh University - Animal
Nutrition
M.S. Aberdeen University - Animal
Nutrition
B.A. University of Dublin- Zoology

Dr. Wenying Feng
Professor, Department of Computing &
Information Systems
Department of Mathematics
Trent University, Peterborough,
ON Canada K9J 7B8

Dr. Thomas Wischgoll
Computer Science and Engineering,
Wright State University, Dayton, Ohio
B.S., M.S., Ph.D.
(University of Kaiserslautern)

Dr. Abdurrahman Arslanyilmaz
Computer Science & Information Systems
Department
Youngstown State University
Ph.D., Texas A&M University
University of Missouri, Columbia
Gazi University, Turkey

Dr. Xiaohong He
Professor of International Business
University of Quinnipiac
BS, Jilin Institute of Technology; MA, MS,
PhD,. (University of Texas-Dallas)

Burcin Becerik-Gerber
University of Southern California
Ph.D. in Civil Engineering
DDes from Harvard University
M.S. from University of California, Berkeley
& Istanbul University

Dr. Bart Lambrecht

Director of Research in Accounting and Finance
Professor of Finance
Lancaster University Management School
BA (Antwerp); MPhil, MA, PhD
(Cambridge)

Dr. Carlos García Pont

Associate Professor of Marketing
IESE Business School, University of Navarra
Doctor of Philosophy (Management),
Massachusetts Institute of Technology (MIT)
Master in Business Administration, IESE,
University of Navarra
Degree in Industrial Engineering,
Universitat Politècnica de Catalunya

Dr. Fotini Labropulu

Mathematics - Luther College
University of Regina
Ph.D., M.Sc. in Mathematics
B.A. (Honors) in Mathematics
University of Windsor

Dr. Lynn Lim

Reader in Business and Marketing
Roehampton University, London
BCom, PGDip, MBA (Distinction), PhD,
FHEA

Dr. Mihaly Mezei

ASSOCIATE PROFESSOR
Department of Structural and Chemical
Biology, Mount Sinai School of Medical
Center
Ph.D., Eötvös Loránd University
Postdoctoral Training,
New York University

Dr. Söhnke M. Bartram

Department of Accounting and Finance
Lancaster University Management School
Ph.D. (WHU Koblenz)
MBA/BBA (University of Saarbrücken)

Dr. Miguel Angel Ariño

Professor of Decision Sciences
IESE Business School
Barcelona, Spain (Universidad de Navarra)
CEIBS (China Europe International Business School).
Beijing, Shanghai and Shenzhen
Ph.D. in Mathematics
University of Barcelona
BA in Mathematics (Licenciatura)
University of Barcelona

Philip G. Moscoso

Technology and Operations Management
IESE Business School, University of Navarra
Ph.D in Industrial Engineering and
Management, ETH Zurich
M.Sc. in Chemical Engineering, ETH Zurich

Dr. Sanjay Dixit, M.D.

Director, EP Laboratories, Philadelphia VA
Medical Center
Cardiovascular Medicine - Cardiac
Arrhythmia
Univ of Penn School of Medicine

Dr. Han-Xiang Deng

MD., Ph.D
Associate Professor and Research
Department Division of Neuromuscular
Medicine
Department of Neurology and Clinical
Neuroscience
Northwestern University
Feinberg School of Medicine

Dr. Pina C. Sanelli

Associate Professor of Public Health
Weill Cornell Medical College
Associate Attending Radiologist
NewYork-Presbyterian Hospital
MRI, MRA, CT, and CTA
Neuroradiology and Diagnostic
Radiology
M.D., State University of New York at
Buffalo, School of Medicine and
Biomedical Sciences

Dr. Roberto Sanchez

Associate Professor
Department of Structural and Chemical
Biology
Mount Sinai School of Medicine
Ph.D., The Rockefeller University

Dr. Wen-Yih Sun

Professor of Earth and Atmospheric
SciencesPurdue University Director
National Center for Typhoon and
Flooding Research, Taiwan
University Chair Professor
Department of Atmospheric Sciences,
National Central University, Chung-Li,
TaiwanUniversity Chair Professor
Institute of Environmental Engineering,
National Chiao Tung University, Hsin-
chu, Taiwan.Ph.D., MS The University of
Chicago, Geophysical Sciences
BS National Taiwan University,
Atmospheric Sciences
Associate Professor of Radiology

Dr. Michael R. Rudnick

M.D., FACP
Associate Professor of Medicine
Chief, Renal Electrolyte and
Hypertension Division (PMC)
Penn Medicine, University of
Pennsylvania
Presbyterian Medical Center,
Philadelphia
Nephrology and Internal Medicine
Certified by the American Board of
Internal Medicine

Dr. Bassey Benjamin Esu

B.Sc. Marketing; MBA Marketing; Ph.D
Marketing
Lecturer, Department of Marketing,
University of Calabar
Tourism Consultant, Cross River State
Tourism Development Department
Co-ordinator , Sustainable Tourism
Initiative, Calabar, Nigeria

Dr. Aziz M. Barbar, Ph.D.

IEEE Senior Member
Chairperson, Department of Computer
Science
AUST - American University of Science &
Technology
Alfred Naccash Avenue – Ashrafieh

PRESIDENT EDITOR (HON.)

Dr. George Perry, (Neuroscientist)

Dean and Professor, College of Sciences

Denham Harman Research Award (American Aging Association)

ISI Highly Cited Researcher, Iberoamerican Molecular Biology Organization

AAAS Fellow, Correspondent Member of Spanish Royal Academy of Sciences

University of Texas at San Antonio

Postdoctoral Fellow (Department of Cell Biology)

Baylor College of Medicine

Houston, Texas, United States

CHIEF AUTHOR (HON.)

Dr. R.K. Dixit

M.Sc., Ph.D., FICCT

Chief Author, India

Email: authorind@computerresearch.org

DEAN & EDITOR-IN-CHIEF (HON.)

Vivek Dubey(HON.)

MS (Industrial Engineering),

MS (Mechanical Engineering)

University of Wisconsin, FICCT

Editor-in-Chief, USA

editorusa@computerresearch.org

Sangita Dixit

M.Sc., FICCT

Dean & Chancellor (Asia Pacific)

deanind@computerresearch.org

Suyash Dixit

(B.E., Computer Science Engineering), FICCTT

President, Web Administration and

Development , CEO at IOSRD

COO at GAOR & OSS

Er. Suyog Dixit

(M. Tech), BE (HONS. in CSE), FICCT

SAP Certified Consultant

CEO at IOSRD, GAOR & OSS

Technical Dean, Global Journals Inc. (US)

Website: www.suyogdixit.com

Email: suyog@suyogdixit.com

Pritesh Rajvaidya

(MS) Computer Science Department

California State University

BE (Computer Science), FICCT

Technical Dean, USA

Email: pritesh@computerresearch.org

Luis Galárraga

J!Research Project Leader

Saarbrücken, Germany

CONTENTS OF THE ISSUE

- i. Copyright Notice
 - ii. Editorial Board Members
 - iii. Chief Author and Dean
 - iv. Contents of the Issue
-
1. Some 21st Century Social Origins of Public Education Failure. ***1-3***
 2. Is South Africa on Track with the 2015 Millennium Development Goals? ***5-10***
 3. Sustainability: The Utopia of Utopias. ***11-13***
 4. Is Customary Law a Hindrance to Womens Rights in Democratic South Africa? ***15-31***
-
- v. Fellows and Auxiliary Memberships
 - vi. Process of Submission of Research Paper
 - vii. Preferred Author Guidelines
 - viii. Index



GLOBAL JOURNAL OF HUMAN-SOCIAL SCIENCE: C
SOCIOLOGY & CULTURE
Volume 15 Issue 7 Version 1.0 Year 2015
Type: Double Blind Peer Reviewed International Research Journal
Publisher: Global Journals Inc. (USA)
Online ISSN: 2249-460X & Print ISSN: 0975-587X

Some 21st Century Social Origins of Public Education Failure

By Steven Gerardi, Ph.D., Stephany Bonura, MA, Nikki-Ann O'Leary, MA
& Michael Gerardi, M.S.

New York City Technical College CUNY, United States

Abstract- During the 21 Century public education in the U.S.A. has become increasingly problematic. This effort will point to a variety of interrelated social factors figuring among: Social Class; English Language Acquisition parents' educational level, and parent involvement in their child's education. This effort also provides a unique socio/cultural percentage matrix for academic success within the public school sector.

GJHSS-C Classification : FOR Code: 160899



Strictly as per the compliance and regulations of:



© 2015. Steven Gerardi, Ph.D., Stephany Bonura, MA, Nikki-Ann O'Leary, MA & Michael Gerardi, M.S. This is a research/review paper, distributed under the terms of the Creative Commons Attribution-Noncommercial 3.0 Unported License (<http://creativecommons.org/licenses/by-nc/3.0/>), permitting all non-commercial use, distribution, and reproduction in any medium, provided the original work is properly cited.

Some 21st Century Social Origins of Public Education Failure

Steven Gerardi ^α, Ph.D., Stephany Bonura ^σ, MA, Nikki-Ann O'Leary ^ρ, MA & Michael Gerardi ^ω, M.S.

Abstract- During the 21 Century public education in the U.S.A. has become increasingly problematic. This effort will point to a variety of interrelated social factors figuring among: Social Class; English Language Acquisition parents' educational level, and parent involvement in their child's education. This effort also provides a unique socio/cultural percentage matrix for academic success within the public school sector.

I. OVERVIEW AND CONTEXT OF THE RESEARCH

Social class is an important indicator of cultural capital for academic success (Bourdieu, P, 1977). Teachers expect a specific form of behavior which they believe supports learning. If the means of achieving this behavior is not located within the family's social/cultural resources, the child is likely not to comply with the expected learning behavior.

Therefore, distinctive cultural knowledge is transmitted by families of each social class. Children of the dominant class inherit substantially different cultural knowledge, skills, norms, styles of dress and linguistic abilities than children of those within subordinate classes. Consequently, educational institutions reward students from the dominant class background by virtue of a certain cultural competency established through the families rearing/ socialization process. Educational instructions similarly contribute to this reproduction process by designing and implementing curricula which rewards the cultural capital of the dominant class. Conversely, the public educational apparatus systemically and continually misunderstands the social/cultural capital of the many subordinate classes in the U.S.A. today, often leading to educational failure of these children.

Generally, it is common knowledge that both poor/working class and middle class parents want their children to succeed in school. However, the social position of each class leads its members to employ different means to this end. Poor/Working class parents depend on the teacher to educate their children (often because they are less educated than the teacher), assuming that the teacher is the only mediator of educational success. On the other hand, the middle class

educated parent tends to actively participate in the supervision and monitoring of his/her children school activities. Indeed, the middle class educated family assumes that if their child is failing in school, it is the fault of the teacher. Lamount/Lareau concluded that the educational values of both groups of parents did not differ. What did differ however was the manner in which they stressed academic success. The middle class educated parents viewed their child's education as a shared experience between teacher and parent. The poor/working class parents on the other hand, relinquished all responsibilities for their children's education to the teacher (Lamont, M. & Lareau A. 1988).

In 2009 a longitudinal study entitled "Long-term Effects of Parents' Education on Children's Education and Occupational Success" (Eric Dubow, Paul Boxer and L.Rowell Huesmann 2009) followed children from the of ages 8, 19, and 48 years old. These data suggested that the middle class parent's education and occupation had a profound influence on their child's educational and occupational trajectory. These children's I.Q., educational and occupational outcomes where all affected positively by the age of 48.

Data in yet another longitudinal study entitled "Fathers Education and a Function of Human Capital" suggested that Fathers' education and house hold income had a profound influence on graduation from a public urban technical college. If the father graduated from college, and the total house hold Income was 135,000.00 (in New York City) the student has a 25 % greater change of graduating from this college over those who did not have this family background (Gerardi,S. 2011).

Moreover, the so-called Boat People of Southeast Asian during the 1970's where poor, had no or little English experience, and live in urban settings; yet their children excelled in the public school systems around the U.S.A. According to Caplan, Choy and Whitmore this was the result of the family's culture and behavior in support of academic achievement for their children (Caplan, N, Choy, M, Whitmore, J. 1992).

Finally, the reading achievement gap among the families in the 90th income percentile of income have increased the reading gap almost 50%, during the 2000's over the 1950's. (Reardon, S. 2011).

Author α: Ph.D, Professor of Sociology, New York City College of Technology (CUNY). e-mail: SGerardi@Citytech.Cuny.Edu

Author σ: MA, Public College ESL Instructor, Stony Brook University (SUNY).

Author ρ: MA, Public High School Math Teacher.

Author ω: M.S. Public School Teacher.

II. LANGUAGE ACQUISITION

Basil Bernstein (1975) suggested that language, coding, curriculum and the transmission of knowledge is an important interpretation of Socio-economic Status in American society. Bernstein's concept of Code Theory is central to his analysis of the transmission of knowledge. Code refers to a social principle which underlies and defines the curriculum. Curriculum according to Bernstein is the "valid" knowledge transmitted via pedagogy. Both curriculum and the transmission of knowledge are located in language usage. Furthermore, language usage and interpretations are determined by class, hence acting as a function of social identification

Bernstein further suggested a distinction between language used by the poor/working class referred to as "public language," and the language-use of the middle class or "formal language." Bernstein argues that formal language has a greater number of possibilities due to the fact that it is more complex than "public language. Formal language permits higher order understanding by stressing the significance of concepts. Conversely, public language is limited in symbolic expression. It consists of words used as part of simple statements in the description of lower order concepts. Public language's emphasis is on emotion rather than logical implications. Therefore, formal language underlies the attitudes and values found within the educational setting.

Generally the use of public language is not a significant problem except in the superior/inferior relationship of teacher and student. Teachers in the school environment use formal language in the transmission of knowledge. Within the school environment public language users are often viewed as hostile, aggressive, and rude, further reflecting social class distinctions. The result may be a perception that the student is less intelligent. Essentially the breakdown of communication between teachers and the poor/ working class child may result in a learning resistance and the failure of the child. On the other hand, the language mode of the educated middle class background child is that same mode found in the educational setting foster academic success. Bernstein concludes, and this effort must also conclude that language affects the learning situation in the public school environment (Bernstein, Basil. 1975).

Hence, American Literacy problems are not the sole fault of the teacher; rather rooted in the parent's inability to promote positive literacy and linguistic interactions in the home. Moreover, the importance of the family mealtime (in the middle class family structure) where there is quality conversation during mealtime is a stronger predictor of how successful a child's language and literacy development will be later on in life. When educated parents have complex conversations, it provides the child with rich explanation, helping the children to contextualize the concepts. Furthermore, dynamic

language used at home also is correlated to the child's success and ability to move up in the social class of society (Dickerson & Tabor, 2001).

At the foundation of socio-cultural contexts, students' family related factors are regarded as the most powerful external factors on the development of students' academic achievement. Therefore, parental influences, such as expectations and involvement, consistently promote students' academic.

This further emphasizes that the social origins of parents are actively involved with their child's education has a profound influence on academic success. T-score data in a study entitled "Sociocultural Approach on Mathematical Learning Difficulties" (suggested that: 1) the father's language and education is correlated to the children's mathematical skills, 2) Mother's language use and education is correlated to children's linguistic expression, and 3) the father's language and educational level is correlated to children's task-orientation (Piia Vilenius-Tuohima, 2005).

III. DISCUSSION

This effort converted all significant T=scores (found in the above cited studies) into percentages. The goal being to assess the impact of parents' social background on their children's educational and occupational trajectory as adults.

Based upon the T=Score conversions, if the parents are English proficient and have completed college or greater there is an 86 % greater chance of impacting positively their child's education and his/her occupation at the age of 46 year old.

Although this effort strongly suggested the importance of the middle class parent's education and occupation on their child's social and educational trajectory; the countervailing issue here is that the majority of the publicly educated students is from poor/working class backgrounds, often are not English proficient. Consequently, only 14% of these public school students have a chance (statistically) moving into a middle class trajectory in their within life-time.

Given these data there needs to be programs which press upon the parents the importance of taking an equal role with the teachers, in their child's education.

One such program is Dr. Joyce L. Epstein of the Center on schools, Family and community partnerships "National Standards for Parent/Family Involvement programs". This program has six types of parent involvement: **1) Parenting-** which supports the school environment; **2) Design strong school-to-home communication;** **3) volunteering of parents for help and support;** **4) Learning at Home-** provide information to parent on how to help their children to study and plan for college; **5) Decision Making-** include parents in school decisions; and **6) Collaborating Community-**

identify community resources that may improve life chances. By employing these 6 sample steps the class educational and career trajectory of the poor/working student may well be improved significantly.

IV. CONCLUSION

As this effect suggested, parents' Human Capital is an important resource for the social growth of the children. Indeed, James Coleman referred to this concept (within education) as Social Capital. Social capital is a set of skill-sets, experiences, and knowledge that are found in family life which contributes to the child's social and academic growth increasing the child's social and occupational trajectory as adults (Coleman, J. & Hoffer, T. 1965, *Public and Private Schools*, New York: Basic Books).

To sum up, this effort suggested that the family's social capital (Social Background) is more important than the quality of the school, the teacher's skills and the curriculum for educational success in the public school system of the U.S.A.

REFERENCES RÉFÉRENCES REFERENCIAS

1. Bourdieu, P. 1977, Cultural Reproduction and Social Reproduction. in *Power and Ideology in Education*. edited by Karabel and Haslsey. , New York: Oxford University Press.
2. Bernstein, Basil 1975, *Class, Codes and Control*. Vol. 1-3, London: Routledge and Kegan Paul).
3. Bernstein, Basil. 1975, and *Education Cannot Compensate for Society*. *New Society*, 15, 344-347).
4. Caplan, N, Choy, M, Whitmore, J. 1992, *Academic Achievement in Southeast Asian Refugee Families in A Brief Survey of the Sociological Imagination*, Steven Gerardi, 2010.
5. Dickerson & Tabor, 2001, *Fostering Language and Literacy in Classrooms and Homes Baltimore*: Paul H. Brookes.
6. Dubow, Paul Boxer and L. Rowell Huesmann "Long-term Effects of Parents' Education on Children's Education and Occupational Success, National Institutes of Health, 2009# NIHMS140890.
7. Epstein J. 2011, Center on schools, Family and community partnerships, "National Standards for Parent/Family.
8. Gerardi, S. 2011, *Fathers Education and a Function of Human Capital International Journal of Education Vol2 # 3*.
9. Lamont, M. & Lareau A. (1988). *Cultural Capital: Allusions, Gaps and Glissandos in Recent Theoretical Development.*, *Theoretical Sociology*. 6:153-166.
10. Piia Vilenius-Tuohima, 2005 *Sociocultural Approach on Mathematical Learning Difficulties University of Helsinki, Finland, Inclusive and Supportive Education Congress, International, Special Education Conference Inclusion: Celebrating Diversity, 1st - 4th August 2005. Glasgow, Scotland.*
11. Reardon, S.F. 2011 *The Widening Academic Achievement Gap Between the Rich and the Poor: New Evidence and Possible July 2011 Forthcoming in Whither Opportunity? Rising Inequality, Schools, and Children's Life Chances (Russell Sage Foundation, 2011).*



This page is intentionally left blank



Is South Africa on Track with the 2015 Millennium Development Goals?

By Appunni Sathiya Susuman

University of the Western Cape, South Africa

Abstract- Background: According to the Millennium Development Goals (MDGs) agreement, each country which forms part of it has to provide a report periodically that will show the progress on their achievement towards the goals. This article aim is to evaluate South Africa's prospects of achieving eight MDGs by 2015.

Methods: this article is an analysis of the current situation of South Africa and the aim of this analysis is to look beyond the statistical values, to see if the achievements are on track or life-time achievements and also if what is yet to be achieved can really be achieved. Different data were used as secondary information.

Results: There are eight MDGs to be achieved by 2015 such as eradicating extreme poverty; achieving universal primary education; promoting gender equality and the women empowerment; reducing infant and child mortality; improving maternal health; fight with HIV/AIDS, Tuberculosis and other diseases; ensuring environmental sustainability; and developing a global partnership for national development. A country development is dependent on many factors; therefore, different countries across the world have adopted the MDGs as means of alleviating many of the social ills hindering progress and development. This paper will focus on a glance with entire MDGs. Based on different sources South Africa is on track with the MDG, there is no doubt South Africa crucialto work hard with complete MDGs.

GJHSS-C Classification : FOR Code: 370199p



Strictly as per the compliance and regulations of:



Is South Africa on Track with the 2015 Millennium Development Goals?

Appunni Sathiya Susuman

Abstract- Background: According to the Millennium Development Goals (MDGs) agreement, each country which forms part of it has to provide a report periodically that will show the progress on their achievement towards the goals. This article aim is to evaluate South Africa's prospects of achieving eight MDGs by 2015.

Methods: this article is an analysis of the current situation of South Africa and the aim of this analysis is to look beyond the statistical values, to see if the achievements are on track or life-time achievements and also if what is yet to be achieved can really be achieved. Different data were used as secondary information.

Results: There are eight MDGs to be achieved by 2015 such as eradicating extreme poverty; achieving universal primary education; promoting gender equality and the women empowerment; reducing infant and child mortality; improving maternal health; fight with HIV/AIDS, Tuberculosis and other diseases; ensuring environmental sustainability; and developing a global partnership for national development. A country development is dependent on many factors; therefore, different countries across the world have adopted the MDGs as means of alleviating many of the social ills hindering progress and development. This paper will focus on a glance with entire MDGs. Based on different sources South Africa is on track with the MDG, there is no doubt South Africa crucialto work hard with complete MDGs.

Conclusion: It was argued that there has been progress made which has resulted in significant changes to people's lives, but the question that has to be asked is for how long can these achievements last. Serious requirements for reducing the rate of maternal mortality and HIV /AIDS in South Africa are needed. South Africa may still be considered to be on track to achieve the MDGs target by within couple of years if the above mentioned issues are taken into consideration.

1. BACKGROUND

The South African government worked on *Millennium Development Goals* through the social wage which according to Stat SA is "a package intended to reduce the cost of living of the poor" [1]. The poor and inadequate health system in South Africa presents many challenges when it comes to prospects of achieving the health-related (as well as other) Millennium Development Goals [2, 3]. Even with many strategies being implemented by the South African government, it seems as if people still do not fully utilize the health services available to them – as in the case of rural areas. There have not been many studies conducted in South Africa to explicitly research the role

played by women's educational attainment on the use of maternal health care services. Although some researchers have paid more attention to other demographic and socio-demographic aspects of maternal health care use, there is little known with regards to the influence of maternal education on maternal health care use. Maternal health services are offered – for a large number of the population – mainly through the primary health care sector. Moreover, this health sector is often surrounded by much controversy when it comes to the availability of health resources, especially in rural areas. Education is an important demographic factor as it has the potential to improve one's social status, as well as improve many other socio-demographic factors. Education is an important human right; it links well with all other human rights and it is important when it comes to making good choices that affect one's life as it promotes individual autonomy [4, 5]. Therefore, education provides women with the necessary knowledge to claim and seek adequate health care [6]. Moreover, various studies have found that education is positively associated with the utilization of health care services [7]. It is also argued that educated women tend to seeking modern medical health care (or treatment) whilst those with (little or) no education tend to stick to their traditional (belief) systems [8]. Therefore, education plays an essential role in health, health use, and health-related outcomes.

Apart from positively influencing the utilization of maternal health services, maternal education also affects maternal mortality and as a result, plays a role in the achievement of millennium development goal five [9,10, 11]. The illiteracy of most women, especially those in rural areas, is a factor in the lack of maternal health service utilization. This is due to the fact that most (rural) women who are uneducated do not utilize the maternal health services that are required of them [12]. Investing in maternal education will improve the quality of life and will have a big impact in the reduction of maternal mortality as well as in the achievement of millennium development goal five – because education is a powerful tool that can enhance the knowledge of many women and thus aid in the use of maternal health care services [6, 13]. Therefore, focusing on maternal education, especially in developing countries can be a key strategy in reducing maternal mortality and in improving maternal health (MDG 5). In planning for the reduction of maternal mortality, attention should be

Author: University of the Western Cape. e-mail: sappunni@uwc.ac.za

given to social and socio-demographic determinants of health as this will have an effect in improving maternal health (Millennium Development Goal five) [11].

Maternal mortality is defined as the death of women during pregnancy, childbirth, or within the 42 days after delivery [10, 14]. Throughout the world, women's health is a priority for many countries, especially those with high mortality rates [15 16] argue that maternal mortality is higher for women living in rural areas and also higher for those living in poorer communities [16]. The current maternal mortality rate for South Africa is estimated at 300 maternal deaths per 100 000 live births; this is a considerable decrease (at 73%) when compared to the 2008 estimates which were at 410 maternal deaths per 100 000 live births [17]. South Africa has high maternal mortality rates which are still rising, and this presents major challenges in terms of the country's prospects of achieving the Millennium development Goals [15].

South Africa is working very hard to reduce maternal mortality. the South African Department of Health has adopted a number of initiatives as means of reducing the maternal mortality rate, and thus move closer to the 2015 Millennium Development Goal (of reducing maternal mortality by 75%). One such programme is the adoption of the UNFPA's Campaign for Accelerated Reduction of Maternal Mortality in Africa (CARMMA) by the department of health, as a strategy for reducing maternal mortality in South Africa. The department of health plans to use this campaign to fast-track the reduction of the maternal mortality rate, which is estimated at 300 maternal deaths per 100 000 live births, in order to meet the 2015 targets. Another strategy that the department of health has adopted as means of reducing the country's maternal mortality is the Strategic Plan for Maternal, New-born, Child and Women's Health (MNCWH). The objective of the MNCWH is to reduce the maternal mortality rates by at least 10% by 2016, and to ensure that all women have access to reproductive health services. From a monitoring and evaluation point of view, South Africa needs more initiatives that will strengthen its objectives of reducing the country's maternal mortality before the target year of 2015. Such initiatives must speak to, and add on, what the programme such as the CARMMA has already achieved. Therefore, this article aim is to evaluate South Africa's prospects of achieving three out of eight of the MDGs by 2015.

II. DATA AND METHODS

The article used different journal articles, scientific reports and review of related literature by the South African Population Census, Demographic and Health Survey, United Nations, United Nations Development Program, World Health Organization, Statistics South Africa, Millennium Development Goals

Report, United Nations Children Fund, etc., were used as secondary information. There is no significant statistical analysis but this article is an investigation of the current situation of South Africa and the aim of this analysis is to look beyond the statistical values, to see if the achievements are on track or life-time achievements and also if what is yet to be achieved can really be achieved.

a) *Ethical Considerations*

This study used secondary materials from different sources. There is no specific data.

III. RESULTS

The results shows that poverty is a multidimensional phenomenon that is often difficult to define. Due to the complexity of this concept, many developing countries face challenges in terms of targeting poverty and employing strategies to eradicate it [18]. South Africa has made several strides towards eradicating extreme poverty – achieving the set targets among the population living below \$1.00 and \$1.25 per day [19]. Likewise, the country is likely to eradicate poverty among the population living below \$2.00 and \$2.50 per day by the target year [19]. South Africa presents a complex social structure marked by vast differences and inequalities which are often attributed to the past. The apartheid system enforced hierarchies which divided people for years, and those divisions are still present today. Statistics from the 2011 Census revealed that the Black/African and Coloured populations contribute to over 80% of the total South African population [20]. Even so, both these population groups also contribute large numbers to South Africa's unemployment rate [2122]. It is important for the country to work within its historical context in trying to alleviate poverty. Furthermore, poverty levels could be drastically reduced by ensuring that there are employment opportunities for the youth. Even though South Africa is unlikely to eradicate unemployment among the different population groups, many developmental strategies have been put in place to ensure that unemployment (and poverty) is eradicated by 2030.

According to the report produced by Statistics South Africa in 2013 [21], the country is likely to achieve the set targets related to universal education by 2015. According to data from [22], over 8 out of ten children aged 5-10 are attending school, which is an enormous improvement from rates reported in earlier censuses. There is a general decline in school attendance as children get older (i.e. those aged 19-24) [20, 21, 22] – this trend can be attributed to school drop-out among those in this age cohort and older. As of 2011, South Africa has achieved the MDG (domesticated) target for gross enrolment rate in tertiary education (at 22%), which is over the set target of 20% [19,20]. Another (domesticated) target that has been reached is that of

learner-to-educator ratio, which as of 2012 was estimated at 30:1 [2, 23]. These results show improvement in the country where universal primary education is concerned – but there is more that needs to be done regarding the retention of these results as children grow older and move into secondary and hopefully higher education. There is also a tendency among young people (i.e. aged 18+) to drop-out of school in order to go and look for employment to support themselves and their families; this says a lot about the living conditions within the country. The current situation regarding the matric pass rate (i.e. grade twelve) is another avenue that needs much consideration; there needs to be measures put in place in order to increase the overall pass rate among learners in secondary education.

South Africa is a patriarchal society where male-dominance has been the norm for hundreds of years. Wide divisions were further elevated by the apartheid government, which divided people by race – and this put most women lower on the “*empowerment scale*”. Over the years, since the advent of a democratic South Africa, there has been a focus on equality and ensuring that women have equal opportunities comparable to men. Gender equality and empowerment of women is central to the South African government’s plan to promote human rights for all citizens. The country has achieved most of the MDG (and domesticated) targets related to gender equality and empowerment of women [19, 21], which shows the country’s determination to promote gender equality. As of 2011, the ratio of literate females to literate males, and that of female unemployment to male unemployment, was 1:1 [21]. Results show that there has been a growing trend of women who held seats with the National Assembly (in parliament) [21, 23, 24], but there is still room for improvement. After the 2014 national elections 163 women are reported to hold seats within the National Assembly out of 400 seats [25]. This number shows that the percentage of female seats is 40.75% compared to male seats (of 59.25%) within the National Assembly, which is quite low/high and below the target of 50% [25]. In many patriarchal societies, governments struggle to provide an equal base for both genders, where women are mostly side-lined from decision-making positions. This provides wide gender gaps where women do not have autonomy to be involved in business and other social positions. South Africa, is working towards the provision of an equal base for all citizens regardless of gender and race. Most government programmes, aimed at redressing the ideologies of the apartheid regime have focused mostly on women empowerment. Even though strides have been taken to redress gender and racial inequalities, there is still much room for improvement and a need for more research on issues of gender and empowerment in the country.

Globally, countries are mandated to reduce child mortality and maternal mortality, by at least 67% and 75% respectively [1,2]. These targets have proved to be quite a challenge for many developing countries, even though some strides have been made to improving the health of mothers and children worldwide. Maternal health relates to child health in such a way that when the mother is healthy, then the child has more odds of being healthy. As of 2012, South Africa’s Under-five mortality rate (U5MR) was estimated at 45 deaths per 1000 live births – showing a 39.2% decrease from the reported U5MR in the year 2000 [2]. According to the report published by Statistics South Africa, the country is likely to achieve the target of 20 deaths per 1000 live births by the year 2015 [2]. Also worthy of noting, South Africa is not likely to achieve the 2015 target of increasing its life expectancy to 70 [2].; with the male population’s life expectancy at birth estimated at 57.7 years in 2013, and that of the female population estimated at 61.4 years in the same year [1]. Life expectancy relates to mortality levels and as such also relates to the development of the country. On the other hand, South Africa is unlikely to reach the targeted maternal mortality ratio of 38 deaths per 100 000 live births [2]. In the year 2010, the country’s maternal mortality ratio was estimated at 300 deaths per 100 000 live births, which shows a percentage decrease of 16.7% from the 2005 estimate (360 deaths per 100 000 live births) [7]. Like child mortality, maternal mortality is a challenge for many developing countries, with sub-Saharan Africa contributing among the highest numbers to maternal mortality [7]. On a more positive light, South Africa has worked well and has achieved the antenatal coverage with regard to the recommended number of antenatal visits by expecting mothers [2]. Delivery care is not achieved, but the country is making progress towards the goal, with an estimated rate of 94.3% in 2009 [8]. The three dimensions of maternal health (i.e. antenatal care, delivery care, and postnatal care) are important factors that need to be completely addressed in order for the country to progress towards the improvement of maternal health. To address the challenges that the country faces regarding maternal and child health, there needs to be more done in terms of awareness through messages which relate to the importance of these services. It might be that many women are not informed about these services and about the dangers of not taking maternal and child health seriously. Education is the most fundamental tool that women should be equipped with to reduce child mortality and improve maternal health.

South Africa is one of the countries with a highest number of people living with HIV/AIDS, with an estimated number of over six million people – which is over ten per cent of the total South African population as estimated in 2011 Census [8]; this is a very large number of people living with the pandemic, which has

shown an increasing trend over the years since the first case of the virus was discovered in the country. Globally, the pandemic is a serious health issue, and it is mostly developing countries that are struggling to minimise the plague of this virus. Another deadly disease that South Africa is facing is that of tuberculosis (TB); this disease is among the leading causes of death in the country – and has evolved over the years, with new strains of TB (MDR-TB and XDR-TB) reported [9]. According to data from the World Bank, the incidence of TB (per 100,000 people) in South Africa was estimated at 1,003 in 2012; and this shows that there has been a growing trend in the incidence of TB over the years [10]. South Africa has achieved its MDG target of reducing deaths rates associated with TB (per 100 000 population), but there is a lot that can be done to decrease the growing number of people acquiring the disease every year. Even though the department of health has put strategies to reduce the spread of TB and give adequate cure to those infected, some people do not completely take care of themselves. According to the country's MDG report, South Africa is unlikely to reach the MDG target of increasing the knowledge of HIV/AIDS among youths aged 15-24 years by 2015; and it is also unlikely that the target for condom use at last high risk sex will be reached [2]. This shows the complexities of the pandemic; HIV/AIDS is influenced by many factors central to people's behaviour and life's choices. Therefore, it is generally a challenge to try and change the way people carry themselves; but there needs to be strategies put in place to promote low-risk sexual behaviours among youths and adults. Most people already know about HIV/AIDS, even though some may think that it will never happen to them. So there is a need to educate people about the dangers of risky sexual behaviours and ways in which they could limit their risks of acquiring the virus.

This MDG has certain targets that each country has to reach by 2010, 2015 and some by 2020. At the centre of MDG Seven, is the target of reducing industrial pollutants, particularly Carbon Dioxide (CO₂) emissions. It is essential to reduce CO₂ emissions in order to slow down the effects of global warming. South Africa must reduce CO₂ emissions by 34% below business as usual by 2020 – and it seems that the country is on track to reaching this target [3]. South Africa has improved access and provision of basic services over time. A target that has already been reached before the target year (target being 88.3% by 2015) is the percentage of population using an improved drinking water source (estimated at 90.8% in 2011) [3]. The percentage of the population using an improved sanitation facility has improved over the years, since 1996 (estimated at 66.5% in 2011) just 8.15% short of the 74.65% targeted for 2015 [3]. Apart from that, a target that South Africa is unlikely to reach by 2020 is the percentage of terrestrial areas protected (estimated at 6.71% of total in 2012) –

with a target of 17% of total by 2020 [3]. This particular speaks directly to nature conservation, where the main issue is the protection of the nature reserves and other land which holds environmental value. Throughout the world, populations have become too dependent on the environment and its resources, which makes environmental sustainability a concept that has (in recent years) taken the global stage. Protecting and preserving the current resources and ensuring that the country survives and is able to sustain itself.

Global partnerships are essential in bridging the gap between rich and poor countries. Generally, there is a wide gap between the developing and the developed world which presents many challenges for developing countries regarding funding and sustainability of their markets. In 2010, the country achieved its 2015 targets for the Debt to GNI ratio (which is meant to stay below 44.4) and that of Cellular telephone subscribers per 100 populations (which is meant to stay at 50 and above) [11]. Targets likely to be achieved by 2015 include: Percentage investment share in GDP and gross saving as percentage of Gross Disposable Income (GDI) [11]. The recent mine and other industry strikes have serious consequences on the progress of the country. It can hamper potential foreign investments and partnerships, which will be a setback to the country's progress (related to MDG 8).

IV. DISCUSSIONS

As per discussion, even though South Africa is unlikely to eradicate unemployment among the different population groups, many developmental strategies have been put in place to ensure that unemployment (and Goal 1 poverty) is eradicated by 2030. Need to achieve the Goal number 2 the primary education needs to be concentration on measures with mandatory put in place in order to increase the overall pass rate among learners in higher education and eliminate drop out cases. Third Goal, even though strides have been taken to redress gender and racial inequalities, there is still much room for improvement and a need for more research on issues of gender and women empowerment in the country. Goals 4 & 5 maternal health relates to child mortality in such a way that when the mother is healthy, then the child has more odds of being healthy. As of 2012, South Africa's Under-five mortality rate (U5MR) was estimated at 45 deaths per 1000 live births – showing a 39.2% decrease from the reported U5MR in the year 2000 [6]. It might be that many women are not informed about these services and about the dangers of not taking maternal and child health seriously. Education is the most fundamental tool that women should be equipped with to reduce child mortality and improve maternal health. Another burning issue in South Africa, most people already know about HIV/AIDS. If we need to emphasis the Goal 6, there is a need to educate people

about the dangers of risky sexual behaviours and ways in which they could limit their risks of acquiring the virus.

The world populations have become too dependent on the natural environment and its resources, which makes environmental sustainability a concept that has (in recent years) taken the global stage. Protecting and preserving the current resources and ensuring that the country survives and is able to sustain itself the Goal 7. The recent mine and other industry strikes have serious consequences on the progress of the country. It can hamper potential foreign investments and global partnerships, which will be a setback to the country's progress (related to MDG 8).

V. CONCLUSION

Now we can conclude that there has been progress made which has resulted in significant changes to people's lives, but the question that has to be asked is for how long can these achievements last. Some goals are achievable, very closer to achieve, some goals was far away or not reachable in particular time period. Critical requirements for reducing the rate of maternal and child mortality in South Africa are needed. We must try to prevent diseases to which children are vulnerable and promote safe childhood. *South Africa may still be considered to be on track to achieve the MDGs target by within couple of years if the above mentioned issues are taken into consideration.* It is therefore, policy recommendation needs to be implemented and work with globally.

VI. ACKNOWLEDGEMENTS

Authors would like to thank various data providers, especially Statistics South Africa (StatsSA) for providing latest information.

Competing interests

The author declares that they have no financial or non-financial competing interests in relation to this manuscript.

Funding

There were no sources of funding for the study, for the authors or for the manuscript preparation.

Author contributions

SA is a sole author carried out the data analysis, drafted and revised the manuscript. SA read and approved the final manuscript.

REFERENCES RÉFÉRENCES REFERENCIAS

1. Statistics South Africa: Millennium Development Goals, Country Report 2013. Pretoria: Statistics South Africa, 2013.
2. Statistics South Africa: Mortality and causes of death in South Africa, 2010: Findings from death notification. Pretoria: Statistics South Africa; 2013.
3. Naledi, T., Barroni, P., & Schneider, H. (2011). 'Primary Health Care in SA since 1994 and implications of the new vision for PHC re-engineering'. In: Padarath A, English R, editors.
4. *South African Health Review 2011*. Durban: Health Systems Trust. URL: <http://www.hst.org.za/publications/south-african-health-review-2011>.
5. UNESCO (2000). *The right to education: towards education for all throughout life*. World education report 2000: UNESCO Publishing.
6. Babalola, S. & Fatusi, A. (2009). 'Determinants of use of maternal health services in Nigeria looking beyond individual and household factors'. *BMC Pregnancy and Childbirth*, 9(43): 1-13. URL: <http://www.biomedcentral.com/1471-2393/9/43>.
7. McAlister, C., & Baskett, T. (2006). 'Female education and Maternal Mortality: A Worldwide Survey'. *Journal of Obstetrics Gynaecology Canada*, 28(11): 983-990.
8. Anderson, J. G. (1973). 'Demographic Factors Affecting Health Services Utilization: A Causal'. *Medical Care*, 11(2): 104-120.
9. Bradshaw, D. (2008). 'Determinants of Health and their Trends'. In: Barron, P., & Roma- Reardon, J. editors. *South African Health Review 2008*. Durban: Health Systems Trust. URL: <http://www.hst.org.za/publications/841>.
10. Phillips, H. (2002). 'Use of maternal health care among African women in South Africa'. *South African Journal of demography*, 8(1): 61-72.
11. Hogan, M. C., Foreman, K. J., Naghavi, M., Ahn, S. Y., Wang, M., Makela, S. M., Lopez, A. D.,
12. Lozano, R., & Murray, C. J. L. (2010). 'Maternal mortality for 181 countries, 1980–2008: a systematic analysis of progress towards Millennium Development Goal 5'. *Lancet*, 375: 1609-1623.
13. Karlsen, S., Say, L., Souza, J-P., Hogue, C. J., Calles, D. L., Gülmezoglu, A. M., & Raine, R. (2011). 'The relationship between maternal education and mortality among women giving birth in health care institutions: Analysis of the cross sectional WHO Global Survey on Maternal and Perinatal Health'. *BMC Public Health*, 11(606): 1-10. Available online: <http://www.biomedcentral.com/1471-2458/11/606> Accessed: (09 yaM2013).
14. Koblinsky, M., Anwar, I., Mridha, M. K., Chowdhury, M. E., & Botlero, R. (2008). 'Reducing Maternal Mortality and Improving Maternal Health: Bangladesh and MDG 5'. *Journal of Health, Population and Nutrition*, 26(3): 280-294.
15. Munsur, A. M., Atia, A., & Kawahara, K. (2010). 'Relationship Between Educational Attainment and Maternal Health Care Utilization in Bangladesh: Evidence from the 2005 Bangladesh Household Income and Expenditure Survey'. *Research Journal of Medical Sciences*, 4(1): 33-37.

16. World Health Organization (WHO): Trends in maternal mortality: 1990 to 2010. Estimates developed by: WHO, UNICEF, UNFPA and The World Bank. Geneva: World Health Organization Press; 2012.
17. Blaauw, D., & Penn-Kekana, M. (2010). 'Maternal Health'. In: Fonn, S., Padarath A, editors. *South African Health Review 2010*. Durban: Health Systems Trust. URL: <http://www.hst.org.za/publications/876>.
18. Say, L., & Raine, R. (2007). 'A systematic review of inequalities in the use of maternal health care
19. in developing countries: examining the scale of the problem and the importance of context'. *Bulletin of the World Health Organization*, 85(10): 812–819.
20. 17. World Health Organization (2010). *Trends in Maternal Mortality: 1990 to 2008*. Estimates developed by: WHO, UNICEF, UNFPA and The World Bank. Geneva: World Health Organization Press.
21. United Nations (UN): The Millennium Development Goals Report. New York: United Nations; 2012.
22. Statistics South Africa: Census 2011 Statistical release. Pretoria: Statistics South Africa; 2012.
23. Inter-Parliamentary Union (2014): IPU PARLINE database. South Africa (National Assembly), Last elections. [online] lpu.org. available at: http://www.ipu.org/parline-e/reports/2291_E.htm. [Accessed: 10 June 2014]
24. Statistics South Africa: Mid-year population estimates 2013. Pretoria: Statistics South Africa; 2013.
25. United Nations Children's Fund, World Health Organization, World Bank, United Nations:
26. Levels and Trends in Child Mortality Report. USA: United Nations Children's Fund; 2013.
27. Central Intelligence Agency (2014): The World Factbook. [online] available at: <http://www.cia.gov/library/publications/the-world-factbook/rankorder/2156rank.htm>. [Accessed: 11 June 2014].
28. World Bank (2014): Incidence of tuberculosis (per 100 000 people) | Data | Table. [online] Available at: <http://data.worldbank.org/indicator/SH.TBS.INCD>. [Accessed: 11 June 2014].
29. Statistics South Africa: Millennium Development Goals, Country Report 2010. Pretoria:
30. Statistics South Africa; 2010.



GLOBAL JOURNAL OF HUMAN-SOCIAL SCIENCE: C
SOCIOLOGY & CULTURE
Volume 15 Issue 7 Version 1.0 Year 2015
Type: Double Blind Peer Reviewed International Research Journal
Publisher: Global Journals Inc. (USA)
Online ISSN: 2249-460X & Print ISSN: 0975-587X

Sustainability: The Utopia of Utopias

By Marcilio de Freitas

Federal University of Amazonas, Brazil

Abstract- This communication presents a brief conceptual description of the new utopias for the twenty-first century. It reaffirms the importance of a new economic and political reordering of the capitalist system, and the need to reformulate the concepts of economic development and citizenship, permeated by sustainability.

Keywords: *utopias; sustainability; education; democracy; ethics.*

GJHSS-C Classification : *FOR Code: 370199*



Strictly as per the compliance and regulations of:



© 2015. Marcilio de Freitas. This is a research/review paper, distributed under the terms of the Creative Commons Attribution-Noncommercial 3.0 Unported License (<http://creativecommons.org/licenses/by-nc/3.0/>), permitting all non-commercial use, distribution, and reproduction in any medium, provided the original work is properly cited.

Sustainability: The Utopia of Utopias

Marcilio de Freitas

Abstract- This communication presents a brief conceptual description of the new utopias for the twenty-first century. It reaffirms the importance of a new economic and political reordering of the capitalist system, and the need to reformulate the concepts of economic development and citizenship, permeated by sustainability.

Keywords: utopias; sustainability; education; democracy; ethics.

I. INTRODUCTORY NOTES

This communication is based on the text I presented in VIIe Congress of Association Francophone Internationale de Recherche Scientifique en Education (AFIRSE), held at the University of Salento, Lecce, Italy, in May 21, 2015. This Colloquium had as central theme “Cultures et Education - Recherches, Utopies et Projets” and proposed to discuss major current issues that move the education in a complex context.

Utopia is an universal category. In certain cultural contexts, it can be a reactionary counterpoint to the historical praxis which proposes to change the “world”, in a critical way and in the perspective to liberty the man from alienation and capitalist exploitation. It, too, can be considered as a reference for the solution of problems of universal nature, or as a virtual structure that moves idealistic intellectual abstractions.

In this communication, utopia is used as a methodological strategy for the construction of a consistent analytical text. In this context, several utopias associated with relevant issues of modernity are analyzed (Freitas & Freitas, 2014).

II. POLITICAL UTOPIA; A NEW WORLDWIDE POLITICAL CONTRACT

The conceptions and the current political regimes are diverse and complex, in quantity and quality. At this conjuncture, the West-East political confrontation has been emphasized. Pragmatism, rationalism, technical and exacerbated western privatization, as well as religious and political fundamentalism from the Eastern countries deny the materialization of a Republican State committed to an integrated and multicultural humanity. These issues conspire against the construction of peace and world solidarity.

The political utopia that moves a new world political contract proposes to decentralize the economic

and political powers of the developed countries. This will generate waves of instabilities in the national and international economic processes. These issues presuppose to construct a new political centrality and a new time metric for the economic and social processes. A political centrality to be radiated from the “regions” and a temporal metric seated, both, in the brief time of human needs, and in the long time of the preservation of planet. This conjuncture requires the reinterpretation of the concepts of citizenship and economic development (Freitas & Freitas, 2013a). The structural conditions to a new framework that incorporates the sustainability to foundation of the Western civilizing processes are being constructs.

The asymmetric insertion of China, United States, North Korea, Iran and Israel in a world political dialogue contributes to the formulation of a political utopia in the 21st century (Delpech, 2002). This utopia proposes to establish the democracy as an universal political system, with the economic processes and the legal framework being permeated by the news juridical regulations and political determinations of the capitalist system. It also proposes the construction of a new world economic and political order focused on elimination of the cult of racism and the anthropocentrism. In this new conjuncture is put the possibility of each culture to have values and plural perspectives: love, religious belief, art, oral communication, technical knowledge, and social, economic and political organization, in different intensities and gradations.

III. THE ENVIRONMENTAL UTOPIA; A NEW WORLDWIDE NATURAL CONTRACT

The environmental issue is an unfolding of ecology's emblem while production process, development and reproduction of life. At this conjuncture, the environmental utopia is based principally in the “nature × culture” confrontation. This utopia presupposes the conception focused on enlightenment thought from the 18st century that virtually takes care to become eternal and invincible “man-nature-culture” in a world marked by great social inequality and an exacerbated consumer market.

The rupture of the climate, chemistry and thermodynamics stabilities of planet puts at risk the future of the mankind constitutes a real possibility. The mitigating of the greenhouse effect and of climatic changes is the main ecological challenge this century (Freitas & Freitas, 2013b).

Author: Department of Physics, Federal University of Amazonas.
e-mail: freitasufam@gmail.com

The incompatibility of environmental utopia with the capitalist system constitutes a structural contradiction of modernity. The capitalist process of accumulation, reproduction and circulation of capital has no theoretical and empirical reach to safeguard the environmental preservation of the planet, present and future. The possibility of the total loss of the control of mankind destiny because of the environmental degradation has potentially the implantation of the worldwide programs for the preservation and conservation of natural resources, including soils, waters and the terrestrial atmosphere (IPCC, 2013). This requires to construct a new symbolic and material base to move this utopia; a base seated on the principles of responsibility and precaution, interlaced in network of global integration through mobile structures.

A new worldwide natural contract will result in new forms of organization of cities, industrial matrices, professions and societies. It has been evidenced the need of the sustainable development.

IV. THE SOCIAL UTOPIA: A NEW WORLDWIDE SOCIAL CONTRACT

The implantation of the multicultural programs, and the urgency in to combat the growing social inequality are the main assumptions of social utopia. The disintegration of the world social base reaffirms the need to construct the operational mechanisms of this "redemptive utopia" that intends to value the social processes.

The tendency of the market and the nation state create new instruments to the increasing of the social inequality, incorporating it to the public policies have to be reversed. This enterprise requires the synchronization of the marches of state, market and the society in the perspective from the society (Vivien, 2001).

This worldwide contract should to prioritize the fight against the eight "pests" of postmodernity: the racism, poverty, war, structural unemployment, ecological destruction, child labor, endemic and epidemic diseases especially AIDS, and the moral crisis. The global integration of the basic public policies - health, education, culture -, and the mobilization of world public opinion constitute the main challenge of the operational mechanisms of this utopia.

The increase of the migratory movements; the resurgence of violence and the world economic asymmetry reaffirm the importance of this utopia. Also reaffirm the need to change the fundamentals of education as agent of the production and reproduction processes of capitalist society. The intertwining of social and natural contracts will mitigate the world social tensions aggravated in the 21st century.

V. THE ETHICAL UTOPIA; A PLURICULTURAL ETHICAL CONTRACT

Self-determination of peoples, political and religious tolerance and respect toward differences and to human dignity are the foundations of ethics utopia. Its operational mechanisms are settled in the collective responsibility to construct a generous, fraternal, solidary and perennial world, of multiple features and multicultural coexistences.

Its material base has as assumptions a new market regulation and restructuring of the State's role in the implementation and management of public policies. Its symbolic representation has the arts and the education as its main references.

It can be stated that the sustainability principle has as presupposition the central idea of building an "ethical modernity" that will stop the destruction of the self-affirmation and mankind perpetuity process on Earth. In a perspective in which has an ethical modernity and not just a technical modernity. This ethics can be constructed as a radical critical to the notion of destiny, intertwining intelligence and freedom in a virtuous link with the good. However, such universal ethics is articulated to the globalization of the technical and the scientific culture. The modern science methodologically supposes the distinction between fact and value, physical reality and value, remaining in a strictly extrinsic relationship with the sphere of the good (Ospina, 2000).

A new society more intertwined with each other and to the destiny of mankind, constitutes an immediate deployment of this utopia. This will mean to rupture with the moral foundations and the capitalist tradition of Western culture.

VI. THE FUTURE; THE SUSTAINABILITY OF UTOPIAS

Thus, the consolidation of the sustainability of a worldwide political contract, the crystallization of the sustainability of participative democracy in a universal political system, the implementation of the sustainability of a new natural contract, the emergence of the sustainability for an adequate social contract, and the affirmation of the sustainability for an ethical contract between the diverse peoples, constitute paradigmatic references for the twenty-first century. These contracts will move the redefinition of the concepts of citizenship and economic development in this century (Freitas et al., 2015).

The sustainability of utopias requires to construct an ecumenical consensus that welds in the hearts and minds of all peoples, the institutional agendas, the national projects, the international forums, the multilateral institutions, the transnational agreements, and in the sects and religions, the need to institute a philosophical and social conception centered

in the multicultural and solidarity coexistence between all peoples. A completing principle includes all exclusions, mutual or not, and reformulates the disjunctive and restrictive processes having the dialectic character of human nature and the complexity of the social and historical processes as references. From these references, the sustainability of the people, at physical, psychic and spiritual levels, as well as the sustainability of the places, cities, regions, nations, continents, planets and cosmos (Schellnhuber et al., 2011), and, also, the sustainability of utopias would leave to be a utopia; and why not say, it would leave to be an illusion.

The science and humanistic education have a key role in the reinvention of these utopias. This is our understanding.

REFERENCES RÉFÉRENCES REFERENCIAS

1. Delpech, T. (2002). *Politique du chaos – L'autre face de la mondialisation*, 42–43. Paris: La République des Idées Seuil.
2. Freitas, M., C., S.; Freitas, M.; Ruiz, M., A. (2015) "Politique publique pour le développement durable: l'Amazonie", DOI: 10.1080/13511610.2015.1010141, ISSN: 1469-8412. *Innovation: The European Journal of Social Science Research*, Vol. 28, Issue 2, 192-210.
3. Freitas, M.; Freitas, M., C., S. (2014) "Fragments of utopias from the twenty-first century and Amazonia: projections and controversies", ISSN: 1469-8412. *Innovation: The European Journal of Social Science Research*, Vol. 27, Issue 3, 275-294.
4. Freitas, M.; Freitas, M., C., S. (2013a) "Sustainability: Man-Amazonia-World", ISBN: 978-1630841195. America Star Books, Baltimore.
5. Freitas, M.; Freitas, M., C., S. (2013b) "Sustainability, Amazonia and environment: propositions and challenges", ISSN: 0020-7233. *International Journal of Environmental Studies*, Vol. 70, N. 04, 467-476.
6. IPCC (2013). *Climate Change 2013 – The Physical Science Basic Report*. Working Group I, 23–26, September. Stockholm, Sweden, Intergovernmental Panel on Climate Change.
7. Ospina, C. L. (2000). *Reunión Internacional de Expertos en Educación Ambiental nuevas propuestas para la acción*, 30-31. Santiago de Compostela, Spain.
8. Schellnhuber, H. J. S., Messner, D., Leggewie, C., Leinfelder, R., Nakicenovic, N., Stefan, R., Schlacke, S., Schmid, J., & Schubert, R. (2011). *World in Transition – A Social Contract for Sustainability*. Berlin, German Advisory Council on Global Change.
9. Vivien, F. (2001). *Histoire d'un mot, histoire d'une idée: le développement durable à l'épreuve du temps*, 19-60. Edited by Marcel Jollivet; Paris: Elsevier.



This page is intentionally left blank



GLOBAL JOURNAL OF HUMAN-SOCIAL SCIENCE: C
SOCIOLOGY & CULTURE
Volume 15 Issue 7 Version 1.0 Year 2015
Type: Double Blind Peer Reviewed International Research Journal
Publisher: Global Journals Inc. (USA)
Online ISSN: 2249-460X & Print ISSN: 0975-587X

Is Customary Law a Hindrance to Womens Rights in Democratic South Africa?

By Simbarashe Tavuyanago

University of Pretoria, South Africa

Abstract- The constant clash between customary law and women's rights continues to bedevil the desired development and protection of women's rights in Africa. African women suffer injustices through restrictions imposed on them in the application of certain customary laws. Customary laws pertaining to marriage, property and succession are amongst the most restrictive and unjust in African customary law. Marriage laws that allow polygamy for example would be an impediment to principles of equality and would even pose health risks with the prevalence of HIV/AIDS, while customary laws that govern succession in many parts would discriminate unfairly between male and female heirs.

This dissertation was prompted by issues raised in cases such as *Bhe* and *Shilubana* decided in the Constitutional Court of South Africa. In these landmark decisions, the Constitutional Court dealt with the development of customary law so as to align it with the spirit and purport of the Constitution, which is the supreme law in South Africa. The decisions of the above mentioned cases are of particular import to the essay because not only do they seek to advance women's rights, they also recognise customary law as a cardinal source of law in South Africa. By so doing customary law is accorded its proper place in the South African legal context. The essay focuses on South Africa and the development of women's rights against recognition and continued practice of customary law.

GJHSS-C Classification : FOR Code: 180119



Strictly as per the compliance and regulations of:



© 2015. Simbarashe Tavuyanago. This is a research/review paper, distributed under the terms of the Creative Commons Attribution-Noncommercial 3.0 Unported License (<http://creativecommons.org/licenses/by-nc/3.0/>), permitting all non-commercial use, distribution, and reproduction in any medium, provided the original work is properly cited.

Is Customary Law a Hindrance to Womens Rights in Democratic South Africa?

Simbarashe Tavuyanago

Abstract- The constant clash between customary law and women's rights continues to bedevil the desired development and protection of women's rights in Africa. African women suffer injustices through restrictions imposed on them in the application of certain customary laws. Customary laws pertaining to marriage, property and succession are amongst the most restrictive and unjust in African customary law. Marriage laws that allow polygamy for example would be an impediment to principles of equality and would even pose health risks with the prevalence of HIV/AIDS, while customary laws that govern succession in many parts would discriminate unfairly between male and female heirs.

This dissertation was prompted by issues raised in cases such as *Bhe* and *Shilubana* decided in the Constitutional Court of South Africa. In these landmark decisions, the Constitutional Court dealt with the development of customary law so as to align it with the spirit and purport of the Constitution, which is the supreme law in South Africa. The decisions of the above mentioned cases are of particular import to the essay because not only do they seek to advance women's rights, they also recognise customary law as a cardinal source of law in South Africa. By so doing customary law is accorded its proper place in the South African legal context. The essay focuses on South Africa and the development of women's rights against recognition and continued practice of customary law.

A comparison between the recognition of customary law and development of women's rights in other jurisdictions, particularly Ghana, Zambia and Zimbabwe and that of South Africa will be made. In as much as South Africa is more progressive in terms of the Constitution, the question still remains whether customary law and certain customary law practices do not undermine or circumvent the ideals of the Constitution.

"Injustice anywhere is a threat to justice everywhere." – Martin Luther King Jr.

I. INTRODUCTION

African Customary law as a source of law has been in existence since time immemorial. It is the law of the natives of any particular area, which has from generation to generation been passed on not as written law, but through oral tradition and practice. It finds its expression in the day to day cultural practices, rituals and traditions of a people.¹ This essay seeks to explore the extent to which customary law conflicts with the development of women's rights in democratic South

Author: University of Pretoria. e-mail: stavuyanago@gmail.com

¹ T.W Bennet, Human Rights and African Customary Law under the South African Constitution (1995) 63.

Africa and whether such conflict is a hindrance to such rights. The relevance of customary law is also put to question in a system of legal pluralism, where there are many different sources of the law and expressions of the law.

II. CONTEXT

My own definition of a customary law would be;

A traditional, common rule or practice that has become an intrinsic part of the accepted and expected norm or conduct in a society that it is treated as a legal requirement and contravention of which will result in retribution.

Although customary law as per definition is still alive and plays an important role in the lives of many South Africans, there are certain rules or practices that are not in line with the Constitution.² In the *Bhe* case³ Judge Langa remarked:

The exclusion of women from inheritance on the grounds of gender is a clear violation of Section 9 (3) of the Constitution. The principle of primogeniture also violates the right of women to human dignity as guaranteed in Section 10 of the Constitution as, in one sense, it implies that women are not fit or competent to own and administer property.

Some of the practices therefore put women in a subordinate position compared to men and are in conflict with ideals of the Constitution such as equality and dignity. This conflict erodes the Constitutional base of such practices.

This essay was greatly influenced by the minority judgement of the *Bhe* case. Allusion is made to the fact that even though the judgement is a landmark decision, there is still room to improve women's position in democratic South Africa and in Africa as a whole. The minority judgement scrutinises African jurisprudence and provides an insight into how women's rights would develop further if customary law were to be developed in line with fundamental human rights.⁴

² Constitution of Republic of South Africa Act 108 of 1996, supreme law in South Africa.

³ *Bhe and Others v Magistrate Khayelitsha and Others; Shibi v Sithole; South African Human Rights Commission v President, Republic of South Africa* 2005 (1) BCLR 1 (CC).

⁴ "The defect in the rule of primogeniture is that it excludes women from being considered for succession to the deceased family head...It needs to be developed so as to bring it in line with our Bill of Rights."

The right to equality is enshrined in the Constitution as one of the founding values.⁵ Statutory instruments have even been enacted to safeguard this core value and the right to equality is further protected in the Promotion of Equality and Prevention of Unfair Discrimination Act⁶. This shows that equality is a fundamental value enshrined in the Constitution. The weight placed on the principle of equality is further enunciated in the Constitutional Court decision of *Fraser v Children's Court, Pretoria North and Others*⁷ where Mohammed DP opines, "There can be no doubt that the guarantee of equality lies at the very heart of the Constitution. It permeates and defines the very ethos upon which the Constitution is premised."

Against such a backdrop, recent developments in the field of customary law of marriage, in particular the taking of a sixth wife (fourth concurrent) by the President of the Republic of South Africa, Jacob Zuma have sparked debates on human rights of equality versus culture and customary law. The debates are not only limited to customary law of marriage, but include property rights and the right to inheritance as well. It is imperative in light of the recent debates, to measure the democratic rights of women against customary practices that seem to undermine those rights.

South Africa is an example of a country that has managed to move progressively towards gender justice and gender equality albeit piecemeal. It is a country that preaches equal opportunities, equal employment, equal access to resources and an equal power to influence decisions in society and communal development. In as much as there are still customs that may be seen as derogatory towards women, unfairly discriminate against women or do not promote the spirit of equality, by and large there have been great strides made in the development of women's rights since 1994.

The study will look at the development of women's rights in democratic South Africa and how the customary law has been adapted to safeguard such rights. The South African position will be juxtaposed with that of other African countries, such as Ghana and Zimbabwe, in a comparative analysis to show South Africa's position relative to other African countries.

III. PURPOSE OF THE STUDY

In this study, the researcher seeks to demonstrate conflict of laws in a legal pluralistic system. On the one hand, there is the Constitution, written law which is supreme and purports values of human dignity and equality; on the other hand there is customary law,

unwritten, living law that has been in practice for many years. The question the researcher will attempt to address is whether or not customary law poses a threat to the rights enshrined in the Constitution. Should this be the case, to what extent are Constitutionally enshrined rights threatened? The researcher will also attempt to look at whether customary law can be developed and aligned with the Constitution or whether it is regressive and should become abrogated.

The major task for the researcher will be to convince the reader that customary law does not pose a threat to women's rights, because it can be developed to align with the core values in the Constitution. Development in case law over the years will be used to substantiate the notion that the South African legal system is progressive and more than one two systems of law can co-exist in harmony.

The study also seeks to come up with further recommendations on how to harmonise customary law with the Constitution, which is the supreme law. The researcher will use a comparison between South Africa and other jurisdictions, mainly Zimbabwe. This comparison will be important for the following reasons:

- 1) Both countries are members of the African Union and have ratified the Banjul Charter⁸. Both countries have also pledged to develop the continent as a model of African culture and heritage.
- 2) Both countries have a legal pluralistic system, where they have more than one system of law. The systems are the Common Law, which is codified and Customary Law, which is the traditions and customs of the indigenous people.
- 3) Both countries are Constitutional democracies, having undergone a period of upheaval during colonialism.
- 4) Both countries are signatories to various International human rights instruments, thereby pledging their allegiance to the fight for development of human and women's rights.

IV. METHODOLOGY

To make sure that a thorough investigation and research has been conducted, the researcher will make use of various different resources:

a) Primary Sources

The primary sources will include inter alia, the various Constitutions of concerned countries, the pieces of legislation that were enacted with the view of furthering or safeguarding the concerned issues and the most relevant case law covering women's rights and the development of customary law.

⁵ The preamble of the Constitution talks about South Africa as a country where everyone would be treated equally, Section 9 also sets out provisions for equal treatment and non-discrimination, invariably supporting the notion of equality.

⁶ Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.

⁷ 1997 (2) SA 261 (CC) para 20 at 272A.

⁸ African Charter on Human and People's Rights, adopted June 27, 1981, OAU.

b) Secondary Sources

The secondary sources will include literature on legal pluralism and customary law such as books and journal articles published in the various law journals

V. LITERATURE REVIEW

The Parliament and Judiciary in South Africa are the main vehicles of the development of women's rights. Parliament encourages women's rights development through the enactment of legislation whose very core is aimed at promoting the values of equality, human dignity and women's rights. The Judiciary assists the development of women's rights through landmark decisions that have advanced women's rights and alleviated the position of women in democratic South Africa. It is imperative to expatiate how the various pieces of legislation have contributed to the development of women's rights.

For example, the enactment of The Recognition of Customary Marriages Act⁹ provided a major stepping stone for the development of women's rights by stipulating that the modalities that govern customary marriages be placed on an equal footing with those providing for marriage under the Common Law.¹⁰

The Traditional Leadership and Governance Framework Act¹¹ provides for equal treatment of women when it comes to community involvement and leadership.¹² These provisions are in line with the equality provision in the Bill of Rights and the charge lies on the state to create instruments through which such values may be realised.

In a bid to further protect the values enshrined in the Bill of Rights, particularly the right to equality; the legislature has also enacted the Promotion of Equality and Prevention of Unfair Discrimination Act.¹³ The Act prohibits religious, cultural or traditional customs and practices that undermine the principle of equality. It provides for many grounds on which not to discriminate on, with gender being one of them, thereby putting women on an equal footing with men.¹⁴

As alluded to above, the development of women's rights has not only been championed through

legislation alone, but through landmark decisions of the Constitutional Court and the various divisions of the High Courts that have been handed down in the recent past.

The landmark and colossal decision of the Constitutional Court in *Bhe v Magistrate Khayeltsha; Shibi v Sithole; South African Human Rights Commission v President of the Republic of South Africa*¹⁵ declared the principle of primogeniture unconstitutional. The court emphasized the need to move away from inequalities and prejudices of the past, including the disqualification from inheritance of an illegitimate child, or where *lobolo* for the wife had not fully been paid. Such circumstances could no longer preclude offspring of a deceased man from inheriting from the estate of their late father.¹⁶

The progressive thinking of the judiciary was also reflected in the decision in *Mabena v Letsoalo*¹⁷ where the court developed the customary law with regards to *lobolo* negotiations, particularly the ascension to the position of family head by a woman where the male head was not available. In this case, a woman was allowed to negotiate and accept *lobolo*, a duty previously regarded to be that of the male family head.

Another landmark decision with regards to the development of customary law was that of *Shilubana v Nwamitwa*¹⁸ where a woman was allowed to take over the traditional position of Chief, traditionally reserved for male members of the family. The decision in *Shilubana* is of particular import to the paper because not only did it ensure the realisation of the Constitutional right to equality, it also cemented recognition of traditional leaders and their autonomy as envisaged by Section 211 of the Constitution.¹⁹

The decisions of courts of foreign jurisdictions are also considered on a comparative basis. In this regard, the decision of the High Court of Zimbabwe in *Chawanda v Zimnat Insurance Co. Ltd*²⁰ is worth mention. In the decision, the court confirmed the recognition of an unregistered customary marriage concluded in terms of customary law, where a wife

⁹ Act 120 of 1998.

¹⁰ In terms of Section 6 of the Recognition of Customary Marriages Act, a customary law wife has equal status and capacity to that of a wife in a civil marriage, including the capacity to acquire property and to enter into contract independently.

¹¹ Act 41 Of 2003.

¹² Section 2 (3) of the Act provides, "A traditional community must transform and adopt customary law and customs relevant to the application of this Act so as to comply with the relevant principles contained in the Bill of Rights in the Constitution, in particular by; (a) preventing unfair discrimination; (b) promoting equality and (c) seeking to progressively advance gender representation in the succession of traditional leadership positions."

¹³ Act 4 Of 2000.

¹⁴ Section 8 Of the Act provides, "Subject to Section 6, no person may unfairly discriminate against any person on the ground of gender..."

¹⁵ 2005 (1) BCLR 1 (CC). The cases dealt with the same issue of prohibited inheritance by women because of the rule of primogeniture. The rule was derived from customary law of patriarchy, where male children were considered the rightful heirs to their father's inheritance.

¹⁶ On page 49 of the judgement, Judge Langa remarks, "the exclusion of women from heirship and consequently from being able to inherit property was in keeping with a system dominated by a deeply embedded patriarchy which reserved for women a position of subservience and subordination and in which they were regarded as perpetual minors under the tutelage of the father, husbands or the head of the extended family."

¹⁷ 1998 (2) SA 1068 (T).

¹⁸ 2009 (2) SA 66 (CC).

¹⁹ Constitution of the Republic of South Africa Act 108 of 1996.

²⁰ 1990 (1) SA 1019 (ZH).

claimed loss of support as a result of the wrongful killing of her husband.

Lastly, it is worth noting that the development of women's rights and the protection thereof has been greatly advocated for and advanced by Regional and International Organisations that seek to promote peace and development in Africa.

For example, the African Union (formerly Organisation of African Unity) came together and enacted the Banjul Charter²¹ which seeks to, "Promote and protect human and people's rights and freedoms taking into account the importance traditionally attached to these rights and freedoms in Africa."²² Chapter 1 of the Charter, in particular articles 2 and 3 speak to the very ideals of equality and fairness enshrined in the South African Constitution.²³

VI. RECOGNITION OF CUSTOMARY LAW

Customary law, as alluded to in the introduction, has been in existence since time immemorial. It is the unwritten law which consists traditions and practices adhered to on a day to day basis by a certain demographic, particularly the natives of an area. South Africa's legal system is pluralistic in nature, where more than one system of law is accepted as binding. Customary law in South Africa is not only recognised because of its day to day practice, but has been issued with a Constitutional basis.

Section 15 of the Constitution provides for the enablement of the enactment of legislation recognising and protecting customary law.²⁴ The encouragement to provide instruments of realising different beliefs and opinions presupposes the recognition of such freedoms. The recognition of a system of customary law is further evidenced by Sections 30 and 31 respectively of the Constitution which provide for the right to language and culture and cultural, religious and linguistic communities.²⁵ Such recognition ensures that customary law is an intrinsic separate part of the South African legal system as it is granted a Constitutional basis.

Customary law has been confirmed through enactment of legislation that refers specifically to customary law. For example Section 11 (1) of the Black

Administration Act²⁶ provides, "Notwithstanding provisions of any other law, it shall be the discretion of the courts of native commissioners in all suits...to decide such questions according to the native law applying to such customs, except insofar as it shall be repealed or modified." The section alludes to the existence of customs and customary, indigenous law that is to be applied in disputes arising from that jurisdiction.

Section 1 (1) of the Law of Evidence Amendment Act²⁷ provides for the recognition of customary law as a separate legal system. Thus, "Any court may take judicial notice of indigenous law insofar as it can be ascertained readily and with sufficient certainty, with the proviso that such law shall not be opposed to the principles of public policy and natural justice." The referral to indigenous law is to the law of indigenous peoples, which is also known as customary law. It can therefore be argued that when the Act speaks of judicial notice, it is to be taken of a system that is already in place and recognised as law.

The Recognition of Customary Marriages Act²⁸ is also another piece of legislation that places beyond any shadow of doubt the fact that customary law is a separate legal system that is recognised as a source of law in South Africa. In terms of Section 1, "A customary marriage is a marriage concluded in accordance with *customary law*" and according to Section 2 (1) of the Act, "A marriage which is a valid marriage *at customary law* and existing at the commencement of this Act is for all purposes recognised as a marriage" (own emphasis). The reference to a different system of law, customary law, is proof that the legislator accepts customary law as a valid system of law that is recognised in South Africa.

The existence of customary law and its importance has also been affirmed in a number of judicial precedents. In *Mthembu v Letsela* the High Court confirmed that, "Customary law has been accepted by the framers of the Constitution as a separate legal and cultural system which may be freely chosen by persons desiring to do so."²⁹ The recognition of customary law as a separate legal system by the Constitution is of important because the Constitution is the supreme law and every other law is subordinate to it. It reaffirms the position of customary law in South Africa as an independent system of law as it is granted a Constitutional basis.

The recognition of customary law in the South African legal realm was also confirmed in the decision of *Van Breda v Jacobs*³⁰ which sought to elucidate what constituted a custom and thus qualified as customary

²¹ African [Banjul] Charter on Human and People's Rights, adopted June 27, 1981, OAU.

²² As per preamble.

²³ Article 2: "Every Individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, religion, political or any other opinion, national and social origin, fortune, birth or other status."

Article 3: "1. Every individual shall be equal before the law. 2. Every individual shall be entitled to equal protection of the law."

²⁴ Section 15 (3) (a) Act 108 of 1996.

²⁵ Section 30 provides for right to Language and Culture; Section 31 provides for the right to Cultural religious and linguistic communities.

²⁶ Act 38 of 1927.

²⁷ Act 45 of 1998.

²⁸ Act 120 of 1998.

²⁹ 1997 (2) SA 936 (T) at 944 B-C.

³⁰ 1921 AD 330.

law. It was decided that to qualify as a customary law, "A practice must be certain, uniformly observed for a long period of time and be reasonable."³¹ Through the test in *Van Breda*, customary law was properly defined and thus by necessary implication recognised.

The position of customary law in South Africa was expatiated in the judgement of *Alexkor Ltd and Another v Richtersveld Community and Others*³² where the importance of customary law was brought to light, thus;

Customary law must be recognised as an integral part of our law and an independent source of norms within the legal system. It is a body of law by which millions of South Africans regulate their lives and must be treated accordingly.

The quotation speaks to the recognition and importance of customary law. It is not just another system of law, but a system of law which millions of South Africans adhere to. It is therefore duly recognised as a separate legal system that is granted independence insofar as it is consistent with the ideals of the Constitution.

In *Amod v Multilateral Motor Vehicle Accident Fund*³³ the recognition of customary law and the diverse legal pluralism of the South African system was evidenced. A marriage concluded in terms of Muslim rites was recognised to be a valid marriage in South Africa. This is because it was concluded according to Muslim customary law, which is envisaged by Section 2 (1) of the Recognition of Customary Marriages Act. The recognition of a marriage concluded in terms of Islamic law is the highest point of recognition of different customs and customary laws. One can therefore see that through legislation and judicial precedent, customary law is legally recognised as a separate legal system of law in South Africa.

VII. WOMEN'S RIGHTS AND CONFLICT WITH CUSTOMARY LAW

The development of gender rights and gender justice is a recent development that saw recognition start in International instruments such as the United Nations and has been trickling down into national legislation of the various countries that ratify Conventions and Treaties that govern human and women's rights. A regional example would be the Banjul Charter on human and people's rights³⁴ which advocates equality, equal treatment and equal opportunities for all, ideals enshrined in the South African Constitution.

In as much as efforts are being made to advance women's rights and attempt to achieve gender justice, there has been a constant battle between customary law and the actualization of women's rights. In the context of customary law, women are affected adversely by some of the customary practices and rules perpetuating gender inequality. Some of the practices not only violate women's rights but human rights as well as provided for in the Bill of Rights.³⁵

These practices are usually consequences of marriage under customary law, customary law of property and customary law of inheritance. I will look at the practices that pose a threat not only to women's rights but human rights at large. The discussion will be divided into two categories, viz (a) Customary law of marriage and (b) Customary law of property and inheritance. I will also focus on the rights that are potentially infringed by such practices.

a) Customary law of marriage

i. Lobolo

According to Section 1 of the Recognition of Customary Marriages Act³⁶ *lobolo* means:

The property in cash or kind, whether known as *lobolo*, *bogadi*, *bohali*, *xuma*, *lumalo*, *thaka*, *ikhazi*, *magadi*, *emabheka* or by any other name, which a prospective husband or the head of his family undertakes to give to the head of the prospective wife's family in consideration of a customary marriage.

It is one of the key essentials of a customary marriage and must be paid before a customary marriage can be deemed to be concluded. According to Section 3 (1) (b) of the Recognition Act³⁷, which provides for the requirements of a valid customary marriage, it provides that, "The marriage must be negotiated and entered into or celebrated in accordance with customary law." Prof. I.P. Maithufi argues that *lobolo* is a silent requirement in customary marriages.³⁸ Although not expressly required, it is inconceivable that a customary marriage can be concluded without a negotiation of the *lobolo* as it is one of the customs envisaged by Section 3.

However, a couple of concerns pertaining to women's rights arise with the negotiation and payment of *lobolo*, thereby causing the friction between customary law and women's rights. Firstly, there is a school of thought that propounds that payment of *lobolo* infringes on a woman's right to dignity as envisaged by the Bill of Rights.³⁹ This school or thought argues that in paying *lobolo*, a husband or prospective husband is

³¹ Reasonableness is to be measured through compliance of the custom with the Constitution.

³² 2003 (12) BCLR 1301 (CC).

³³ 1999 (4) SA 1319 (SCA).

³⁴ African [Banjul] Charter on Human and People's Rights, adopted June 27 1981.

³⁵ Section 2 of the Constitution Act 108 of 1996.

³⁶ Act 120 of 1998 (also referred to as the Recognition Act).

³⁷ Ibid.

³⁸ I.P. Maithufi and J.C. Bekker, The Recognition of Customary Marriages Act of 1998 and the impact on family law in South Africa CILSA at 186-187 (2002); SALRC.

³⁹ Section 10 of the Constitution Act 108 of 1996.

buying his prospective wife, which may lead to him objectifying her in the marriage and thereby depriving her of her Constitutional right to dignity. Secondly, the payment of *lobolo* may also be seen as infringing on the Equality clause.⁴⁰ The argument is that because a husband pays for the wife, the wife is then forced into subordination and subservience as she is likened to any other object that the husband pays for or buys, going against the ethos of equality. Lastly, payment of *lobolo* means that the bride is paid for, and a divorce is not usually granted unless the bride's family can repay the amount. This may lead to a bride being stuck in an unhappy and abusive marriage simply because her family have no means of paying back the *lobolo*.

ii. Polygamy

Polygamy is the practice or custom of having more than one wife or husband at the same time. It can be divided into polygyny and polyandry. Polygyny is the practice where one man may marry more than one wife, while polyandry is the practice where one woman may marry more than one husband. In terms of South African customary law, the only recognised form of polygamy is polygyny, a woman is therefore not allowed to have more than one husband, although marriages between women are sometimes recognised at customary law.⁴¹

Polygamy is given recognition and effect in the Recognition Act.⁴² Reference to polygamous marriages is made in Section 2 (3), "If a person is a spouse in more than one customary marriage, all valid customary marriages entered into before the commencement of this Act are for all purposes recognised as marriages" and Section 2 (4), "If a person is a spouse in more than one customary marriage, all such marriages entered into after commencement of this Act, which comply with the provisions of this Act, are for all purposes recognised as marriages." Such reference is confirmation of the existing customary law practice of polygamy.

However, questions have been raised whether the principle of polygamy is in line with the values enshrined in the Constitution. Arguments have been advanced that the principle of polygamy goes against guaranteed rights in the Bill of Rights. There is a clash between the right to equality as provided for in Section 9 of the Constitution and the principle of polygamy. The practice of polygyny brings into question the right to equality, where men are allowed to marry more than one woman, but women are not allowed to marry more than one man. This system puts women at a disadvantage as they are not treated equally and not granted equal opportunities as men. This also goes against Article 2 of Chapter 1 of the Banjul Charter, to which South Africa is

a signatory and provides, "1. Every individual shall be equal before the law. 2. Every individual shall be entitled to equal protection of the law."⁴³

Another argument that can be advanced against the customary practice of polygamy is that it weakens the women's emotional and financial positions. Emotionally, the women have to share a husband, who might not be emotionally available when the woman needs him. The husband's attention is divided amongst the number of women and the lack thereof when needed might lead to clinical depression. The financial position of the women is also weakened because of the subordinate relationship that exists.

The women, in being answerable to their husbands, are also accountable when it comes to earnings and produce. They have to declare whatever they make and in some cases hand it over to the head of the house for distribution due to them being regarded as perpetual minors as provided for in the Black Administration Act and the Transkei Marriages Act.⁴⁴ This severely weakens the position of the woman in that she is not independent enough to manage her own fiscal affairs. The weaker emotional and financial position of the woman in a polygamous relationship points back to equality, or the lack thereof. It can thus be argued that polygamy goes against the principle of equality as provided for by the constitution.

Polygamy poses a serious health risk with the advent of HIV/AIDS. In the global fight against the HIV/AIDS pandemic, the main message that is being preached is that of faithfulness to one sexual partner. The argument goes, in a polygamous marriage, where the husband has more than one sexual partner thereby increasing the risk of infecting all his wives if he is infected. From this perspective, polygamy counters the fight against HIV/AIDS. Another angle that may be used is that polygamy encourages promiscuity. The man can go around sleeping with women that are not his wives in the knowledge that he can always make the woman his official wife. This argument is therefore in support of the proposition that polygamy may be a vehicle in spreading HIV/AIDS.

Judging from the above arguments against polygamy, it can be concluded that the traditional practice of polygamy suppresses women's right to equality and fair treatment. It encourages patriarchy and ensures that women remain subordinate to their husbands.

iii. Ukuthwala

In the customary law of marriage, the custom of *ukuthwala* was prevalent amongst the Nguni communities. According to Bekker and Koyana in *De*

⁴⁰ Section 9 of the Constitution Act 108 of 1996.

⁴¹ B. Oomen, Traditional Woman to Woman Marriages and the Recognition of Customary Marriages Act. *Journal of Contemporary Roman Dutch Law*, 274 – 282 (2000).

⁴² Recognition of Customary Marriages Act 120 of 1998.

⁴³ African [Banjul] Charter on Humans and People's Rights, adopted June 27, 1981, OAU.

⁴⁴ Section 11 (3), Act 38 of 1927 and Section 38, Act 21 of 1978.

*Jure*⁴⁵, the intending groom, together with a friend or two would waylay the intended bride in or around her home, quite often late in the day and forcibly take her to the groom's home. Sometimes, the girl would be caught unaware, although in many instances it would be according to an agreement between her parents and the parents of the groom. On the same day, those who had effected the *thwala* custom were required to report to the girl's home that her parents need not be worried as their child was safe and no harm would come to her.

The groom's family then had to indicate how many cattle they were prepared to pay and thus commence *lobolo* negotiations. Where *ukuthwala* took place and there was no offer of marriage it constituted a delict and a fine of one beast, known as the *thwala* or *bopha*, was imposed by custom. The *thwalaed* girl would be returned home to her parents and there would be no marriage. It was against custom for a young man who *thwalaed* a girl to have intercourse with her. However, it was not and is not always the case where the proper customary practices or channels were followed.

It can be argued that not only is the customary practice of *ukuthwala* an archaic one; it may also qualify as a crime of kidnapping. According to Snyman 2008,⁴⁶ "Kidnapping consists in unlawfully and intentionally depriving a person of his or her freedom of movement and/or if such person is a child, the custodians of their control over the child." The practice of *ukuthwala* may be seen to be inconsistent with a number of constitutionally guaranteed rights.

Firstly, *ukuthwala* violates the right to dignity⁴⁷ in that it strips the woman of her honour, if she can just be abducted without her consent or against her will. Secondly, the custom violates the woman's right to freedom and security of the person.⁴⁸ Section 12 (2) (a) specifically provides, "Everyone has the right to bodily integrity and psychological integrity, which includes the right to security in and control over their body." It can be argued therefore that by abducting someone, one would be restricting control over their body. Thirdly, the custom violates the woman's right to freedom of movement.⁴⁹ By abducting and holding the girl at the groom's house, the groom would be infringing on the girl's right to freedom of movement as she will not be allowed to leave the home.

With South Africa being a signatory to a number of international instruments that seek to advance and protect the rights of women, traditional customs like *ukuthwala* may be seen as a stumbling block to international progressiveness. Article 21 of the African

Charter on the Rights and Welfare of the Child⁵⁰ provides:

State parties to the present charter shall take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child in particular those customs and practices prejudicial to the health or life of the child, and those customs and practices discriminating to the child on the grounds of sex or other status.

The custom of *ukuthwala* is counter to the provisions of the charter in that it is prejudicial to the welfare of the girl child who is subjected to it. It can therefore be argued in conclusion that the custom of *ukuthwala* is rather regressive when it comes to the recognition, advancement and protection of women's rights in South Africa.

b) Customary law of property and inheritance

i. Property

Under colonial influence, heads of families who were married males were perceived to be the only persons with full legal capacity in terms of customary law. Evidence would be Section 11 (3) of the Black Administration Act⁵¹, which portrayed women as perpetual minors in lacking capacity to own property or manage their own affairs. This however does not imply that other members of the family did not have rights to property; the rights of an individual were protected through the family (head), through which they were also acquired. The division of property was as follows:

ii. Family property

This was property not allocated to any individual house and does not automatically accrue to an individual house. This property was controlled by the head of the family (married male). The allocation of such property was then done by the family head using his discretion.

iii. House property

This was property that accrued to a specific house consisting of a wife and child (ren) and used for the benefit of that house. Although used for the benefit of a specific house, the family head remained in control of the house property and could use his discretion on what the property was to be used for. The property included earnings of the members of that house and their livestock, which would be put under the curatorship of the family head.

iv. Personal property

This was property which belonged to an individual who had acquired it through his or her own sweat and labour, but was under the control of the

⁴⁵ D.S Koyana and J Bekker, The Indomitable Ukuthwala Custom in De Jure Vol. 1 2007.

⁴⁶ C.R Snyman, Criminal Law 2008 Lexis Nexis 5th ed 479.

⁴⁷ Section 10, Act 108 of 1996.

⁴⁸ Section 12, Act 108 of 1996.

⁴⁹ Section 21, Act 108 of 1996.

⁵⁰ OAU Doc CAB/LEG/24.9/49 (1990), entered into force Nov. 29, 1999. Ratified by South Africa on Jan 7, 2000.

⁵¹ Act 38 of 1927.

family head. Although the individual who acquired the property had the power to use and dispose of it, they still had to consult the family head and seek guidance and advice.

It can be seen from the above exposition that in every system of property ownership, women had no rights and were not included. In all the forms of property, effective control lay with the family head, who had to be a married male. Even the traditional allotment of land was made to male family heads, sidelining women in the ownership of property and therefore not providing an equal footing in customary marriages.

v. *Succession/Inheritance*

The law of succession deals with the devolution of the estate of the deceased person, that is, what happens to a person's estate after his or her death.⁵² It can either be testate or intestate. A person dies testate where he executed a valid will⁵³ in which he expresses his last will and testament of his wishes. The devolution of the state therefore takes place in terms of the stipulations made in the will. A person dies intestate where he or she did not execute a valid will.⁵⁴ Maitthufi⁵⁵ argues that in terms of South African law, the estate devolves in terms of legislation or common law. Where the common law is applicable, the estate devolves in terms of the Intestate Succession Act 81 of 1987.

Succession in customary law is universal and onerous, the heir does not only acquire rights, but also duties of the deceased, in particular the duty to maintain the surviving dependants. Succession also follows the male lineage. Heirs are identified by their relationship to the deceased through the male line until all the known male relatives of the deceased have been exhausted in which case the inheritance devolves on the paramount Chief of the deceased's tribe.⁵⁶ Only men could take charge of the family head's affairs. The customary law of succession is based largely on the principle of male primogeniture, which entails that the eldest male child of the deceased inherits his estate.⁵⁷

It is evident that the customary law of succession is hinged on gender, with the male heirs having the right to take over the affairs of the deceased. This goes against the guarantee of the right to equality enshrined in the Constitution. In particular it contravenes

Section 8 (d) of the Promotion of Equality and Prevention of Unfair Discrimination Act⁵⁸ which provides:

Subject to Section 6, no person may unfairly discriminate any person on the ground of gender, including any practice, including traditional, customary or religious practice, which impairs the dignity of women and undermines equality between women and men, including the undermining of the dignity and well being of the girl child.

The custom can therefore be seen as an impediment to the realisation of women's rights as it oppresses women by treating them as subordinate to men.

VIII. CONCLUSION

It has been my aim in this section of the essay to dissect the various cultural practices that pose a threat to the development of women's rights. Polygamy for example violates the right to equality provided for in Section 9 of the Constitution. *Ukuthwala* violates the right to dignity provided for in Section 10 of the Constitution, the right to freedom and security of the person provided for in Section 12 and the right to freedom of movement provided for in Section 21 of the Constitution. The domination of customary law of property and inheritance by males is greatly disturbing as women do not feature anywhere in the picture. This goes against the principle of equality, where both women and men are supposed to be afforded equal opportunities and are treated equally.

In the next section of the work, I will look at legal reform that has taken place over the years in trying to alleviate the plight of women in democratic South Africa. I will look at the development that has taken place in terms of enactment of legislature to protect women's rights and some landmark decisions that have seen the plight of women get better.

IX. THE DEVELOPMENT OF WOMEN'S RIGHTS

Since the dawn of the Constitutional era, South Africa has taken some remarkable strides in the direction of advancing human and women's rights. The progress has greatly been facilitated by one of the most, if not the most progressive Constitutions in Africa. Chapter 2 of the Constitution includes the Bill of Rights, a blueprint to the recognition and advancement of human and women's rights. At the core of the Bill of Rights, lies the right to equality⁵⁹ which has played a cardinal role in the progression of women's rights in South Africa. The bulk of the legal reform that has taken place in post-apartheid South Africa is hinged on the pivot that is the right to equality.

⁵² Matshilane Mokotong, The impact of the Constitution of the Republic of South Africa on certain selected aspects of customary law of succession (2002) *Speculum Juris* 63.

⁵³ In terms of the Wills Act 7 of 1953.

⁵⁴ De Waal and Schoeman, Introduction to the Law of Succession 2000, 34.

⁵⁵ I.P Maitthufi, Marriage and succession in South Africa, Baphuthatswana and Transkei: A legal pot-pourri (1994) TSAR 276.

⁵⁶ J.C Bekker, Seymour's Customary Law in Southern Africa 1989 Juta 5th ed 274.

⁵⁷ For detailed discussion on principle of male primogeniture see Bhe case which declared the practice unconstitutional.

⁵⁸ Act 4 of 2000.

⁵⁹ Section 9, Act 108 of 1996.

It is important to note that not only has the Constitutional epoch sought to advance women's rights at the possible expense and abrogation of tradition and customary law, but it has also sought to strike a balance between tradition and the rights of women. An example would be the Recognition of Customary marriages Act 120 of 1998, which performs the dual task of confirming the existence and importance of customary law, while safeguarding the rights of women from tyrannical customary practices.

Section 39 (2) Of the Constitution provides for the balance between customary law and spirit of the Bill of Rights thus, "When interpreting any legislation, and when developing the common law or customary law, every court, tribunal or forum must promote the spirit, purport and objects of the Bill of Rights."⁶⁰ The same section makes mention of developing common or customary law, opining that the law is not stagnant. Customary law can therefore be developed where necessary in order to align itself with the spirit of the Bill of Rights, particularly women's rights.

a) *Constitutional protection*

The Constitution, being the supreme law has been the fundamental point of reference when it comes to the championing of women's rights. It provides for equality in an open and democratic society, promoting recognition and appreciation of women as equals in every aspect. A couple of Sections stand out in the Constitution when it comes to recognition of women's rights, viz:

b) *Section 9 – The Equality clause*

Equality lies at the very heart of the Bill of Rights. Section 9 (1) of the Constitution echoes the words of Article 2 of Chapter 1 of the Banjul Charter, "Everyone is equal before the law and has the right to equal protection and benefit of the law." The Constitution was thus drafted bearing in mind the allegiance owed to International instruments that also champion human and women's rights. The equality clause has precipitated remarkable legal reform with the most notable result being the Constitutional Court decision in the *Bhe*⁶¹, which declared primogeniture unconstitutional on the basis of equality. The principle of equality has also led to legal reform in the promulgation of legislature aimed at promoting and safeguarding the right to equality.⁶²

c) *Section 10 – Right to Dignity*

Section 10 which provides for the right to dignity also protects a right that is also protected internationally.

Article 21 of the African Charter on the Rights and Welfare of the Child seeks to, "...eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child..."⁶³ The inclusion of the right to dignity in the Constitution is therefore in line with the international effort to protect such rights. The right to dignity has also resulted in some legal reform in *Mabuza*⁶⁴ where the siSwati custom of *Ukumekeza*⁶⁵ was deemed to be contrary to the spirit of the Constitution as it requires a bride to cry for her to be accepted into a family, violating her right to dignity.

d) *Legislation*

There have been a number of Acts that have been promulgated that seek to strike a balance between customary law and the ideals outlined in the Constitution. Some of the Acts have served the purpose of repealing other laws that were inconsistent with the Constitution and by so doing, develop the customary law and align it with the values enshrined in the Constitution as envisaged by Section 39 (2) of the Constitution. Some of the legislation has sought to promote a single fundamental ideal as set out in the Bill of Rights.

e) *The Recognition of Customary Marriages Act 120 of 1998*

The Recognition Act serves a dual purpose in the conflict between customary law and women's rights. On the one hand, it recognises customary law as a source of law in South Africa and on the other; it seeks to protect women from some of the despotic practices and traditions found in customary law.

The Recognition Act lays to rest whether the customary practice of polygamy is legal or not when it recognises customary law as a separate, independent system of law in South Africa. In terms of Section 2 (1) of the Act, customary marriages are given due recognition, "A marriage which is valid at customary law and existing at the commencement of this Act is for all purposes recognised as a marriage."⁶⁶ The effect of this section is not only to give recognition to customary marriages, but to also confirm by implication that customary law as a system is recognised in South Africa.

The Recognition Act not only recognise customary marriages and by implication customary law, it also seeks to protect women in customary marriages and their rights. Section 6 for example provides for the equal status and capacity of spouses involved in a customary marriage.

⁶⁰ Section 39 (2), Act 108 of 1996.

⁶¹ *Bhe and Others v Magistrate Khayelitsha and Others; Shibi v Sithole; South African Human Rights Commission v President, Republic of South Africa* 2005 (1) BCLR 1 (CC).

⁶² Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.

⁶³ Article 21 OAU Doc CAB/LEG/24.9/49 (1990).

⁶⁴ *Mabuza v Mbata* 2003 4 SA 218 (KH).

⁶⁵ The custom would require a bride to cry when she was being handed over to the groom's family after *lobolo* negotiations had been concluded. The bride would in some cases be beaten up for her to cry.

⁶⁶ Section 2 (1), Act 120 of 1998.

A wife in a customary marriage, has on the same basis of equality with her husband and subject to the matrimonial property system governing their marriage, full status and capacity, including capacity to acquire assets and to dispose of them, to enter into contracts and to litigate, in addition to any rights and powers that she might have at customary law.⁶⁷

Section 6 gives effect to Section 9 of the Constitution, speaking to the value of equality and equal status between men and women. This was a major achievement and a huge step forward in the quest to attain equality for all as it enshrined the concept of equality in more than one document or piece of legislation.

The Act also seeks to strengthen the weakened financial position of women involved in customary marriages that are polygamous. Usually in such marriages, the husband is the one who controls the finances and the wives are accountable to him, having to declare and submit their independent earnings to him. However Section 7 of the Recognition Act provides for a mechanism through which wives in customary marriages can protect their financial interest. Section 7 (6) provides, "A husband in a customary marriage who wishes to enter into a further customary marriage with another woman after the commencement of this Act must make an application to the court to approve a written contract which will regulate the future matrimonial property system of his marriages." Through this section, the legislator seeks to protect the woman's interest in property, which is a triumph for women's rights considering past prejudices suffered in terms of property. The legislator even goes further to provide that the distribution of the property must be equitable⁶⁸ ensuring the same equal opportunities even when it comes to economic rights.

It is evident from the provisions made in the Recognition Act, on one hand, to officially recognise and preserve customary law and on the other hand to safeguard and advance women's rights. It is also evident that the intention of the legislator was to strike a balance between the customary law and the impact it has on women's rights. In the spirit of Section 39 (2) of the Constitution the customary law has been developed so as to align itself with the values entrenched in the Constitution. The Recognition of Customary Marriages Act has been a beacon of gender justice and thus a vital piece of legislation when it comes to the protection of women's rights in South Africa.

f) The Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000

South Africa is a country that is based on Human dignity, the achievement of Equality and the

advancement of Human Rights and freedoms.⁶⁹ The right to equality is echoed in Section 9 of the Constitution, the equality clause. The drafters of the Constitution in making equality a fundamental principle kept in line with the international community in the fight to advance women's rights. The Banjul Charter for example which South Africa ratified is based on the principle of equality, everyone being equal before the law and having equal protection of the law.⁷⁰

The same instrument challenges the member states to further the advancement of human and people's rights, "The Member States of the Organization for African Unity parties to the present Charter shall recognize the rights, duties and freedoms enshrined in this Chapter and shall undertake to adopt legislative and other measures to give effect to them."⁷¹ In seeking to stay true to the cause of instruments such as the Banjul Charter and adopt legislative and other measures, the South African legislature promulgated the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.

The Act seeks:

To give effect to Section 9 read with item 23 (1) of Schedule 6 to the Constitution of the Republic of South Africa, 1996, so as to prevent and prohibit unfair discrimination and harassment; to promote equality and prevent unfair discrimination; to prevent and prohibit hate speech; and to provide for matters connected therewith.⁷²

Section 9 of the Constitution provides, "Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons or categories of persons, disadvantaged by unfair discrimination may be taken."⁷³ The Promotion of Equality and Prevention of Unfair Discrimination does exactly that; that is promote the achievement of equality, promote the values of non-racialism and non-sexism contained in Section 1 of the Constitution and to prevent unfair discrimination and protection of human dignity as contemplated in Sections 9 and 10 of the Constitution.

The enactment of this Act has provided a much needed pillar for the guarantee and protection of women's rights in South Africa. Section 8 provides, "Subject to section 6, no person may unfairly discriminate against any person on the ground of gender ..."⁷⁴ This provision guarantees the equal status

⁶⁹ Section 1 (a), Act 108 of 1996.

⁷⁰ Article 3, Chapter 1 of the African [Banjul] Charter on Human and People's Rights.

⁷¹ Article 1, Chapter 1 of the African [Banjul] Charter on Human and People's Rights.

⁷² ACT, Act 4 of 2000.

⁷³ Section 9 (2), Act 108 of 1996.

⁷⁴ Section 8, Act 4 of 2000.

⁶⁷ Section 6, Act 120 of 1998.

⁶⁸ Section 7 (7) (a) (2), Act 120 of 1998.

of women and men in democratic South Africa. It also provides for equal opportunities, be it in employment or service delivery, as gender can no longer be used to elevate one and denigrate the other. The equal status afforded to both men and women was witnessed in the landmark Constitutional Court decisions of *Shilubana*⁷⁵, where it was decided that a woman was to assume chieftaincy based on equality and prevention of gender discrimination. The *Bhe case*⁷⁶, involved the declaration of the unconstitutionality of the principle of primogeniture due its contravention of the equality clause and contravention of the prevention of unfair discrimination.

It can be concluded therefore that the promulgation of legislation aimed at giving effect to Section 9 of the Constitution has gone a long way in advancing women's rights against patriarchal customary traditions. The equal status provided for by the Act ensures that whatever decision is made, whoever is appointed and whoever is left out will be based on merit and not on gender. It is plausible to argue that in as much as customary law still forms part of the South African legal potpourri, it has been greatly developed to be consistent with the spirit and purport of the Constitution. Ideals which seek to promote equality and protect the rights of women through enactment of legislation such as the Promotion of Equality and Prevention of Unfair Discrimination Act, which gives effect to such notions.

g) *Judicial precedent*

This essay has mainly been prompted by the colossal decisions in the Constitutional Court of South Africa which have seen the breaking of customary dogma and greatly advanced women's rights in a democratic South Africa. I will provide an expose of the most significant cases that have championed the development, advancement and protection of women's rights. The decisions in the cases were given a Constitutional basis by the Constitution of the Republic of South Africa, in that they seek to promote the spirit and ideals of the Constitution.

h) *Bhe and Others v Magistrate Khayelitsha and Others; Shibi v Sithole and Others; South African Human Rights Commission and Another v President of the Republic of South Africa 2005 (1) SA 563 (CC); 2005 (1) BCLR 1 (CC)*

This is a trilogy of cases where the Constitutional Court addressed the constitutionality of the customary rule of primogeniture and related intestate succession provisions of the Black

Administration Act, which excluded women and others⁷⁷ from succession under customary law.

The court struck down the impugned statutory provisions of Section 23 of the Black Administration Act 38 of 1927 and Section 1 (4) (b) of the Intestate Succession Act 81 of 1987, which excluded women from the right to inherit and were in direct contravention of Sections 9 (equality), 10 (dignity) and 28 (rights of children) of the Constitution. The *Shibi* case dealt with a confirmation order of the constitutional invalidity made by the Pretoria High Court in finding that Section 23 (10) (a), (c) and (e) of the Black Administration Act⁷⁸ and regulation 2 (e) of the Regulations for the Administration of Estates of Deceased Blacks unconstitutional and invalid. Section 1 (4) (b) of the Intestate Succession Act⁷⁹ was also declared unconstitutional in so far as it excluded estates regulated under Section 23 of the Black Administration Act.

The *Bhe* case involved an application by a mother on behalf of her two minor daughters in respect of the deceased estate of their father. The bone of contention before the Constitutional Court was that the customary law rule of primogeniture and the impugned statutory provisions unfairly discriminated against the children on the ground of gender by excluding them from inheriting the estate of their deceased father where the estate had been taken over by the grandfather of the deceased's daughters.

The South African Human Rights Commission case involved direct access to the court, a class action on behalf of all women and children prevented from inheriting by reason of the impugned provisions and the rule of primogeniture. The court held that the principle of primogeniture, in the form that it has come to be applied, discriminates unfairly against women and children born out of wedlock and accordingly declared it unconstitutional and invalid. The court held that although it was supposed to develop customary law and align it with the Constitution as provided for in Section 39 (2), it was not feasible in this matter to do so. The order of the court was made with retrospective effect, dating back to the 27th of April 1994, with completed transfers of ownership insulated.

The decision was a major victory for the rights of black women and generally women who were married under customary law. The declaration of unconstitutionality of the principle of primogeniture confirmed the equal status of women in democratic South Africa. In line with Section 9 of the Constitution

⁷⁷ Others refers to even male heirs of the same bloodline of the deceased, the rule of primogeniture promoted the oldest male heir of the same bloodline as the deceased, thereby alienating other male heirs. It also refers to children born out of wedlock. Illegitimate children were not considered of the deceased's bloodline for purposes of inheritance and were therefore excluded from inheriting.

⁷⁸ Act 38 of 1927.

⁷⁹ Act 81 of 1987.

⁷⁵ *Shilubana v Nwamitwa* 2009 (2) SA 66 (CC).

⁷⁶ *Bhe and Others v Magistrate Khayelitsha and Others; Shibi v Sithole; South African Human Rights Commission v President of the Republic of South Africa* 2005 (1) BCLR 1 (CC).

and the Promotion of Equality Act, the equal status of women in terms of all aspects pertaining to marriage was confirmed. Since equality is universal in every facet of the marriage, women in customary marriages now enjoy equal succession rights as those of their counterparts in civil marriages and men. This was a remarkable breakthrough even in the sphere of the customary law of property, as women can now acquire, own and dispose of their own property with equal status and rights as men.

The decision was also pivotal in advancing the rights of the girl child. A boy and a girl child, regardless of birth position enjoy equal status and opportunities and they both have equal succession rights in the case of death of their father. This realisation is what was envisaged by the African Charter on the Rights and Welfare of the Child, when it sought to encourage;

“State parties to the present charter to take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child...and those customs and practices discriminating to the child on the grounds of sex or other status.”⁸⁰ The decision has also resulted in the recognition of the best interest of the child as provided for in Section 28 of the Constitution, where there is no longer any differentiation between the children born of a recognised marriage and those born out of wedlock. Both the children have equal inheritance rights, thus realising the morals behind the promulgation of the Promotion of Equality Act, which advocates equality and non discrimination on any grounds.

In concluding the *Bhe* case, cognisance must be made of the fact that the decision was a major victory not only for women’s rights and the protection thereof, but for the safeguarding of the basic human rights provided for in Chapter 2 of the Constitution.⁸¹ The law no longer recognises the concept of “*Indlalifa*” or universal heir as this is contrary to the principle of equality. All the heirs have an equal share in a deceased estate now, regardless of gender or age. Thus the case of *Bhe* is and will remain the most significant precedent when it comes to the balance between customary law and the recognition of human and women’s rights.

i) Shilubana and Others v Nwamitwa (CCT 03/07) [2008] ZACC 9; 2008 (9) BCLR 914 (CC); 2009 (2) SA 66 (CC)

The matter concerned a woman being appointed as a chief, a position that was traditionally seen as one to be held by an elder male member of the community who shared the same bloodline as the previous chief and which she was previously deprived of by virtue of gender discrimination. The main issue was whether the community had the authority to restore a

position of traditional leadership to the house from which it was removed by reason of gender discrimination even if the discrimination took place prior to the advent of the Constitution, and by so doing develop their custom so as to promote gender equality in the succession of traditional leaders.

The argument advanced was that the Valoyi tribe in appointing Miss Shilubana as chief were acting in accordance with Section 211 of the Constitution, “A traditional authority that observes a system of customary law may function according to any applicable legislation and customs, which includes amendments to, or repeal of, that legislation or those customs.”⁸² Based on this premise, the Valoyi were acting well within their constitutional mandate to amend their customs and traditions where they deem necessary and to reflect the change in circumstances as well.

The Valoyi were also acting in accordance with the legislature specifically enacted to govern traditional matters. The Traditional Leadership and Governance Framework Act states:

A traditional community must transform and adapt customary law and customs relevant to the application of this Act so as to comply with the relevant principles contained in the Bill of Rights in the Constitution, in particular by –

- (a) Preventing unfair discrimination;
- (b) Promoting equality; and
- (c) Seeking to progressively advance gender representation in the succession to traditional leadership positions.⁸³

The actions of the Valoyi tribe were in line with all the provisions of the abovementioned section. They sought to develop their customary law so as to promote gender equality in succession, thereby achieving the ideals set out in the Bill of Rights. Reference was made to the *Bhe* case and the principle of equality elucidated therein, and in passing of judgement, the *Bhe* case was used as a yardstick so as to prevent deviation from the principles set out therein.

It was held that customary law like any other law is protected by the Constitution and subject to the Constitution. Customary law must therefore be consistent with the Constitution and must seek to promote the spirit and ideals entrenched therein. In amending and developing the customary law of succession of traditional leaders, the community was well within the bounds of Section 211 (2) of the Constitution, thereby making such amendment constitutional. Finally it was held that because the principle of primogeniture had been declared unconstitutional, Miss Shilubana and all potential heirs

⁸² Section 211 (2), Act 108 of 1996.

⁸³ Section 2 (3), Traditional Leadership and Governance Framework Act 41 of 2003.

⁸⁰ Article 21, African Charter on the Rights and Welfare of the Child.

⁸¹ The Bill of Rights, Act 108 of 1996.

were therefore eligible for the ascension to the seat if the chieftaincy. The taking of the throne of chieftaincy by Miss Shilubana was therefore declared to be constitutional and in line with the ideals of gender equality and non discrimination.

The decision in *Shilubana* is another landmark decision that has safeguarded women's rights in South Africa and seen the recognition and protection thereof increase. It reiterated the guaranteed rights to equality and non discrimination that had been confirmed in previous decisions such as *Mabena v Letsaolo*, where a woman was allowed to take part in *lobolo* negotiations and accept *lobolo* in the absence of a male head of the family.⁸⁴ The *Shilubana* decision also cemented the right to women's involvement in collective, community decision making which is a huge step in terms of gender equality. The decision also served the dual purpose of acknowledging the existence and independence of customary law as a separate legal system by alluding to the fact that customary law, like any other law is protected and subject to the Constitution. The recognition of customary law and the advancement of women's rights in the same case, points to the harmonisation of customary law and women's rights. It is evidence that customary law can be adapted to the changing times and be brought in line with women's rights and the ideals of the Bill of Rights.

X. CONCLUSION

The *Bhe* and *Shilubana* decisions are in my view the epitome of gender justice and recognition of women's rights. These cases broke the traditional creed and paved the way for the recognition and advancement of women's rights. They are the quintessence of the values of equality, dignity and non-discrimination as envisaged by the Constitution. What is more interesting is that in championing women's rights, the Constitutional Court does not abrogate customary law, rather in the same cases, reference is made to the existence, independence and importance of customary law in an open and democratic society. What the court seeks to do is develop customary law practices that are doctrinaire and bring them in line with the core values of the Constitution and in so doing, harmonise the advancement of women's rights and customary law. In my view, the court has managed to achieve the feat of developing customary law yet preserving its very essence to a large extent. In as much as women's rights have ascended to the top of the agenda of progressive legal discourse, it has not been at the expense or the attrition of the fundamental customary law. It is this balance that the researcher sought to expose and has hopefully done.

⁸⁴ *Mabena v Letsaolo* 1998 (2) SA 1068 (T)

XI. FOREIGN JURISDICTIONS

The fight for the recognition and advancement of women's rights is not only limited to South Africa, it is a global fight that seeks to see women all around the world treated as equals. To this end, international instruments have been enacted to help champion the advancement of gender justice. These instruments are binding on member states that ratify and adopt them. A regional example would be the Banjul Charter, which seeks to promote and protect human and people's rights, taking into account the principles of fairness, equality, human dignity and non-discrimination.⁸⁵ In keeping with the spirit of the Charter, all the member states have been in the process of developing their law, either common or customary, to conform to the values enshrined in the Banjul Charter. I will look at what a select few countries have done to promote gender justice and women's rights as provided for by the various international instruments that they are parties to.

a) Ghana

The Ghana Intestate Succession Law of 1985 has a reputation that precedes it. It is hailed as the most progressive inheritance and succession law on the continent. It is for certain the most progressive in West Africa. The reason for its fame is that it directly challenges the customary tenets of inheritance which militate against women's rights as they exclude them from inheritance. The drafters of the law have acknowledged the changing times and lifestyles and seek to develop customary law accordingly. For example, women have been playing a more significant role in the household economy because of the advancement in education and professional qualifications; they therefore deserve to receive a share in the inheritance they help to build.

The Act provides that a surviving spouse and children inherit the house and household chattels (objects in regular use in the household).⁸⁶ The residue of the estate then passes to the spouse, children, parents and other customary heirs in specified fractions.⁸⁷ If the deceased was survived by a spouse and no children, half the estate goes to the spouse and the other half is divided between the parents and other customary heirs.⁸⁸ To prevent fragmentation of the family unit and to ensure that the beneficiaries receive an economically viable portion, small estates devolve upon the surviving spouse and children to the exclusion of other relatives. The Act further criminalises the

⁸⁵ African [Banjul] Charter on Human and People's Rights.

⁸⁶ Sections 3 and 4 of the Intestate Succession Law of 1985.

⁸⁷ In terms of Section 5, the spouse receives 3/16; the children receive 9/16; the parents receive 2/16 and the rest of the customary heirs receive 2/16 of the estate.

⁸⁸ Sections 6, 7 and 8 deal with situations where the deceased is not survived by a spouse or by a spouse and children.

ejection of a widow and children from a home without a court order.⁸⁹

The effect of this watertight legislation is that it protects the spouse's right to inherit from her deceased husband, something not commonplace in customary law of succession. This guaranteed inheritance furthers socio-economic women's rights that were previously not recognised because of the patriarchal nature of customary law of succession. Beyond advancing women's rights to inheritance and property, the Act also protects the best interests of the child. In protecting and guaranteeing the child (ren)'s right to inheritance Ghana keeps in line with the spirit of the Banjul Charter (which Ghana ratified) of promoting and protecting human and people's rights.

b) Zambia

As a member state of the African Union and having ratified the Banjul Charter, Zambia has also been involved in the fight to recognise, advance and protect human and people's rights as intended by the charter. A piece of legislation of note in the aim to achieve the goals of the Banjul Charter is the Intestate Succession Act 5 of 1989. The Act seeks to provide better protection for women's rights to inheritance and property. In terms of the Act, women are provided with a share in the joint estate, so as to safeguard their economic interests.

Where a man dies intestate, the children are entitled to 50% of the estate, the spouse is entitled to 20%, parents of the deceased are entitled to 20% and the rest of the relatives are entitled to 10% of the estate. In a bid to further protect the economic interests of women where more than one marriage exists, a 1996 amendment to the Act was made.⁹⁰ In terms of the amendment, a woman's share of 20% will be divided equally with any other woman who can prove a marital relationship with the deceased. The Act in specifying specific shares that are applicable when it comes to the distribution of the estate advances the rights of women in ownership of property and in inheritance. The provision of an equal distribution of the share of one spouse promotes the right to equality and non discrimination as everyone has an equal right in the inheritance of the deceased. The Act also protects the rights of children in safeguarding their property interests by stipulating a bare minimum of what the children should get in terms of distribution of the deceased's estate.

c) Zimbabwe

Zimbabwe, which is a member of the African Union and has also ratified the Banjul Charter owes its allegiance to the fight for democratisation and the promotion and protection of human and people's rights as charged by the Charter. In the efforts to realise the

aims and objectives of the Charter, the Administration of Estates Amendment Act 6 of 1997 has played a major role. The Act seeks to protect the property and inheritance rights of spouses of customary marriages and the children thereof, where the deceased dies intestate. For purposes of fair and equitable distribution of the deceased's estate upon the reporting of death, the Master summons the deceased's family and appoints an executor to draw up a distribution plan. Where the executor and the Master draw up a distribution plan, cognisance must be taken of the following rules pertaining to intestate succession:

- (a) If the deceased is survived by two or more spouses and one or more children, 1/3 of the estate will devolve to the spouses and 2/3 of the estate will devolve to the child (ren).⁹¹
- (b) If the deceased is survived by one spouse and one or more children, the wife will get ownership in or usufruct over the house and household goods and a share in the residue and the children will divide the residue in equal shares.⁹²
- (c) If the deceased is survived by a spouse but no children, the spouse will get ownership of the house or a usufruct and ½ of the residue. The other ½ is to be shared between the parents and the siblings of the deceased.

The provisions of the Act are very significant in the advancement of women's rights. They seek to protect the spouse's economic interest by guaranteeing a specific portion of inheritance. This may be seen as developing the customary law of inheritance as women were sidelined and excluded from inheriting. The provisions in the Act also promote the rights of children as their right to inheritance is also safeguarded through the specific shares that each group of people is to get. It could also be argued that the provisions of the Act also promote equity, in as much as the portions provided for are not equal; there is a guarantee however that everyone will get a portion. This is contrary to the traditional customary law of inheritance where women's and other rights were bedevilled by the grabbing of inheritance without a system.

d) *Chawanda v Zimnat Insurance Co. Ltd 1990 (1) SA 1019 (ZH)*

The decision in *Chawanda* was a landmark decision with regards to the recognition of customary marriages and the protection of women's rights who are spouses in customary marriages. The case involved a woman suing an insurance company (Zimnat Insurance) for compensation for the loss of support because of the death of her husband who had been killed by a driver

⁸⁹ Section 16 of the Intestate Succession Amendment Law of 1991.

⁹⁰ The Intestate Succession Bill of 1996 (21 February 1996).

⁹¹ Section 68F (2) (b) of the Administration of Estates Amendment Act 6 of 1997.

⁹² The share is to be determined by the Deceased Estates Succession Act.

insured by the defendant. The woman had been living with the deceased in an unregistered customary union and the question was whether this constituted a valid marriage in which the spouse would have a claim for the wrongful causing of death of her husband.

It was held that a woman living with a man in an unregistered customary union has the right to compensation for the loss of support if the man was unlawfully killed. A customary marriage is a valid marriage and all rights and obligations of a marriage ensue. The woman's right to compensation was therefore protected as she was deemed to be a lawful spouse. The decision echoed the sentiments of *Kambule v The Master*⁹³ where it was decided that the failure to register a customary marriage does not invalidate it. The declaration made in the decision that the marriage was a valid marriage regardless of the non-registration was a major stride in the advancement of women's rights as the socio-economic right to compensation for the wrongful killing of one's husband was protected. The case is also of import with regards to the recognition of customary law. The court declared that a marriage at customary law is a valid marriage; this goes to prove the recognition of customary law by making reference to its existence and its importance. The case therefore not only advances and protects the rights of women but also preserves the customary law.

XII. CONCLUSION

It is evident from the above consulted pieces of legislation and case law that the fight to promote and protect women's rights is not peculiar to South Africa; it is an ongoing global fight that is being championed by a lot of other countries as well. It is also evident that in the efforts to realise women's rights, there is a constant clash with customary law and certain traditions that pose as stumbling blocks to the development and recognition of women's rights. However the clash is not irreparable as there has been proof of development of the customary law in the various African countries to strike a balance between customary law and gender justice. It is therefore possible to preserve customary law and champion women and human rights at the same time.

XIII. CONCLUDING REMARKS

Each African country has the task of recognising, advancing and protecting women's rights, which they attempt to do through the Bills of Rights in their respective Constitutions. South Africa is no different from any of the other African and non-African countries that are involved in the global movement of realising and protecting women rights. South Africa's Constitution has

been hailed as one of the most progressive, if not the most progressive in Africa, boasting a Bill of Rights that preaches the principles of equality, dignity, non-discrimination, and provides for an open and democratic society. However, in the effort to realise such rights and freedoms, there are always stumbling blocks, and sometimes barriers.

The task of this research has been to evaluate whether the recognition of customary law and the practice of customary law provides a hindrance to the development of women's rights. The findings of the research are that customary law is not a hindrance to the development of women's rights in South Africa.

a) *Constitutional Basis of Customary Law*

Customary law is given a Constitutional basis through the various sections of the Constitution that seek to recognise and protect customary law. Section 15 of the Constitution provides for the freedom of religion, belief and opinion, encouraging the right to practice whatever custom one deems fit. Sections 30 and 31 of the Constitution provide for the right to language and culture and the right to belong to cultural, religious, and linguistic communities. Section 39 (2) provides for the developing of customary law, paying cognisance to its existence and recognition. Chapter 12 of the Constitution provides for traditional leaders, leaders of customary societies.

The same Constitution that provides for the rights to equality, dignity and non-discrimination, advocating for the advancement of women's rights is the one that provides for the recognition of customary law and its importance in an open and democratic South Africa. If customary law were a hindrance to the development of women's rights, the Constitution, being the supreme law would declare it unconstitutional and invalidate it. Yet, it is the aim of the Constitution to preserve customary law and promote more customary societies. As long as customary law does not contravene the fundamental principles that underlie the Constitution, it will not be a hindrance to the development of customary law.

b) *Legislative Recognition*

Not only is customary law recognised and protected by the Constitution, legislation has also been enacted to guarantee and protect customary law. The most notable piece of legislation is the Recognition of Customary Marriages Act. The Act seeks to recognise all marriages that were concluded and are concluded according to customary law as valid marriages and afford them equal standing with civil marriages and in so doing preserve the traditions and practices provided for by customary law.

Another piece of legislation that seeks to preserve customary law is the Traditional Leadership and Governance Framework Act. The Act's main purpose is to provide for the governance of traditional

⁹³ *Kambule v The Master of the High Court and Others* (85) [2007] ZAEHC 2.

and cultural communities in accordance with customary law. My contention is that if customary law were a threat to the development of women's rights, legislature would not sit and promulgate legislation that seeks to advance customary law and preserve the different customary traditions. I therefore submit that customary law is not a hindrance to women's rights in South Africa.

c) *Judicial Precedent*

Quite a number of cases have been decided where the bone of contention was whether customary law was an impediment to the development of women's rights. *Alexkor v Richtersveld Community* for example provides that customary law must be recognised as an integral part of South African law, as it is a body of law by which millions of South Africans regulate their lives and must be treated accordingly. In the case of *Thembisile and Another v Thembisile and Another*, a customary union (union concluded in terms of customary law) was recognised as a valid union, also being protected by Section 15 of the Constitution which provides for freedom of conscience, religion, thought and belief.

The fact that decisions have been made and continue to be made based on customary law is a clear indication that customary law is living law that is duly recognised in South Africa. It also points out to the fact that customary law is consistent with the values entrenched in the Constitution, otherwise it would have been abrogated. The recognition of customary law by the Constitution, by legislation and by judicial precedent is all evidence of the fact that it forms an integral part of the South African legal regime. For any law to qualify for application in the South African system it has to pass a series of tests, in particular it has to be consistent with the core values enshrined in the Constitution. Customary law has passed all those tests and is applicable in South Africa; therefore it cannot be a hindrance to women's rights.

Some may argue that the Constitutional Court in cases such as *Bhe* and *Shilubana* found some customary law practices to be unconstitutional in that they were inconsistent with the basic principles of the Constitution such as equality and dignity. The argument would go further to state that since these practices were inconsistent with the Constitution, they were a hindrance to women's rights. The rebuttal to such an argument would be that one practice does not make law; customary law as a system of law is a collection of numerous traditions and practices. The fact that one tradition has contravened certain principles does not mean that customary law as a system has failed. As evidenced in *Bhe*, the practices or traditions that are inconsistent with the Constitution will be severed, so as to make sure that the customary law that is accepted and practised is in line with the Constitution and

therefore does not cause any hindrance to the development of women's or any other rights.

It is my humble submission in summation that customary law as a system does not pose a threat to the realisation, advancement or protection of women's rights. It is as a system subject to the supreme law, which means it must be consistent with the values of equality, human dignity and non-discrimination. In being subordinate to the Constitution, it is submitted that if any practice has become archaic or threatens the realisation of the rights guaranteed in the Constitution and gender justice, such custom or practice is susceptible to severance or at least development to align it with the Constitution.

Having considered the above argument, it is therefore reasonable to conclude that customary law is not a hindrance to women's rights in democratic South Africa. I rest my case.

XIV. ACKNOWLEDGEMENT

Firstly, I want to thank God, for the gift of life at no cost, for providing me the opportunity to be at this very place at this very moment. Without Him, I would be nothing and nowhere.

Gratitude goes to my supervisor, Prof. I.P Maithufi for accepting to supervise me and take me under his wing, for providing guidance and direction when I would otherwise be lost, for making time to consult with me and impart knowledge unto me.

Lastly, to my parents, I am eternally grateful for providing me the opportunity to be studying what I love; for the love, support and constant check-ups on progress of my dissertation. I would not have been anything without you, thank you.

Word count: 13 707

BIBLIOGRAPHY

a) *Case Law*

1. *Alexkor Ltd and Another v Richtersveld Community and Others* 2003 (12) BCLR 1301 (CC).
2. *Amod v Multilateral Motor Vehicle Accident Fund* 1999 (4) SA 1319 (SCA).
3. *Bhe and Others v Magistrate Khayelitsha and Others; Shibi v Sithole; South African Human Rights Commission v President, Republic of South Africa* 2005 (1) BCLR 1 (CC).
4. *Chawanda v Zimnat Insurance Co. Ltd* 1990 (1) SA 1019 (ZH).
5. *Fraser v Children's Court, Pretoria North and Others* 1997 (2) SA 261 (CC).
6. *Kambule v The Master of the High Court and Others* (85) [2007] ZAECHC 2.
7. *Mabena v Letsaolo* 1998 (2) SA 1068 (T).
8. *Mabuza v Mbata* 2003 (4) SA 218 (KH).
9. *Mthembu v Letsela and Another* 1997 (2) SA 936 (TPD).

10. *Shilubana and Others v Nwamitwa* 2009 (2) SA 66 (CC).
 11. *Thembisile and Another v Thembisile and Another* 2002 (2) 209 (T).
 12. *Van Breda v Jacobs* 1921 AD 320.
- b) Legislation*
- South Africa*
13. Black Administration Act 38 of 1927.
 14. Constitution of Republic of South Africa Act 108 of 1996.
 15. Intestate Succession Act 81 of 1987.
 16. Law of Evidence Amendment Act 45 of 1998.
 17. Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.
 18. Recognition of Customary Marriages Act 120 of 1998.
 19. Traditional Leadership and Governance Framework Act 41 of 2003.
 20. Transkei Marriages Act 21 of 1978.
- Ghana*
21. Intestate Succession Law of 1985.
- Zambia*
22. Intestate Succession Act 5 of 1989.
 23. Intestate Succession Amendment Law of 1991.
 24. Intestate Succession Bill of 1996.
- Zimbabwe*
25. Administration of Estates Amendment Act 6 of 1997.
 26. Customary Law and Primary Courts Act 6 of 1981.
 27. Deceased Estates Succession Act (Chapter 6:02).
- Regional*
28. African Charter on Human and People's Rights.
 29. African Charter on the Rights and Welfare of the Child.
- c) Books*
30. **African Charter on Human and People's Rights** (1981).
 31. Published by Secretariat of the African Commission on Human and Peoples' Rights: The Gambia.
 32. **Bekker J.C** *Seymour's Customary Law in Southern Africa* (1989) Juta and Company Ltd: Cape Town.
 33. **Bennett T.W** *Human Rights and African Customary Law under the South African Constitution* (1995) Juta and Company Ltd: Cape Town.
 34. **De Waal M.J and Schoeman-Malan M.C** *Introduction to the Law of Succession* (2000) Juta and Company Ltd: Cape Town.
 35. **Heyns Christof and Killander Magnus** (eds) *Compendium of key Human Rights Documents of the African Union* (2006) Pretoria University Law Press: Pretoria.
 36. **Snyman C.R** *Criminal Law* (2008) Lexis Nexis: Durban.
- d) Articles*
37. **Koyana D.S and Bekker J.C** "The Indomitable Ukuthwala Custom" (2007) *De Jure* Vol. 1.
 38. **Maithufi I.P** "Marriage and Succession in South Africa, Baphuthatswana and Transkei: A legal pot-pourri" (1994) 276 *TSAR*.
 39. **Maithufi I.P and Bekker J.C** "The Recognition of Customary Marriages Act of 1998 and the impact on family law in South Africa" (2002) 186-187 *CILSA South African Law Reform Commission*.
 40. **Mokotong Matshilane** "The impact of the Constitution of the Republic of South Africa on Certain Selected aspects of Customary law of Succession" (2002) 63 *Speculum Juris*.
 41. **Oomen B** "Traditional Woman to Woman Marriages and the Recognition of Customary Marriages Act" (2000) 274-282 *Journal of Contemporary Roman Dutch Law*.

GLOBAL JOURNALS INC. (US) GUIDELINES HANDBOOK 2015

WWW.GLOBALJOURNALS.ORG

FELLOWS

FELLOW OF ASSOCIATION OF RESEARCH SOCIETY IN HUMAN SCIENCE (FARSHS)

Global Journals Incorporate (USA) is accredited by Open Association of Research Society (OARS), U.S.A and in turn, awards “FARSHS” title to individuals. The 'FARSHS' title is accorded to a selected professional after the approval of the Editor-in-Chief/Editorial Board Members/Dean.



- The “FARSHS” is a dignified title which is accorded to a person’s name viz. Dr. John E. Hall, Ph.D., FARSS or William Walldroff, M.S., FARSHS.

FARSHS accrediting is an honor. It authenticates your research activities. After recognition as FARSHS, you can add 'FARSHS' title with your name as you use this recognition as additional suffix to your status. This will definitely enhance and add more value and reputation to your name. You may use it on your professional Counseling Materials such as CV, Resume, and Visiting Card etc.

The following benefits can be availed by you only for next three years from the date of certification:



FARSHS designated members are entitled to avail a 40% discount while publishing their research papers (of a single author) with Global Journals Incorporation (USA), if the same is accepted by Editorial Board/Peer Reviewers. If you are a main author or co-author in case of multiple authors, you will be entitled to avail discount of 10%.

Once FARSHS title is accorded, the Fellow is authorized to organize symposium/seminar/conference on behalf of Global Journal Incorporation (USA). The Fellow can also participate in conference/seminar/symposium organized by another institution as representative of Global Journal. In both the cases, it is mandatory for him to discuss with us and obtain our consent.



You may join as member of the Editorial Board of Global Journals Incorporation (USA) after successful completion of three years as Fellow and as Peer Reviewer. In addition, it is also desirable that you should organize seminar/symposium/conference at least once.

We shall provide you intimation regarding launching of e-version of journal of your stream time to time. This may be utilized in your library for the enrichment of knowledge of your students as well as it can also be helpful for the concerned faculty members.



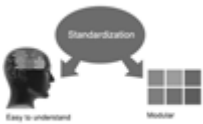


The FARSHS can go through standards of OARS. You can also play vital role if you have any suggestions so that proper amendment can take place to improve the same for the benefit of entire research community.

As FARSHS, you will be given a renowned, secure and free professional email address with 100 GB of space e.g. johnhall@globaljournals.org. This will include Webmail, Spam Assassin, Email Forwarders, Auto-Responders, Email Delivery Route tracing, etc.



The FARSHS will be eligible for a free application of standardization of their researches. Standardization of research will be subject to acceptability within stipulated norms as the next step after publishing in a journal. We shall depute a team of specialized research professionals who will render their services for elevating your researches to next higher level, which is worldwide open standardization.



The FARSHS member can apply for grading and certification of standards of the educational and Institutional Degrees to Open Association of Research, Society U.S.A. Once you are designated as FARSHS, you may send us a scanned copy of all of your credentials. OARS will verify, grade and certify them. This will be based on your academic records, quality of research papers published by you, and some more criteria. After certification of all your credentials by OARS, they will be published on your Fellow Profile link on website <https://associationofresearch.org> which will be helpful to upgrade the dignity.



The FARSHS members can avail the benefits of free research podcasting in Global Research Radio with their research documents. After publishing the work, (including published elsewhere worldwide with proper authorization) you can upload your research paper with your recorded voice or you can utilize chargeable services of our professional RJs to record your paper in their voice on request.

The FARSHS member also entitled to get the benefits of free research podcasting of their research documents through video clips. We can also streamline your conference videos and display your slides/ online slides and online research video clips at reasonable charges, on request.





The FARSHS is eligible to earn from sales proceeds of his/her researches/reference/review Books or literature, while publishing with Global Journals. The FARSHS can decide whether he/she would like to publish his/her research in a closed manner. In this case, whenever readers purchase that individual research paper for reading, maximum 60% of its profit earned as royalty by Global Journals, will be credited to his/her bank account. The entire entitled amount will be credited to his/her bank account exceeding limit of minimum fixed balance. There is no minimum time limit for collection. The FARSS member can decide its price and we can help in making the right decision.

The FARSHS member is eligible to join as a paid peer reviewer at Global Journals Incorporation (USA) and can get remuneration of 15% of author fees, taken from the author of a respective paper. After reviewing 5 or more papers you can request to transfer the amount to your bank account.



MEMBER OF ASSOCIATION OF RESEARCH SOCIETY IN HUMAN SCIENCE (MARSHS)

The ' MARSHS ' title is accorded to a selected professional after the approval of the Editor-in-Chief / Editorial Board Members/Dean.

The “MARSHS” is a dignified ornament which is accorded to a person’s name viz. Dr John E. Hall, Ph.D., MARSHS or William Walldroff, M.S., MARSHS.



MARSHS accrediting is an honor. It authenticates your research activities. After becoming MARSHS, you can add 'MARSHS' title with your name as you use this recognition as additional suffix to your status. This will definitely enhance and add more value and repute to your name. You may use it on your professional Counseling Materials such as CV, Resume, Visiting Card and Name Plate etc.

The following benefits can be availed by you only for next three years from the date of certification.



MARSHS designated members are entitled to avail a 25% discount while publishing their research papers (of a single author) in Global Journals Inc., if the same is accepted by our Editorial Board and Peer Reviewers. If you are a main author or co-author of a group of authors, you will get discount of 10%.

As MARSHS, you will be given a renowned, secure and free professional email address with 30 GB of space e.g. johnhall@globaljournals.org. This will include Webmail, Spam Assassin, Email Forwarders, Auto-Responders, Email Delivery Route tracing, etc.





We shall provide you intimation regarding launching of e-version of journal of your stream time to time. This may be utilized in your library for the enrichment of knowledge of your students as well as it can also be helpful for the concerned faculty members.

The MARSHS member can apply for approval, grading and certification of standards of their educational and Institutional Degrees to Open Association of Research, Society U.S.A.



Once you are designated as MARSHS, you may send us a scanned copy of all of your credentials. OARS will verify, grade and certify them. This will be based on your academic records, quality of research papers published by you, and some more criteria.

It is mandatory to read all terms and conditions carefully.



AUXILIARY MEMBERSHIPS

Institutional Fellow of Open Association of Research Society (USA) - OARS (USA)

Global Journals Incorporation (USA) is accredited by Open Association of Research Society, U.S.A (OARS) and in turn, affiliates research institutions as “Institutional Fellow of Open Association of Research Society” (IFOARS).

The “FARSC” is a dignified title which is accorded to a person’s name viz. Dr. John E. Hall, Ph.D., FARSC or William Walldroff, M.S., FARSC.



The IFOARS institution is entitled to form a Board comprised of one Chairperson and three to five board members preferably from different streams. The Board will be recognized as “Institutional Board of Open Association of Research Society”-(IBOARS).

The Institute will be entitled to following benefits:



The IBOARS can initially review research papers of their institute and recommend them to publish with respective journal of Global Journals. It can also review the papers of other institutions after obtaining our consent. The second review will be done by peer reviewer of Global Journals Incorporation (USA) The Board is at liberty to appoint a peer reviewer with the approval of chairperson after consulting us.

The author fees of such paper may be waived off up to 40%.

The Global Journals Incorporation (USA) at its discretion can also refer double blind peer reviewed paper at their end to the board for the verification and to get recommendation for final stage of acceptance of publication.



The IBOARS can organize symposium/seminar/conference in their country on behalf of Global Journals Incorporation (USA)-OARS (USA). The terms and conditions can be discussed separately.

The Board can also play vital role by exploring and giving valuable suggestions regarding the Standards of “Open Association of Research Society, U.S.A (OARS)” so that proper amendment can take place for the benefit of entire research community. We shall provide details of particular standard only on receipt of request from the Board.



The board members can also join us as Individual Fellow with 40% discount on total fees applicable to Individual Fellow. They will be entitled to avail all the benefits as declared. Please visit Individual Fellow-sub menu of GlobalJournals.org to have more relevant details.



We shall provide you intimation regarding launching of e-version of journal of your stream time to time. This may be utilized in your library for the enrichment of knowledge of your students as well as it can also be helpful for the concerned faculty members.



After nomination of your institution as “Institutional Fellow” and constantly functioning successfully for one year, we can consider giving recognition to your institute to function as Regional/Zonal office on our behalf. The board can also take up the additional allied activities for betterment after our consultation.

The following entitlements are applicable to individual Fellows:

Open Association of Research Society, U.S.A (OARS) By-laws states that an individual Fellow may use the designations as applicable, or the corresponding initials. The Credentials of individual Fellow and Associate designations signify that the individual has gained knowledge of the fundamental concepts. One is magnanimous and proficient in an expertise course covering the professional code of conduct, and follows recognized standards of practice.



Open Association of Research Society (US)/ Global Journals Incorporation (USA), as described in Corporate Statements, are educational, research publishing and professional membership organizations. Achieving our individual Fellow or Associate status is based mainly on meeting stated educational research requirements.

Disbursement of 40% Royalty earned through Global Journals : Researcher = 50%, Peer Reviewer = 37.50%, Institution = 12.50% E.g. Out of 40%, the 20% benefit should be passed on to researcher, 15 % benefit towards remuneration should be given to a reviewer and remaining 5% is to be retained by the institution.



We shall provide print version of 12 issues of any three journals [as per your requirement] out of our 38 journals worth \$ 2376 USD.

Other:

The individual Fellow and Associate designations accredited by Open Association of Research Society (US) credentials signify guarantees following achievements:

- The professional accredited with Fellow honor, is entitled to various benefits viz. name, fame, honor, regular flow of income, secured bright future, social status etc.



- In addition to above, if one is single author, then entitled to 40% discount on publishing research paper and can get 10% discount if one is co-author or main author among group of authors.
- The Fellow can organize symposium/seminar/conference on behalf of Global Journals Incorporation (USA) and he/she can also attend the same organized by other institutes on behalf of Global Journals.
- The Fellow can become member of Editorial Board Member after completing 3yrs.
- The Fellow can earn 60% of sales proceeds from the sale of reference/review books/literature/publishing of research paper.
- Fellow can also join as paid peer reviewer and earn 15% remuneration of author charges and can also get an opportunity to join as member of the Editorial Board of Global Journals Incorporation (USA)
- • This individual has learned the basic methods of applying those concepts and techniques to common challenging situations. This individual has further demonstrated an in-depth understanding of the application of suitable techniques to a particular area of research practice.

Note :

//

- In future, if the board feels the necessity to change any board member, the same can be done with the consent of the chairperson along with anyone board member without our approval.
- In case, the chairperson needs to be replaced then consent of 2/3rd board members are required and they are also required to jointly pass the resolution copy of which should be sent to us. In such case, it will be compulsory to obtain our approval before replacement.
- In case of “Difference of Opinion [if any]” among the Board members, our decision will be final and binding to everyone.

//



PROCESS OF SUBMISSION OF RESEARCH PAPER

The Area or field of specialization may or may not be of any category as mentioned in 'Scope of Journal' menu of the GlobalJournals.org website. There are 37 Research Journal categorized with Six parental Journals GJCST, GJMR, GJRE, GJMBR, GJSFR, GJHSS. For Authors should prefer the mentioned categories. There are three widely used systems UDC, DDC and LCC. The details are available as 'Knowledge Abstract' at Home page. The major advantage of this coding is that, the research work will be exposed to and shared with all over the world as we are being abstracted and indexed worldwide.

The paper should be in proper format. The format can be downloaded from first page of 'Author Guideline' Menu. The Author is expected to follow the general rules as mentioned in this menu. The paper should be written in MS-Word Format (*.DOC, *.DOCX).

The Author can submit the paper either online or offline. The authors should prefer online submission. Online Submission: There are three ways to submit your paper:

(A) (I) First, register yourself using top right corner of Home page then Login. If you are already registered, then login using your username and password.

(II) Choose corresponding Journal.

(III) Click 'Submit Manuscript'. Fill required information and Upload the paper.

(B) If you are using Internet Explorer, then Direct Submission through Homepage is also available.

(C) If these two are not convenient, and then email the paper directly to dean@globaljournals.org.

Offline Submission: Author can send the typed form of paper by Post. However, online submission should be preferred.



PREFERRED AUTHOR GUIDELINES

MANUSCRIPT STYLE INSTRUCTION (Must be strictly followed)

Page Size: 8.27" X 11"

- Left Margin: 0.65
- Right Margin: 0.65
- Top Margin: 0.75
- Bottom Margin: 0.75
- Font type of all text should be Swis 721 Lt BT.
- Paper Title should be of Font Size 24 with one Column section.
- Author Name in Font Size of 11 with one column as of Title.
- Abstract Font size of 9 Bold, "Abstract" word in Italic Bold.
- Main Text: Font size 10 with justified two columns section
- Two Column with Equal Column with of 3.38 and Gaping of .2
- First Character must be three lines Drop capped.
- Paragraph before Spacing of 1 pt and After of 0 pt.
- Line Spacing of 1 pt
- Large Images must be in One Column
- Numbering of First Main Headings (Heading 1) must be in Roman Letters, Capital Letter, and Font Size of 10.
- Numbering of Second Main Headings (Heading 2) must be in Alphabets, Italic, and Font Size of 10.

You can use your own standard format also.

Author Guidelines:

1. General,
2. Ethical Guidelines,
3. Submission of Manuscripts,
4. Manuscript's Category,
5. Structure and Format of Manuscript,
6. After Acceptance.

1. GENERAL

Before submitting your research paper, one is advised to go through the details as mentioned in following heads. It will be beneficial, while peer reviewer justify your paper for publication.

Scope

The Global Journals Inc. (US) welcome the submission of original paper, review paper, survey article relevant to the all the streams of Philosophy and knowledge. The Global Journals Inc. (US) is parental platform for Global Journal of Computer Science and Technology, Researches in Engineering, Medical Research, Science Frontier Research, Human Social Science, Management, and Business organization. The choice of specific field can be done otherwise as following in Abstracting and Indexing Page on this Website. As the all Global

Journals Inc. (US) are being abstracted and indexed (in process) by most of the reputed organizations. Topics of only narrow interest will not be accepted unless they have wider potential or consequences.

2. ETHICAL GUIDELINES

Authors should follow the ethical guidelines as mentioned below for publication of research paper and research activities.

Papers are accepted on strict understanding that the material in whole or in part has not been, nor is being, considered for publication elsewhere. If the paper once accepted by Global Journals Inc. (US) and Editorial Board, will become the copyright of the Global Journals Inc. (US).

Authorship: The authors and coauthors should have active contribution to conception design, analysis and interpretation of findings. They should critically review the contents and drafting of the paper. All should approve the final version of the paper before submission

The Global Journals Inc. (US) follows the definition of authorship set up by the Global Academy of Research and Development. According to the Global Academy of R&D authorship, criteria must be based on:

- 1) Substantial contributions to conception and acquisition of data, analysis and interpretation of the findings.
- 2) Drafting the paper and revising it critically regarding important academic content.
- 3) Final approval of the version of the paper to be published.

All authors should have been credited according to their appropriate contribution in research activity and preparing paper. Contributors who do not match the criteria as authors may be mentioned under Acknowledgement.

Acknowledgements: Contributors to the research other than authors credited should be mentioned under acknowledgement. The specifications of the source of funding for the research if appropriate can be included. Suppliers of resources may be mentioned along with address.

Appeal of Decision: The Editorial Board's decision on publication of the paper is final and cannot be appealed elsewhere.

Permissions: It is the author's responsibility to have prior permission if all or parts of earlier published illustrations are used in this paper.

Please mention proper reference and appropriate acknowledgements wherever expected.

If all or parts of previously published illustrations are used, permission must be taken from the copyright holder concerned. It is the author's responsibility to take these in writing.

Approval for reproduction/modification of any information (including figures and tables) published elsewhere must be obtained by the authors/copyright holders before submission of the manuscript. Contributors (Authors) are responsible for any copyright fee involved.

3. SUBMISSION OF MANUSCRIPTS

Manuscripts should be uploaded via this online submission page. The online submission is most efficient method for submission of papers, as it enables rapid distribution of manuscripts and consequently speeds up the review procedure. It also enables authors to know the status of their own manuscripts by emailing us. Complete instructions for submitting a paper is available below.

Manuscript submission is a systematic procedure and little preparation is required beyond having all parts of your manuscript in a given format and a computer with an Internet connection and a Web browser. Full help and instructions are provided on-screen. As an author, you will be prompted for login and manuscript details as Field of Paper and then to upload your manuscript file(s) according to the instructions.



To avoid postal delays, all transaction is preferred by e-mail. A finished manuscript submission is confirmed by e-mail immediately and your paper enters the editorial process with no postal delays. When a conclusion is made about the publication of your paper by our Editorial Board, revisions can be submitted online with the same procedure, with an occasion to view and respond to all comments.

Complete support for both authors and co-author is provided.

4. MANUSCRIPT'S CATEGORY

Based on potential and nature, the manuscript can be categorized under the following heads:

Original research paper: Such papers are reports of high-level significant original research work.

Review papers: These are concise, significant but helpful and decisive topics for young researchers.

Research articles: These are handled with small investigation and applications

Research letters: The letters are small and concise comments on previously published matters.

5. STRUCTURE AND FORMAT OF MANUSCRIPT

The recommended size of original research paper is less than seven thousand words, review papers fewer than seven thousands words also. Preparation of research paper or how to write research paper, are major hurdle, while writing manuscript. The research articles and research letters should be fewer than three thousand words, the structure original research paper; sometime review paper should be as follows:

Papers: These are reports of significant research (typically less than 7000 words equivalent, including tables, figures, references), and comprise:

- (a) Title should be relevant and commensurate with the theme of the paper.
- (b) A brief Summary, "Abstract" (less than 150 words) containing the major results and conclusions.
- (c) Up to ten keywords, that precisely identifies the paper's subject, purpose, and focus.
- (d) An Introduction, giving necessary background excluding subheadings; objectives must be clearly declared.
- (e) Resources and techniques with sufficient complete experimental details (wherever possible by reference) to permit repetition; sources of information must be given and numerical methods must be specified by reference, unless non-standard.
- (f) Results should be presented concisely, by well-designed tables and/or figures; the same data may not be used in both; suitable statistical data should be given. All data must be obtained with attention to numerical detail in the planning stage. As reproduced design has been recognized to be important to experiments for a considerable time, the Editor has decided that any paper that appears not to have adequate numerical treatments of the data will be returned un-refereed;
- (g) Discussion should cover the implications and consequences, not just recapitulating the results; conclusions should be summarizing.
- (h) Brief Acknowledgements.
- (i) References in the proper form.

Authors should very cautiously consider the preparation of papers to ensure that they communicate efficiently. Papers are much more likely to be accepted, if they are cautiously designed and laid out, contain few or no errors, are summarizing, and be conventional to the approach and instructions. They will in addition, be published with much less delays than those that require much technical and editorial correction.



The Editorial Board reserves the right to make literary corrections and to make suggestions to improve brevity.

It is vital, that authors take care in submitting a manuscript that is written in simple language and adheres to published guidelines.

Format

Language: The language of publication is UK English. Authors, for whom English is a second language, must have their manuscript efficiently edited by an English-speaking person before submission to make sure that, the English is of high excellence. It is preferable, that manuscripts should be professionally edited.

Standard Usage, Abbreviations, and Units: Spelling and hyphenation should be conventional to The Concise Oxford English Dictionary. Statistics and measurements should at all times be given in figures, e.g. 16 min, except for when the number begins a sentence. When the number does not refer to a unit of measurement it should be spelt in full unless, it is 160 or greater.

Abbreviations supposed to be used carefully. The abbreviated name or expression is supposed to be cited in full at first usage, followed by the conventional abbreviation in parentheses.

Metric SI units are supposed to generally be used excluding where they conflict with current practice or are confusing. For illustration, 1.4 l rather than $1.4 \times 10^{-3} \text{ m}^3$, or 4 mm somewhat than $4 \times 10^{-3} \text{ m}$. Chemical formula and solutions must identify the form used, e.g. anhydrous or hydrated, and the concentration must be in clearly defined units. Common species names should be followed by underlines at the first mention. For following use the generic name should be constricted to a single letter, if it is clear.

Structure

All manuscripts submitted to Global Journals Inc. (US), ought to include:

Title: The title page must carry an instructive title that reflects the content, a running title (less than 45 characters together with spaces), names of the authors and co-authors, and the place(s) wherever the work was carried out. The full postal address in addition with the e-mail address of related author must be given. Up to eleven keywords or very brief phrases have to be given to help data retrieval, mining and indexing.

Abstract, used in Original Papers and Reviews:

Optimizing Abstract for Search Engines

Many researchers searching for information online will use search engines such as Google, Yahoo or similar. By optimizing your paper for search engines, you will amplify the chance of someone finding it. This in turn will make it more likely to be viewed and/or cited in a further work. Global Journals Inc. (US) have compiled these guidelines to facilitate you to maximize the web-friendliness of the most public part of your paper.

Key Words

A major linchpin in research work for the writing research paper is the keyword search, which one will employ to find both library and Internet resources.

One must be persistent and creative in using keywords. An effective keyword search requires a strategy and planning a list of possible keywords and phrases to try.

Search engines for most searches, use Boolean searching, which is somewhat different from Internet searches. The Boolean search uses "operators," words (and, or, not, and near) that enable you to expand or narrow your affords. Tips for research paper while preparing research paper are very helpful guideline of research paper.

Choice of key words is first tool of tips to write research paper. Research paper writing is an art. A few tips for deciding as strategically as possible about keyword search:



- One should start brainstorming lists of possible keywords before even begin searching. Think about the most important concepts related to research work. Ask, "What words would a source have to include to be truly valuable in research paper?" Then consider synonyms for the important words.
- It may take the discovery of only one relevant paper to let steer in the right keyword direction because in most databases, the keywords under which a research paper is abstracted are listed with the paper.
- One should avoid outdated words.

Keywords are the key that opens a door to research work sources. Keyword searching is an art in which researcher's skills are bound to improve with experience and time.

Numerical Methods: Numerical methods used should be clear and, where appropriate, supported by references.

Acknowledgements: Please make these as concise as possible.

References

References follow the Harvard scheme of referencing. References in the text should cite the authors' names followed by the time of their publication, unless there are three or more authors when simply the first author's name is quoted followed by et al. unpublished work has to only be cited where necessary, and only in the text. Copies of references in press in other journals have to be supplied with submitted typescripts. It is necessary that all citations and references be carefully checked before submission, as mistakes or omissions will cause delays.

References to information on the World Wide Web can be given, but only if the information is available without charge to readers on an official site. Wikipedia and Similar websites are not allowed where anyone can change the information. Authors will be asked to make available electronic copies of the cited information for inclusion on the Global Journals Inc. (US) homepage at the judgment of the Editorial Board.

The Editorial Board and Global Journals Inc. (US) recommend that, citation of online-published papers and other material should be done via a DOI (digital object identifier). If an author cites anything, which does not have a DOI, they run the risk of the cited material not being noticeable.

The Editorial Board and Global Journals Inc. (US) recommend the use of a tool such as Reference Manager for reference management and formatting.

Tables, Figures and Figure Legends

Tables: Tables should be few in number, cautiously designed, uncrowned, and include only essential data. Each must have an Arabic number, e.g. Table 4, a self-explanatory caption and be on a separate sheet. Vertical lines should not be used.

Figures: Figures are supposed to be submitted as separate files. Always take in a citation in the text for each figure using Arabic numbers, e.g. Fig. 4. Artwork must be submitted online in electronic form by e-mailing them.

Preparation of Electronic Figures for Publication

Even though low quality images are sufficient for review purposes, print publication requires high quality images to prevent the final product being blurred or fuzzy. Submit (or e-mail) EPS (line art) or TIFF (halftone/photographs) files only. MS PowerPoint and Word Graphics are unsuitable for printed pictures. Do not use pixel-oriented software. Scans (TIFF only) should have a resolution of at least 350 dpi (halftone) or 700 to 1100 dpi (line drawings) in relation to the imitation size. Please give the data for figures in black and white or submit a Color Work Agreement Form. EPS files must be saved with fonts embedded (and with a TIFF preview, if possible).

For scanned images, the scanning resolution (at final image size) ought to be as follows to ensure good reproduction: line art: >650 dpi; halftones (including gel photographs) : >350 dpi; figures containing both halftone and line images: >650 dpi.



Color Charges: It is the rule of the Global Journals Inc. (US) for authors to pay the full cost for the reproduction of their color artwork. Hence, please note that, if there is color artwork in your manuscript when it is accepted for publication, we would require you to complete and return a color work agreement form before your paper can be published.

Figure Legends: Self-explanatory legends of all figures should be incorporated separately under the heading 'Legends to Figures'. In the full-text online edition of the journal, figure legends may possibly be truncated in abbreviated links to the full screen version. Therefore, the first 100 characters of any legend should notify the reader, about the key aspects of the figure.

6. AFTER ACCEPTANCE

Upon approval of a paper for publication, the manuscript will be forwarded to the dean, who is responsible for the publication of the Global Journals Inc. (US).

6.1 Proof Corrections

The corresponding author will receive an e-mail alert containing a link to a website or will be attached. A working e-mail address must therefore be provided for the related author.

Acrobat Reader will be required in order to read this file. This software can be downloaded

(Free of charge) from the following website:

www.adobe.com/products/acrobat/readstep2.html. This will facilitate the file to be opened, read on screen, and printed out in order for any corrections to be added. Further instructions will be sent with the proof.

Proofs must be returned to the dean at dean@globaljournals.org within three days of receipt.

As changes to proofs are costly, we inquire that you only correct typesetting errors. All illustrations are retained by the publisher. Please note that the authors are responsible for all statements made in their work, including changes made by the copy editor.

6.2 Early View of Global Journals Inc. (US) (Publication Prior to Print)

The Global Journals Inc. (US) are enclosed by our publishing's Early View service. Early View articles are complete full-text articles sent in advance of their publication. Early View articles are absolute and final. They have been completely reviewed, revised and edited for publication, and the authors' final corrections have been incorporated. Because they are in final form, no changes can be made after sending them. The nature of Early View articles means that they do not yet have volume, issue or page numbers, so Early View articles cannot be cited in the conventional way.

6.3 Author Services

Online production tracking is available for your article through Author Services. Author Services enables authors to track their article - once it has been accepted - through the production process to publication online and in print. Authors can check the status of their articles online and choose to receive automated e-mails at key stages of production. The authors will receive an e-mail with a unique link that enables them to register and have their article automatically added to the system. Please ensure that a complete e-mail address is provided when submitting the manuscript.

6.4 Author Material Archive Policy

Please note that if not specifically requested, publisher will dispose off hardcopy & electronic information submitted, after the two months of publication. If you require the return of any information submitted, please inform the Editorial Board or dean as soon as possible.

6.5 Offprint and Extra Copies

A PDF offprint of the online-published article will be provided free of charge to the related author, and may be distributed according to the Publisher's terms and conditions. Additional paper offprint may be ordered by emailing us at: editor@globaljournals.org.



Before start writing a good quality Computer Science Research Paper, let us first understand what is Computer Science Research Paper? So, Computer Science Research Paper is the paper which is written by professionals or scientists who are associated to Computer Science and Information Technology, or doing research study in these areas. If you are novel to this field then you can consult about this field from your supervisor or guide.

TECHNIQUES FOR WRITING A GOOD QUALITY RESEARCH PAPER:

1. Choosing the topic: In most cases, the topic is searched by the interest of author but it can be also suggested by the guides. You can have several topics and then you can judge that in which topic or subject you are finding yourself most comfortable. This can be done by asking several questions to yourself, like Will I be able to carry our search in this area? Will I find all necessary recourses to accomplish the search? Will I be able to find all information in this field area? If the answer of these types of questions will be "Yes" then you can choose that topic. In most of the cases, you may have to conduct the surveys and have to visit several places because this field is related to Computer Science and Information Technology. Also, you may have to do a lot of work to find all rise and falls regarding the various data of that subject. Sometimes, detailed information plays a vital role, instead of short information.

2. Evaluators are human: First thing to remember that evaluators are also human being. They are not only meant for rejecting a paper. They are here to evaluate your paper. So, present your Best.

3. Think Like Evaluators: If you are in a confusion or getting demotivated that your paper will be accepted by evaluators or not, then think and try to evaluate your paper like an Evaluator. Try to understand that what an evaluator wants in your research paper and automatically you will have your answer.

4. Make blueprints of paper: The outline is the plan or framework that will help you to arrange your thoughts. It will make your paper logical. But remember that all points of your outline must be related to the topic you have chosen.

5. Ask your Guides: If you are having any difficulty in your research, then do not hesitate to share your difficulty to your guide (if you have any). They will surely help you out and resolve your doubts. If you can't clarify what exactly you require for your work then ask the supervisor to help you with the alternative. He might also provide you the list of essential readings.

6. Use of computer is recommended: As you are doing research in the field of Computer Science, then this point is quite obvious.

7. Use right software: Always use good quality software packages. If you are not capable to judge good software then you can lose quality of your paper unknowingly. There are various software programs available to help you, which you can get through Internet.

8. Use the Internet for help: An excellent start for your paper can be by using the Google. It is an excellent search engine, where you can have your doubts resolved. You may also read some answers for the frequent question how to write my research paper or find model research paper. From the internet library you can download books. If you have all required books make important reading selecting and analyzing the specified information. Then put together research paper sketch out.

9. Use and get big pictures: Always use encyclopedias, Wikipedia to get pictures so that you can go into the depth.

10. Bookmarks are useful: When you read any book or magazine, you generally use bookmarks, right! It is a good habit, which helps to not to lose your continuity. You should always use bookmarks while searching on Internet also, which will make your search easier.

11. Revise what you wrote: When you write anything, always read it, summarize it and then finalize it.



12. Make all efforts: Make all efforts to mention what you are going to write in your paper. That means always have a good start. Try to mention everything in introduction, that what is the need of a particular research paper. Polish your work by good skill of writing and always give an evaluator, what he wants.

13. Have backups: When you are going to do any important thing like making research paper, you should always have backup copies of it either in your computer or in paper. This will help you to not to lose any of your important.

14. Produce good diagrams of your own: Always try to include good charts or diagrams in your paper to improve quality. Using several and unnecessary diagrams will degrade the quality of your paper by creating "hotchpotch." So always, try to make and include those diagrams, which are made by your own to improve readability and understandability of your paper.

15. Use of direct quotes: When you do research relevant to literature, history or current affairs then use of quotes become essential but if study is relevant to science then use of quotes is not preferable.

16. Use proper verb tense: Use proper verb tenses in your paper. Use past tense, to present those events that happened. Use present tense to indicate events that are going on. Use future tense to indicate future happening events. Use of improper and wrong tenses will confuse the evaluator. Avoid the sentences that are incomplete.

17. Never use online paper: If you are getting any paper on Internet, then never use it as your research paper because it might be possible that evaluator has already seen it or maybe it is outdated version.

18. Pick a good study spot: To do your research studies always try to pick a spot, which is quiet. Every spot is not for studies. Spot that suits you choose it and proceed further.

19. Know what you know: Always try to know, what you know by making objectives. Else, you will be confused and cannot achieve your target.

20. Use good quality grammar: Always use a good quality grammar and use words that will throw positive impact on evaluator. Use of good quality grammar does not mean to use tough words, that for each word the evaluator has to go through dictionary. Do not start sentence with a conjunction. Do not fragment sentences. Eliminate one-word sentences. Ignore passive voice. Do not ever use a big word when a diminutive one would suffice. Verbs have to be in agreement with their subjects. Prepositions are not expressions to finish sentences with. It is incorrect to ever divide an infinitive. Avoid clichés like the disease. Also, always shun irritating alliteration. Use language that is simple and straight forward. put together a neat summary.

21. Arrangement of information: Each section of the main body should start with an opening sentence and there should be a changeover at the end of the section. Give only valid and powerful arguments to your topic. You may also maintain your arguments with records.

22. Never start in last minute: Always start at right time and give enough time to research work. Leaving everything to the last minute will degrade your paper and spoil your work.

23. Multitasking in research is not good: Doing several things at the same time proves bad habit in case of research activity. Research is an area, where everything has a particular time slot. Divide your research work in parts and do particular part in particular time slot.

24. Never copy others' work: Never copy others' work and give it your name because if evaluator has seen it anywhere you will be in trouble.

25. Take proper rest and food: No matter how many hours you spend for your research activity, if you are not taking care of your health then all your efforts will be in vain. For a quality research, study is must, and this can be done by taking proper rest and food.

26. Go for seminars: Attend seminars if the topic is relevant to your research area. Utilize all your resources.



27. Refresh your mind after intervals: Try to give rest to your mind by listening to soft music or by sleeping in intervals. This will also improve your memory.

28. Make colleagues: Always try to make colleagues. No matter how sharper or intelligent you are, if you make colleagues you can have several ideas, which will be helpful for your research.

29. Think technically: Always think technically. If anything happens, then search its reasons, its benefits, and demerits.

30. Think and then print: When you will go to print your paper, notice that tables are not be split, headings are not detached from their descriptions, and page sequence is maintained.

31. Adding unnecessary information: Do not add unnecessary information, like, I have used MS Excel to draw graph. Do not add irrelevant and inappropriate material. These all will create superfluous. Foreign terminology and phrases are not apropos. One should NEVER take a broad view. Analogy in script is like feathers on a snake. Not at all use a large word when a very small one would be sufficient. Use words properly, regardless of how others use them. Remove quotations. Puns are for kids, not grunt readers. Amplification is a billion times of inferior quality than sarcasm.

32. Never oversimplify everything: To add material in your research paper, never go for oversimplification. This will definitely irritate the evaluator. Be more or less specific. Also too, by no means, ever use rhythmic redundancies. Contractions aren't essential and shouldn't be there used. Comparisons are as terrible as clichés. Give up ampersands and abbreviations, and so on. Remove commas, that are, not necessary. Parenthetical words however should be together with this in commas. Understatement is all the time the complete best way to put onward earth-shaking thoughts. Give a detailed literary review.

33. Report concluded results: Use concluded results. From raw data, filter the results and then conclude your studies based on measurements and observations taken. Significant figures and appropriate number of decimal places should be used. Parenthetical remarks are prohibitive. Proofread carefully at final stage. In the end give outline to your arguments. Spot out perspectives of further study of this subject. Justify your conclusion by at the bottom of them with sufficient justifications and examples.

34. After conclusion: Once you have concluded your research, the next most important step is to present your findings. Presentation is extremely important as it is the definite medium through which your research is going to be in print to the rest of the crowd. Care should be taken to categorize your thoughts well and present them in a logical and neat manner. A good quality research paper format is essential because it serves to highlight your research paper and bring to light all necessary aspects in your research.

INFORMAL GUIDELINES OF RESEARCH PAPER WRITING

Key points to remember:

- Submit all work in its final form.
- Write your paper in the form, which is presented in the guidelines using the template.
- Please note the criterion for grading the final paper by peer-reviewers.

Final Points:

A purpose of organizing a research paper is to let people to interpret your effort selectively. The journal requires the following sections, submitted in the order listed, each section to start on a new page.

The introduction will be compiled from reference matter and will reflect the design processes or outline of basis that direct you to make study. As you will carry out the process of study, the method and process section will be constructed as like that. The result segment will show related statistics in nearly sequential order and will direct the reviewers next to the similar intellectual paths throughout the data that you took to carry out your study. The discussion section will provide understanding of the data and projections as to the implication of the results. The use of good quality references all through the paper will give the effort trustworthiness by representing an alertness of prior workings.



Writing a research paper is not an easy job no matter how trouble-free the actual research or concept. Practice, excellent preparation, and controlled record keeping are the only means to make straightforward the progression.

General style:

Specific editorial column necessities for compliance of a manuscript will always take over from directions in these general guidelines.

To make a paper clear

- Adhere to recommended page limits

Mistakes to evade

- Insertion a title at the foot of a page with the subsequent text on the next page
- Separating a table/chart or figure - impound each figure/table to a single page
- Submitting a manuscript with pages out of sequence

In every sections of your document

- Use standard writing style including articles ("a", "the," etc.)
- Keep on paying attention on the research topic of the paper
- Use paragraphs to split each significant point (excluding for the abstract)
- Align the primary line of each section
- Present your points in sound order
- Use present tense to report well accepted
- Use past tense to describe specific results
- Shun familiar wording, don't address the reviewer directly, and don't use slang, slang language, or superlatives
- Shun use of extra pictures - include only those figures essential to presenting results

Title Page:

Choose a revealing title. It should be short. It should not have non-standard acronyms or abbreviations. It should not exceed two printed lines. It should include the name(s) and address (es) of all authors.



Abstract:

The summary should be two hundred words or less. It should briefly and clearly explain the key findings reported in the manuscript-- must have precise statistics. It should not have abnormal acronyms or abbreviations. It should be logical in itself. Shun citing references at this point.

An abstract is a brief distinct paragraph summary of finished work or work in development. In a minute or less a reviewer can be taught the foundation behind the study, common approach to the problem, relevant results, and significant conclusions or new questions.

Write your summary when your paper is completed because how can you write the summary of anything which is not yet written? Wealth of terminology is very essential in abstract. Yet, use comprehensive sentences and do not let go readability for brevity. You can maintain it succinct by phrasing sentences so that they provide more than lone rationale. The author can at this moment go straight to shortening the outcome. Sum up the study, with the subsequent elements in any summary. Try to maintain the initial two items to no more than one ruling each.

- Reason of the study - theory, overall issue, purpose
- Fundamental goal
- To the point depiction of the research
- Consequences, including definite statistics - if the consequences are quantitative in nature, account quantitative data; results of any numerical analysis should be reported
- Significant conclusions or questions that track from the research(es)

Approach:

- Single section, and succinct
- As an outline of job done, it is always written in past tense
- A conceptual should situate on its own, and not submit to any other part of the paper such as a form or table
- Center on shortening results - bound background information to a verdict or two, if completely necessary
- What you account in an abstract must be regular with what you reported in the manuscript
- Exact spelling, clearness of sentences and phrases, and appropriate reporting of quantities (proper units, important statistics) are just as significant in an abstract as they are anywhere else

Introduction:

The **Introduction** should "introduce" the manuscript. The reviewer should be presented with sufficient background information to be capable to comprehend and calculate the purpose of your study without having to submit to other works. The basis for the study should be offered. Give most important references but shun difficult to make a comprehensive appraisal of the topic. In the introduction, describe the problem visibly. If the problem is not acknowledged in a logical, reasonable way, the reviewer will have no attention in your result. Speak in common terms about techniques used to explain the problem, if needed, but do not present any particulars about the protocols here. Following approach can create a valuable beginning:

- Explain the value (significance) of the study
- Shield the model - why did you employ this particular system or method? What is its compensation? You strength remark on its appropriateness from a abstract point of vision as well as point out sensible reasons for using it.
- Present a justification. Status your particular theory (es) or aim(s), and describe the logic that led you to choose them.
- Very for a short time explain the tentative propose and how it skilled the declared objectives.

Approach:

- Use past tense except for when referring to recognized facts. After all, the manuscript will be submitted after the entire job is done.
- Sort out your thoughts; manufacture one key point with every section. If you make the four points listed above, you will need a least of four paragraphs.



- Present surroundings information only as desirable in order hold up a situation. The reviewer does not desire to read the whole thing you know about a topic.
- Shape the theory/purpose specifically - do not take a broad view.
- As always, give awareness to spelling, simplicity and correctness of sentences and phrases.

Procedures (Methods and Materials):

This part is supposed to be the easiest to carve if you have good skills. A sound written Procedures segment allows a capable scientist to replacement your results. Present precise information about your supplies. The suppliers and clarity of reagents can be helpful bits of information. Present methods in sequential order but linked methodologies can be grouped as a segment. Be concise when relating the protocols. Attempt for the least amount of information that would permit another capable scientist to spare your outcome but be cautious that vital information is integrated. The use of subheadings is suggested and ought to be synchronized with the results section. When a technique is used that has been well described in another object, mention the specific item describing a way but draw the basic principle while stating the situation. The purpose is to text all particular resources and broad procedures, so that another person may use some or all of the methods in one more study or referee the scientific value of your work. It is not to be a step by step report of the whole thing you did, nor is a methods section a set of orders.

Materials:

- Explain materials individually only if the study is so complex that it saves liberty this way.
- Embrace particular materials, and any tools or provisions that are not frequently found in laboratories.
- Do not take in frequently found.
- If use of a definite type of tools.
- Materials may be reported in a part section or else they may be recognized along with your measures.

Methods:

- Report the method (not particulars of each process that engaged the same methodology)
- Describe the method entirely
- To be succinct, present methods under headings dedicated to specific dealings or groups of measures
- Simplify - details how procedures were completed not how they were exclusively performed on a particular day.
- If well known procedures were used, account the procedure by name, possibly with reference, and that's all.

Approach:

- It is embarrassed or not possible to use vigorous voice when documenting methods with no using first person, which would focus the reviewer's interest on the researcher rather than the job. As a result when script up the methods most authors use third person passive voice.
- Use standard style in this and in every other part of the paper - avoid familiar lists, and use full sentences.

What to keep away from

- Resources and methods are not a set of information.
- Skip all descriptive information and surroundings - save it for the argument.
- Leave out information that is immaterial to a third party.

Results:

The principle of a results segment is to present and demonstrate your conclusion. Create this part a entirely objective details of the outcome, and save all understanding for the discussion.

The page length of this segment is set by the sum and types of data to be reported. Carry on to be to the point, by means of statistics and tables, if suitable, to present consequences most efficiently. You must obviously differentiate material that would usually be incorporated in a study editorial from any unprocessed data or additional appendix matter that would not be available. In fact, such matter should not be submitted at all except requested by the instructor.



Content

- Sum up your conclusion in text and demonstrate them, if suitable, with figures and tables.
- In manuscript, explain each of your consequences, point the reader to remarks that are most appropriate.
- Present a background, such as by describing the question that was addressed by creation an exacting study.
- Explain results of control experiments and comprise remarks that are not accessible in a prescribed figure or table, if appropriate.
- Examine your data, then prepare the analyzed (transformed) data in the form of a figure (graph), table, or in manuscript form.

What to stay away from

- Do not discuss or infer your outcome, report surroundings information, or try to explain anything.
- Not at all, take in raw data or intermediate calculations in a research manuscript.
- Do not present the similar data more than once.
- Manuscript should complement any figures or tables, not duplicate the identical information.
- Never confuse figures with tables - there is a difference.

Approach

- As forever, use past tense when you submit to your results, and put the whole thing in a reasonable order.
- Put figures and tables, appropriately numbered, in order at the end of the report
- If you desire, you may place your figures and tables properly within the text of your results part.

Figures and tables

- If you put figures and tables at the end of the details, make certain that they are visibly distinguished from any attach appendix materials, such as raw facts
- Despite of position, each figure must be numbered one after the other and complete with subtitle
- In spite of position, each table must be titled, numbered one after the other and complete with heading
- All figure and table must be adequately complete that it could situate on its own, divide from text

Discussion:

The Discussion is expected the trickiest segment to write and describe. A lot of papers submitted for journal are discarded based on problems with the Discussion. There is no head of state for how long a argument should be. Position your understanding of the outcome visibly to lead the reviewer through your conclusions, and then finish the paper with a summing up of the implication of the study. The purpose here is to offer an understanding of your results and hold up for all of your conclusions, using facts from your research and generally accepted information, if suitable. The implication of result should be visibly described. Infer your data in the conversation in suitable depth. This means that when you clarify an observable fact you must explain mechanisms that may account for the observation. If your results vary from your prospect, make clear why that may have happened. If your results agree, then explain the theory that the proof supported. It is never suitable to just state that the data approved with prospect, and let it drop at that.

- Make a decision if each premise is supported, discarded, or if you cannot make a conclusion with assurance. Do not just dismiss a study or part of a study as "uncertain."
- Research papers are not acknowledged if the work is imperfect. Draw what conclusions you can based upon the results that you have, and take care of the study as a finished work
- You may propose future guidelines, such as how the experiment might be personalized to accomplish a new idea.
- Give details all of your remarks as much as possible, focus on mechanisms.
- Make a decision if the tentative design sufficiently addressed the theory, and whether or not it was correctly restricted.
- Try to present substitute explanations if sensible alternatives be present.
- One research will not counter an overall question, so maintain the large picture in mind, where do you go next? The best studies unlock new avenues of study. What questions remain?
- Recommendations for detailed papers will offer supplementary suggestions.

Approach:

- When you refer to information, differentiate data generated by your own studies from available information
- Submit to work done by specific persons (including you) in past tense.
- Submit to generally acknowledged facts and main beliefs in present tense.



THE ADMINISTRATION RULES

Please carefully note down following rules and regulation before submitting your Research Paper to Global Journals Inc. (US):

Segment Draft and Final Research Paper: You have to strictly follow the template of research paper. If it is not done your paper may get rejected.

- The **major constraint** is that you must independently make all content, tables, graphs, and facts that are offered in the paper. You must write each part of the paper wholly on your own. The Peer-reviewers need to identify your own perceptives of the concepts in your own terms. NEVER extract straight from any foundation, and never rephrase someone else's analysis.
- Do not give permission to anyone else to "PROOFREAD" your manuscript.
- **Methods to avoid Plagiarism is applied by us on every paper, if found guilty, you will be blacklisted by all of our collaborated research groups, your institution will be informed for this and strict legal actions will be taken immediately.)**
- To guard yourself and others from possible illegal use please do not permit anyone right to use to your paper and files.



CRITERION FOR GRADING A RESEARCH PAPER (COMPILATION)
BY GLOBAL JOURNALS INC. (US)

Please note that following table is only a Grading of "Paper Compilation" and not on "Performed/Stated Research" whose grading solely depends on Individual Assigned Peer Reviewer and Editorial Board Member. These can be available only on request and after decision of Paper. This report will be the property of Global Journals Inc. (US).

Topics	Grades		
	A-B	C-D	E-F
<i>Abstract</i>	Clear and concise with appropriate content, Correct format. 200 words or below	Unclear summary and no specific data, Incorrect form Above 200 words	No specific data with ambiguous information Above 250 words
<i>Introduction</i>	Containing all background details with clear goal and appropriate details, flow specification, no grammar and spelling mistake, well organized sentence and paragraph, reference cited	Unclear and confusing data, appropriate format, grammar and spelling errors with unorganized matter	Out of place depth and content, hazy format
<i>Methods and Procedures</i>	Clear and to the point with well arranged paragraph, precision and accuracy of facts and figures, well organized subheads	Difficult to comprehend with embarrassed text, too much explanation but completed	Incorrect and unorganized structure with hazy meaning
<i>Result</i>	Well organized, Clear and specific, Correct units with precision, correct data, well structuring of paragraph, no grammar and spelling mistake	Complete and embarrassed text, difficult to comprehend	Irregular format with wrong facts and figures
<i>Discussion</i>	Well organized, meaningful specification, sound conclusion, logical and concise explanation, highly structured paragraph reference cited	Wordy, unclear conclusion, spurious	Conclusion is not cited, unorganized, difficult to comprehend
<i>References</i>	Complete and correct format, well organized	Beside the point, Incomplete	Wrong format and structuring



INDEX

A

Alexkor · 47, 69, 70

B

Bourdieu · 2, 5

C

Crucialto · 25

F

Freitas · 32, 34, 36

K

Khayeltsha · 44

L

Lamount · 2, 5
Lobolo · 44, 48, 49, 51, 56, 63

M

Mthembu · 46, 70

O

Onyiloha · 15
Ospina · 34, 36

P

Pentecostal · 8, 10, 12, 14, 16, 17, 19, 20, 21, 22, 23, 24
Proselytization · 8

S

Schellhuber · 36
Shilubana · 39, 44, 59, 61, 63, 69, 71
Sithole · 40, 44, 55, 59, 70

T

Todaro · 15

X

Xuma · 48

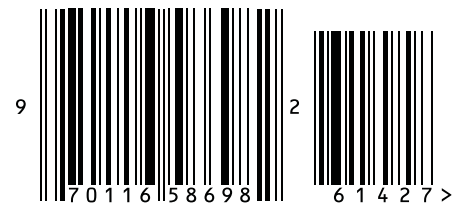


save our planet



Global Journal of Human Social Science

Visit us on the Web at www.GlobalJournals.org | www.SocialScienceResearch.org
or email us at helpdesk@globaljournals.org



ISSN 975587

© Global Journals