

HUMAN RIGHTS AND SOCIAL JUSTICE IN AFRICA

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Cultural, Ethical and Spiritual Imperatives

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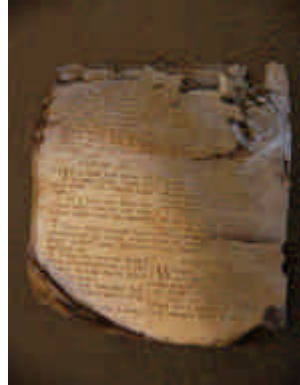
By Nicholas Otieno

“The Bible from Kibera Lutheran Church”

This piece from a Bible was found in the ruins of the Lutheran Church in Kibera slum, after the fire that has been there. The Church, School and the clinic was struck of this fire. This piece was saved from all the trash after the fire.

Psalm 124:2-3

“If it had not been the Lord who was on our side, when men rose up against us, Then they would have swallowed us alive, when their wrath was kindled against us;”



Prayer And Dedication

Eternal God, most awesome and merciful, we dedicate this work in memory of the children of Africa who during their passage of dread suffered unspeakable abuse, cruelty and death in the triangle of slave trade. Women in the continent while being faithful carry the overbearing load of the African household may you hear the cry of their wounded hearts and the voices of their despairing souls. You are the hope of the poor, those whose rights are violated and excluded from the agenda of development in our wounded world. Even as you call us to be witnesses of your unfailing Love for the poor enable us to engage with courage against all forms of evil and inspire us again to protect the human rights of all in Africa.

Many of your servants whom you called to fight for justice have gone before us. We remember martyrs of Uganda, Rwandan, Kenya, South Africa and many others who are buried in unknown places. May you awaken new prophets to teach us once again through the power of your Spirit to hear within the voice of the weak, the yearnings of your concern for humanity. As one body in Christ, make us messengers of hope, your compassion and prophetic sign of your incarnate word for human rights and social justice in Africa.

Lord, God, we may not know what is in store for your wonderful people in this continent, we may not see the road ahead, but even as we transverse the valley of the shadow of death we shall not fear, for you are ever with your beloved and will never allow Africa to face her perils alone.

Amen

Prologue

The cosmic order in its complex simplicity is guided by an inner logic of flourishing of life. Our affinity towards life brings about unceasing renewal of our inner being . Psalm 23 illustrates the surpassing generosity of God in whose shadow everything is upheld and in whose light everything delights. Even though divine benevolence is often surrounded by the dilemma of suffering and evil , God remains the ultimate protector of humanity. But the human dilemma of suffering can never be resolved without inflaming our consciousness with a new ethic of existence. The cosmic shepherd will never leave his faithful and even though we may linger through the shadow of death and transverse the lonesome landscapes of anguish , there will always be a helping hand of the one whose nature signifies Justice and Truth .

Beyond the goodness that lies deep in every human heart there is the objective good that inspires us to change the course of history and eventually to rid the world of unnecessary pain. According to the Bible , the world is an ethical system of life in which both good and evil co-exist in a perpetual influx. Sometimes it seems as if evil must overcome and reign over our terrestrial vulnerability before the ennoblement of good becomes a reality in our personal lives and institutions we inhabit .

But as recipients of the wonders of grace and the confidence of divine protection we must be aware that by contemplative experience alone or through our encounter with the quiet streams , calm waters , serene landscapes even being welcomed at a table devoid of enemies , we shall not overcome evil . Yes we experience those profound moments of grace when we are crossing the valley of the shadow of death towards the mountain top where we must dream new dreams as Martin Luther King jr. did and go back down to the market place of life in order to serve the ordinary communities from which we came or to which we have been called to serve . And it is not possible to be at the service of humanity without confronting the conditions and structures of injustice that alienate humankind from the most noble of pursuits i.e. freedom

,dignity and happiness . In African spirituality these can be encapsulated in one phrase ; Abundant Life . When every aspect of our existence is filled with the exuberance of life giving and life fulfilling elements and moments then we can say we are truly happy . But when we live in an oppressed world under the dominion of tyrants and in which we have no access to basic needs how ever hard we work then happiness is an illusive dream indeed .

All sacred texts are filled with the exuberance of poetic wisdom on the question of meaning and nature of justice . The cosmos though scientifically created was designed for an ethical end, *happiness*. And this is not possible to attain without respect for the rights of other Beings . There is the real endearment of every consciousness towards a vision of goodness which constitutes happiness for every creature in the universe. At the heart of this endearment is the inner flame of life, the silent embrace of all that is good in the other. This inner flame that inspires the ultimate good is oiled by our human commitment to transform our World. And this commitment is often described with the ambiguity of one word, love.

Yes to Love as the Bible tells us is to serve. For even when we sleep and dream of a life full of joy, we are only awakened by the practical reality that the essence of life is to serve and that in serving we learn to Love. And in Loving we enter into solidarity with one another to protect each others dignity and search for happiness. Yes, the most gracious of all, is the love for a just, free and peaceful world for everyone .

And with the great poet may each one of us appeal to the most gracious one ‘ O give me the strength , never to disown the poor or bend my knees before insolent might’ ¹

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Special gratitude goes to Hekima College -Jesuit School of Theology, and the rector Rev Fr Agbonkhanmeghe Orobator S.J. for granting permission for the usage of the exquisite motif of the resurrection for the wonderful cover of this book. The motif, the original work of art and African spirituality is the brain child genius of Father Engelbert Mveng S.J. whose commitment for social justice led to his martyrdom at Nkol Afeme during the night of 22-23 April 1995 in Cameroun. He was a great writer, a historian and theologian who's inspiring "Via Crucia Africae" has made the little chapel at Hekima sanctuary and a place of pilgrimage for many. Our usage of this motif is to acknowledge the invaluable contribution of Catholic Scholars and theologians in the search for authenticity and renewal of African spirituality.

Foreword

The Churches in Africa and theologians in particular have always been engaged on issues of human rights in the continent long before advocacy NGOs came into the scene. There are a myriad of advocacy programs being implemented by various National Council of Churches , Regional Ecumenical Fellowships , Episcopal Conferences , African Instituted Churches towards the wellbeing of an informed, educated and responsible citizenry. The Churches as custodians of civic virtue and spiritual values in society have the mandate and duty to enliven the spirit of self reliance , stimulate and enthuse our people without the slightest desire to replicate the culture of absolute dependency upon them .

It is our endeavor to awaken in the hearts of our theologians and legal experts a vision and a new ethic that transforms the secular order of things with spiritual and moral values . Herein in this publication are the well argued secular legal doctrines in conversation with African Spirituality and culture together with Biblical hermeneutics as the basis for human rights. The Church is bequeathed with the responsibility to facilitate the development of a culture of respect for Human Rights and Democracy that is informed and shaped by sustainable and Prophetic Action infused with African Theology and Spirituality. As we journey together , we are called to mobilise our communities and parishes to build a continental movement with a prophetic African voice. We are called to promote and sustain the capacity of local Clergy to integrate Theological reflection with Human Rights issues so in turn they may facilitate their congregations as transformative instruments of God's purpose for Africa and the world .

This publication is an affirmation of our common calling to speak with one voice and articulate the prophetic mission of releasing the captives and announcing the new jubilee of Gods reign in human history. We are called to seek and find Jesus in the poor and the perplexed, among those who were jailed for crimes they did not commit, among the hungry and the sick, and among those who have been rejected by society.

And so while we in Africa are constantly faced with the fact of finitude and the fear of being engulfed by forces of non-being it is still our resolve never to let go of the hand of God. If we have the courage and tenacity of our fore bearers, who stood firmly like a rock against the lashes of slavery, we too shall find a way to do in our times what they did for theirs and be awakened someday by the hope to a new dream come true.

Rev Dr Mvume Dandala
General Secretary – All Africa Conference of Churches .

1. Introductory Summery

I have a dream that one day this nation will rise up ..I have a dream that my four little Children will one daynot be judged by the color of their skin but by the content of their character...I have a dream that one day every valley shall be exalted and every hill and mountain shall be made low , the rough places will be made plain , and the crooked places will be made straight , and the glory of the Lord shall be revealed , and all flesh shall see it together² .

Africa is revered as the birth place of human civilization and is scientifically regarded as the original home of all humanity . The foot prints of the earliest human trod upon the soils of Africa with a contemplative gaze that gave birth to reason and modern culture . From the boundless mountains to the great lakes, meandering rivers and the vast savannah before the Sahara, north and south of the Limpopo, great civilizations have thrived linking the hinterland with the sacred narratives of the Nile delta . Tracing the grandeur of Gods creation to the great human exodus from Africa to the rest of the world we encounter a bewildering past that selectively feeds into the contemporary global imaging of Africa. From slavery to globalization, the picture of humanness among the struggling ordinary men and women remains buried because the continent is perceived and treated as marginal in all spheres of world concerns except as a source of wealth for others .

The African reality is the outcome of one of the most painful and disenchanting struggles for human dignity in world history . Since we know that life began in this continent , we must gather with renewed confidence that the world needs Africa more for her (the world's) moral and spiritual regeneration . The Being of the world , and not merely in the primordial sense , rather through her identity , history and collective spirit (even when western anthropology denies it), is anchored in Africa . While globalization represents the rapid and pervasive diffusion around the world of consumption driven by the logic of greed and jungle politics , there remains in the “smell after the rainfall” of history that where we came from is not where we find ourselves today . In the world from which we all came we could not have survived the

scorching heat of the sun and transversed the dense forests to the hills of sand in the North in search of more open spaces without sharing resources and upholding the dignity of the other . Africa still retains , in her soul , the moral and spiritual resources for resistance against negative aspects of global modernization .

However Africa is also the home to all world religions, spiritual movements and institutions ranging from her ancestry to those that were encountered and integrated in modern times. In order to reclaim and proclaim the new dawn of justice and social equity in the continent there is an ongoing search for a new hub of inspiration, the place for renewal, and reinvention of the African reality. The Church is called to heed the call to be in solidarity with the poor and oppressed people of Africa . All Christians are obliged to stand up against all prevailing forces of evil that seek to engulf the continent with impunity . The suffering due to political and economic violence experienced by the people of Africa in the era of globalization must be faced with the prophetic voice of the churches together . The leaders of the church are henceforth called to denounce every form of violence in the continent and address all historical grievances on questions of equity and human rights . It is the basic responsibility of all governments in the world and indeed in Africa to protect the weak and vulnerable in society , to guarantee security and safety to all people and to ensure that the rights and dignity of every individual / groups are upheld irrespective of their race , nationality , gender or religion . Our beloved continent is faced with political marginalisation, economic exploitation, and class domination by rich and powerful corporations that manipulate her resources . More than often , democracy has been reduced to a merchandise serving the few rich elite who use it as a stepping stone to political positions of power in order to perpetuate their own economic domination over the people of this continent .

In the name of God, The Church and the ecumenical movement is called to affirm and renew her commitment to the values of freedom and true democracy by speaking in unison , truth to power without fear as part of her mission and calling . This is why the Church is

engaged with civil society groups in the movement to preserve and protect Human Rights . The church is called not only to prepare citizens to participate in national elections but also to equip them with instruments of discernment and foresight. This is more so not only on how to elect but also how to reject the kind of leadership that is oppressive. It is the public mandate of the Church to speak out with courage and to ensure that people are not left helpless under the exploitation of the rich and powerful . Thus, the African struggle for dignity must equip churches and social movements with a renewed ethic of critical solidarity with the poor and the oppressed. Weak economic performance, increasing poverty, climbing debt, declining social capital, general dysfunctionality and incapacity for institutions to deliver public goods are some of the basic characteristics of contemporary manifestations of the African dilemma. While globalization represents the rapid and pervasive diffusion around the world of consumption driven by the logic of private enterprise and market ideology, there is also local tyranny which imposes with impunity the global agenda upon the poor.

This work is an attempt towards a new paradigm of human rights that is articulated on the basis of the discourse of spirituality which goes beyond the language and categories offered by secular doctrines and documents. And this can only happen if there is a coherent ecumenical vision that embraces the moral and spiritual traditions of abundant life that flourishes with hope beyond the confusion and contradictions that are rampant in our world today. One must therefore affirm the historical engagement of Christian communities in Africa in the history of struggles for self determination of the African people and engagement with internal structures of domination that undermine the rights and dignity of the poor both in the churches and society .

In the story of Jesus , we encounter the nexus of unity for all beings and creation in the awesome presence of unconditional giving of the self. We locate our search for unity as Gods own act of reciprocity to the unity that already subsists with the blessed Trinity. We are part of

the larger movement of the Holy Spirit seeking to bring Humankind and the whole creation into the unending beatitude of unity within God.

Hence our claim of a special place in the historical manifestation of the quest for organic unity in the life of the church remains incomplete and becomes a scandal so long as our focus is ridden with concerns of institutional disunity in Christianity. We must never cease to be part of the broader quest for equanimity in the whole human family as the profound expression of our ultimate place in the Divine scheme of things .While remembering and affirming the mission and calling of the churches ecumenically i.e. in solidarity with peoples struggles for human rights , it is also upheld here that there are genuine questions on how to articulate this mandate theologically. It is held further that the spiritual and the communitarian imperative of the African world view as the basis for ethical action is radically different but also complementary to the legal logic of western jurisprudence upon which Universal Declaration of Human Rights (UDHR) is derived . Hence the core of this project is to provide the African Christian ethical and spiritual resources which affirm and critique the right based approach (RBA) without isolating certain fundamentals of UDHR . The Rights' Based Approach on human rights discourse requires re-visioning and renewed articulation on the basis of African theology and Spirituality . The judicial systems in African traditional societies are also closely examined and in terms of governance are interpreted as participatory in nature . Two models of African Constitutional Systems of governance based on Ancient Principles of Human And Peoples Rights³ are illustrated .

While the question of gender is mainstreamed throughout the document , a whole chapter on Gender , Human Rights and Theology focuses on “ the human cry for rights in Africa as essentially the cry for survival amid the struggles for the dignity of African women”. The churches in Africa and elsewhere continue to replicate patriarchal systems of authority from culturally justifiable structures of power that go on to peripheralize the role of women even in areas where their own bodies are the subject of public policy . Gender equality, women's rights, gender

mainstreaming; these are by no means new terms nor are the international laws, declarations, platforms and mechanisms that mandate respect, protection and fulfilment of all human rights of all women worldwide . Nevertheless , the reality is that millions of girls and women especially in Africa remain in cultural exclusion, abject poverty, systemic violence and discrimination as well as other fundamental violations of their human rights. As we know the value of women’s work tend to be made invisible by being “relegated” to the status of an audience to men even in the churches.

Women’s voices are therefore scattered in the realm of spiritual activities in which men posses the tools of power as the main dispensing agents of God. In the HIV/AIDS era, violence against women hampers HIV/AIDS prevention and provision of quality care to the infected. Sexual violence increase infection rates . Further, in violent relationships women are often not able to enforce safer sex, or even abstinence. In the context of HIV/AIDS itself the girl child is often targeted for rape by older men who believe they are less likely to be infected, and by HIV positive men who want to ritually cleanse themselves of the virus. The absence of clarity and links between public health policy and human rights advocacy has led to a crisis of coherent response to the emerging health needs of women in the continent . Consequently the current health care *frameworks* in most African countries are unable to respond adequately to the socio-medical aspects of domestic violence, rape and emergency obstetric care. The situation is further aggravated by the fact that public health care systems have become grossly dysfunctional and inaccessible . This situation must change .

A rights based approach enables a deeper understanding of the causes of poverty and social injustice and therefore opens up the possibility of longer- term changes than the more conventional approaches to development . Christian identity is increasingly engaging in dialogue with civil society and social movements on the RBA derived from the Universal Declaration of Human Rights . There is the aspect of universality and particularity of rights that can be equally engaged from an African , humanistic and theological perspectives . The Right Based

Approach provides a common basis on which both Churches in Africa and also Christian development agencies can share a common vision of intervention on the plight of poor and excluded peoples and communities. Again, the Right Based approach provides a common platform upon which various religious faiths and traditions including Islam can dialogue on how to affirm the dignity of African person hood in which all human beings are right holders. It is noted that it is the basic duty of the State to guarantee and facilitate the implementation of human rights.

The State is bequeathed with both legal and ethical responsibility for the protection, respect and fulfillment of human rights within its polity. Gross human rights abuses in Africa are hereby explored and complacency or concern of the churches are also analyzed and exposed in the context of international community and civil society interventions. The African Charter on Human / Peoples rights provide as a clear guide to Human Rights guaranteed under the African Charter is also examined in detail. There are several reasons why the church stands in a crucial and strategic position in the promotion of Human Rights. First, the very existence and essence of the church as a sign and symbol of liberation of individuals and people from the oppressive forces of this World is coherent with the spiritualities of resistance and Devine exoneration to be found in African ethos and way of life. The church in A is certainly a symbol of contradiction to the forces of trepidation that have engulfed our world. The church is a truth telling community of justice in which all people especially the poor and the oppressed are sheltered from political and economic violence. New theological insights that incorporate human rights discourse and methods of understanding the complexities of global and local forces of impunity are increasingly becoming essential.

There is a whole chapter committed to the biblical resources for human rights. The bible is seen as the source of revealed truth in the context of the human encounter with God. From the Bible we derive moral inspiration, ethical vision and spiritual affirmation of what it means to be human in a world full of contradictions. For this reason

the Bible is a resource for understanding and articulating what it means to be human before other human beings, the world and God. Hence it is only proper that we situate the human rights discourse within the context of the Biblical narrative. From the Old testament to the New testament, there is a running thread of inspirational passages that can provide a coherent discernment and justification for human right agenda. Interestingly the nomenclature of modern human rights discourse can only be biblically ascertained through an interpretive method which is not within the scope of our current project. The passages have been carefully chosen from 'The African Bible'⁴ and they are meant to inspire every Christian who is engaged on the ministry and conversation regarding of human and peoples rights.

The church is blessed with the privilege of being a custodian of hope in the midst of human affliction. This privilege creates a formidable challenge to both churches and social movements with the responsibility for discernment and radical engagement that must lead to alternative ways of thinking and responding the dilemmas of modern life. The ecumenical movement must become the hub of conscience of society and provide leadership on critical issues by example and through prayer. It is the prayer of Jesus that we may be one that justifies the very existence of the ecumenical movement. Hence we must keep asking the question, how can we deliver the world from the evil of power over life? We can do this by first being awakened to the world anew and open our eyes to embrace the abounding opportunities that the good Lord has placed before us.

2. African Spirituality and Governance as the Basis for Human Rights

The golden stool thus produced was different not because it was unique , although unique it was , but because it could belong to no living person . It stood for the spiritual power that commanded all persons and all living things , and commanded , in this case , the clans of Asante and their fortunes and their fate Yet the Golden stool , how ever mystically descended , was above all an artifact of practical statesmanshipThe clans thus unified were to abandon their separate charters of origin and legitimacy or else consign these to silence . Henceforth their legitimacy would be drawn from the charter of the Golden stool^F .

In this publication we endeavour to find the nexus between Human Rights discourse and theology on the basis of African and Christian Spiritual heritage. In so doing we would like to begin by remembering and affirming the mission and calling of the Churches ecumenically in solidarity with peoples struggles for human rights. There is a need to further interrogate the dominant legal and prescriptive notions of Human Rights with living theologies and cultural resources drawn from the continent. The western cannon of human rights ought to be subjected to theological inquiry and cultural critique based on African spirituality and value system. But we should never stop here . A honest account of the African world view with respect to universalized notions of rights must be faced .

In African cosmology, generally , the world was a sacred abode of the life forces of God, the ancestors, and diverse spirits which endow human activity with the necessary unquestioned disposition towards the spiritual. Consequently, the essence of the African ethical consciousness and governance systems do not just answer to religious demands but also take the spiritual world as a given fact of all existence . Spiritual beings, ancestors, humankind, living things and all non-living things are enjoined by life giving and sustaining forces emanating from the very reality of God and the spiritual realm. The definitive purpose of these forces in our World is ultimately the preservation of humanity and hence the ‘intrinsic right’ to life. In traditional African

society , governance consisted of a judicial system that was participatory in nature . ‘In the chief less states the function of the elders was entirely advisory. For this reason they rarely ever met as a council. A council meeting might be called by the Senior Elder in the case of extreme emergency. Matters involving members of the same family or clan could be settled by the family council, each family or clan having its own elder. Conflicts between families or clans could be brought before any mutually acceptable elder for settlement. The elder’s judgment was not binding on the parties to the dispute. This was the constitutional theory. If the case was serious and the disputants were dissatisfied with the elder’s decision regarding it, they could call in one or more additional elders to hear and reach a consensus on the case. Their decision was also advisory and could be disregarded by the parties to the action. The elder’s advisory judgment could be ignored under ancient African constitutional law. Yet under practical operation of that same constitution, the disputants could ignore their elder’s judgment only at their peril. For to ignore the elders was considered to be ignoring the community itself. The only exceptions to this were those cases where the elder or elders rendered an obviously bad decision. Even then it was not left to the contestants to say whether the judgment was good or bad. The community decided, because the community was thought to be represented in the ever present crowd at such hearings. They, the people present, always indicated their attitude by expressions and nods of approval or disapproval of decisions reached’²⁴.

Whereas it is true that the Universal Declaration of Human Rights (UDHR) represents no clear philosophical jurisdiction for the said rights and does not provide detailed a specification under which such rights are to be enjoyed , it never the less exhibits the spirit of the historical moment and the context of secular faith that produced it. Hence the ‘individualistic’ tendency of the UDHR document contrary to the communitarian ethos that seem to inspired and characterize the African Peoples and Human Rights. In so saying we are aware of the polemics surrounding what constitutes the essences of the particular and the universal. How ever by interrogating the values that under gird international human rights regimes one cannot escape the apparent

‘civilizing ethic’ of culturally-biased norms and practices that are inherent in liberal thought and philosophy of western societies. Do African and other non western societies have to embrace UDHR on the basis of its civilizing mandate? Did not African communities have ‘human’ rights long before it was declared in 1948?

A . The Model of African Constitutional System of governance based on Ancient Principles of Human And Peoples Rights ²⁵

The people are the first and final source of all power;
The rights of the community of people are, and of right ought to be, superior to those of any individual, including Chiefs and Kings

- (a) The *Will of the People* is the supreme law;
- (b) Chiefs and Kings are under the law, not above it.

Kings, chiefs and elder are *Leaders*, not rulers. They are the elected representatives of the people and the instruments for executing their will. Government and people are one and the same.

The family is recognized as the primary social, judicial, economic and political unity in the society, the family council may function as a court empowered to try all internal (non-serious) matters involving only members of the Extended Family Group.

The Elder of each Extended Family or Clan is its chosen representative on the council.

Decisions in council are made by the Elders. The Chief or King must remain silent. Even when the Council’s decision is announced, it is through a speaker (Linguist). Decrees or laws are issued in the same manner to assure that the voice of the Chief or King is the “voice of the people”. (This is an example of a provision that had wide variations). The land belongs to no one. It is God’s gift to mankind for use and as a sacred heritage, transmitted by our forefathers as a bond between the living and the dead, to be held in trust by each generation for the unborn who will follow, and thus to the last generation.

Each family, therefore, has a right to land, free of charge, sufficient in

acreage for its economic well-being, for the right to the opportunity and means to make a living is the right to live. The land, accordingly, cannot be sold or given away. The land may be held for life and passed on to the family's heirs, and so on forever. The Chief is the Custodian of land, the principal duty being to assure fair distribution and actual use.

All moneys, gifts, taxes and other forms of donations to Chief or King still belong to the people for relief or aid to individuals in times of need.

Every member of the state has the right of appeal from a lower to higher court. (In some states appeals could be taken even from the King's Court to the "Mother of the Nation.") . The procedure was from the Chief's Village Court to the District Court, to the Provincial Court, to the King's Court. Such appeals were allowed in serious or major crimes only (those affecting the whole society). Fines for offenses against an individual went to the victim, not the court. Part of the money received from the loser was returned to him as expression of goodwill and desire for renewal of friendship. Another part was given as a fee to the trial court as an appreciation of justice. "Royalty" in African terms means *Royal Worth*, the highest in character, wisdom, sense of justice and courage. He who founded the nation by uniting many as one must be the real leader, guide and servant of his people. The people, in honor of the founder's family (lineage) if the heirs meet the original test that reflected the Founder's character, whose spirit was supposed to be inherited. The trouble of one is the trouble of all. No one may go in want while others have anything to give. All are brothers and sisters. Each is his "brothers' or sisters' keeper".

Age grades, sets and classes are social, economic, political and military systems for

- (1) basic and advanced traditional education (formal);
- (2) Individual and group responsibility roles;
- (3) police and military training;
- (4) division of labor;
- (5) rites of passage and social activities. In chief less societies the

age grades are the organs of social, economic and political action.

Bride Price or Bride wealth is the gift that signifies mutual acceptance of the part of both families and is intended as a family security bond which may be returned in part if the wife turns out to be worthless or utterly unsatisfactory. (Bride Wealth tended to stabilize the institution of marriage. This was not “wife buying”).

The community as a whole is conceived as *One Party* opposition being conducted by leaders of various factions. Factions of opposition are usually formed by the different age-groups. Debates may go on indefinitely or until a consensus is reached. Once a consensus is reached, and the community’s will determined, all open opposition to the common will must cease. Those whose opposition is so serious that they are unwilling to accept the new law might “splinter off” either individually or in groups under a leader (to form a new state or the nucleus for it).

In warfare the objective is not to kill the enemy, but to overcome him with fear, if possible, such as screaming war cries, loud noise, hideous masked faces, etc. where killing is unavoidable it must be kept at a minimum. In case of defeat there must be some kind of ruse to enable the enemy to retire in honor.

The African religion, not being a creed or “articles of faith”, but an actual way of thinking and living, is reflected in all institutions and is, therefore, of the greatest constitutional significance. Politically, the role of the Chief as High Priest who presents the prayers of the people to his and their ancestors in Heaven, is the real source of his influence, political or otherwise. Socially, the “rites of passage” songs, and the dances (to drive away evil, etc), as well as the purification and sacrificial rites for the atonement of sins – are important. Since religious and moral law must prevail and the race survive, a man may have more than one wife, for he is forbidden to sleep or cohabit with his wife either during the nine months of pregnancy or during the suckling period

of one or two years thereafter.

- (1) The wife may not prepare meals for the husband or family during the menstrual period,
- (2) The husband is strictly forbidden to have any kind of relationship with one wife during the set period that belongs to another wife.

The supreme command of the fighting forces is under the Council, not the King. If the King becomes the Commander-in-Chief, it is through election by the Council because of his qualification as a general or field commander. This position ends with the war and the armed forces return to former status under the Council or, more directly under the respective Paramount chiefs. There were no standing armies. 'It was therefore in the societies without chiefs or kings where African democracy was born and where the concept that the people are sovereign was as natural as breathing. And this is why in traditional African the rights of the individual never came before the rights of the community. Individual freedom was unlimited until it clashed with the interests or welfare of the community. This is also why the evolution to a highly centralized state still found the king under communal law, not above it, and definitely unable to do as he please'²⁶.

B . The Fundamental Rights of The African People²⁷

The following is a representative number of human rights, also drawn from customary laws or traditional constitutions: Every member of the community had :

- A. The right to equal protection of the law.
- B. The right to a home.
- C. The right to land sufficient for earning livelihood for oneself and family.
- D. The right to aid in times of trouble.
- E. The right to petition for redress of grievances.
- F. The right to criticize and condemn any acts by the authorities or proposed new laws. (Opposition groups, in some areas called "The Young men," were recognized by law).

- G. The right to reject the community's final decision on any matter and to withdraw from the community unmolested – the right of rebellion and withdrawal.
- H. The right to a fair trial. There must be no punishment greater than the offense, or fines beyond ability to pay. This latter is determined by income and status of the individual and his family.
- I. The right to indemnify for injuries or loss caused by others.
- J. The right to family or community care in cases of sickness or accidents.
- K. The right to special aid from the Chief in circumstances beyond a family's stability.
- L. The right to a general education covering morals and good manners, family rights and responsibilities, kinship groups and social organization, neighborhoods and boundaries, farming and marketing, rapid mental calculations, family, clan, tribal and state histories.
- M. The right to apprentice training for a useful vocation.
- N. The right to an inheritance as defined by custom.
- O. The right to develop one's ability and exercise any developed skills.
- P. The right to protect one's family and kinsmen, even by violent means if such becomes necessary and can be justified.
- Q. The right to the protection of moral law in respect to wife and children – a right which not even the king can violate.
- R. The right of a man, even a slave, to rise to occupy the highest positions in the state if he has the requisite ability and character.
- S. The right to protection and treatment as a guest in enemy territory once one is within the gates of the enemy's village, town or city.
- T. And the right to an equal share in all benefits from common community undertakings if one has contributed to the fullest extent of his ability, no matter who or how many were able to contribute more.

The above coding of human and peoples rights require moral regeneration of contemporary African values that once upon a time ensured that no one went hungry in the community and that everyone was safe from physical harm . These are the ethical framework for an informed social intervention and transformation of the African society on the basis of human rights . And hence the idea of inclusion and full participation of the whole community especially women, youth and lay persons in policy matters that affect them . The greatest challenge of the ecumenical movement in Africa therefore is to ensure that the integrity and sovereignty of the people is preserved and that no section within the community is ever allowed to dominate on the basis of biased ideologies justified on the basis of patriarchy .

The idea of participation is in itself very African. When people participate they dignify each other. The spirit of inclusive participation has got to be held high. The divergence of views within community is healthy so long as they inspire dialogue and hence humanized relationships . This would encourage the practice of the ethics of inclusion by transforming raw power for the service of humanity i.e.

The voiceless regain their voice

The weak and the vulnerable are protected

Space of inclusion exists for the minorities

Anticipation of a new order of life based on new values

The human rights of every person is respected and uplifted

Thus , we become facilitators of the peaceable power of God that makes us a new reconciled community in which “the wolf shall live with the lamb, the Leopard shall lie down with the kid, the calf and the Lion together, and a little child shall lead them. The cow and the bear shall graze, their young shall lie down together; and the Lion shall eat straw like the ox. The nursing Child shall play over the hole of the asp, and the weaned Child shall put its hand on the adder’s den”²⁸.

3. Gender Equity and Theology of Human Rights

The daughter of Jairus and the woman with the flow of blood : two women who met Jesus at a critical point in their lives , when all hope of cure and restoration was gone....These two Women have much to teach us . Let us lend supportive hands to one another and help one another to arise . For Africa will not arise unless its womenfolk , the mothers and bearers of Life , arise !²⁹

The human cry for rights in the continent is essentially the cry for survival amid the struggles for the dignity of African women. The Churches which inherently continue to replicate patriarchal systems of authority from culturally justifiable structures of power have continued to peripheralize the role of women even in areas where their own bodies are the subject of public policy . Gender equality, women's rights, gender mainstreaming; these are by no means new terms, nor are the international laws, declarations, platforms and mechanisms that mandate respect, protection and fulfilment of all human rights of all women worldwide. Never the less , the reality is that millions of girls and women today remain in cultural exclusion, abject poverty, systemic violence and discrimination as well as other fundamental violations of their human rights.

In many spheres, systems, structures and institutions of power, decision-making remain intrinsically patriarchal. Transforming the rhetoric of human rights into realities for women remains a critical issue for the Churches today . Denied access to and ownership of property, sexual abuse and domestic violence, harmful traditional cultural beliefs, and discrimination in education, particularly in conflict and informal settlement areas are but a few of the pressing matters facing women. Many struggle relentlessly within the women's movement for gender equality, fighting to ensure that the voices that come from the ground are heard all over the continent. They and others engage multiple strategies to negotiate or wrest power from the powerful in order to secure women's access to and ownership of resources, services, opportunities and social, economic, political and cultural spaces.

Research has yet to show how in the early days of the missionary movement the Churches may while being agents of European modernization i.e. through the establishment of education institutions in rural Africa also entrenched further “gender” differentiation policies of the colonial state. Today, the issue of mainstreaming gender equity at all levels of the institutional life of the Church remains more of rhetorical axioms and pulpit proclamations rather than actions derived from coherent policy positions. It is critical that ecumenical initiatives which are designed to permeate Churches with new theologically articulated thinking be set in motion in order to facilitate the emergence of the kind of leadership concomitant with gender equity and justice. As we know the value of women’s work tend to be made invisible by being “relegated” to the status of an audience to men in the churches. Women’s voices are therefore scattered in the realm of spiritual activities in which men possess the tools of power as the main dispensing agents of God.

Given the above it seems that there is no framework for formal recognition of the skills of women in earthly institutions as well as our Churches, and this means that even before God women may as well be regarded as inferior and only deserving of grace if it is mediated through men. It is only logical and sensible that if we were to consider a critical shift on this matter, then the question of gender equity and justice in our Churches must take a radical turn-around with a new type of ecclesiology, i.e. the original ecclesiology of the Church as the household of God. It is in this household in which God alone is the sovereign authority that women work is unpaid work and are constantly abused, raped and demeaned. Yes, of course, there are men too who are victims of domestic violence, yet one must concede to the reality that there is an ideological and spiritual hermeneutic that privileged men in the household.

The unpaid and unrecognized work done by women is what sustains life in this Household of God. The labor of women with the pangs and pain not only brings forth life in to our world but enlivens and sustains it with such vivifying love that can only be theologically attributed to God

whose benevolence transcends. The substantial contribution of women to the well-being of all members in the household of God includes their very being and essence. Not to recognize, articulate and act upon this fact is irresponsible and ultimately abhorrence to God who created us all equal. Consider for a moment, that if the women stopped the work of conceiving and bearing children, of nursing, nurturing them and looking after their physical needs, there would be no more people in the World! But we cannot restrict the motif of Women in the household of God to child bearing and child rearing because this is a co-responsibility of men. Gender equity and Justice demands that the rights of women in every sphere of human activity be placed equally along side those of their male counterparts.

Hence stereotyping against women must be considered a public sin. Employers who hold certain negative assumptions about women's ability and potential in managerial positions must be made aware if they are Christians that their actions are repugnant to God. These assumptions are largely based on myth and are deeply rooted in socio-cultural values that are anti-God. Whether it is in the fields, on streets, roads, shops, markets, offices, factories, barracks, hospitals, hotels, classrooms and lecture halls etc they are not to be regarded or treated in any way that they are inferior to men.

And therefore the notion of affirmative action that in the end is meant to tilt gender balance in favor of women because of the inherent structures of power that are lopsided in favor of men. The formal and informal sectors of any modern economy are where everyone works for a pay in order to earn a living. This may or may not involve professionals like lawyers and engineers, or doctors and university lecturers but even in household women must be recognized as of having a professional standing when it comes to the household or what I would call the global domestic economy. These are cultural values which undermine the giftedness of Women in the Divine economy and elevate men to positions of power that make women submissive to them. The uneven division of labour within the household that reduces women to mere cooks and dish washers only increases a profound sense of

disillusionment with male power.

Here one recalls Dr Agnes Abuom's biblical reflection ³⁰in which she shared a story about the beads she was wearing which were made by Women captured in Slavery. The woman in question had a name meaning "I am beautiful" but was molested and abused then married again to one of the soldiers in a camp. The story shows how the aesthetics of gender leads to feminization of a criminal act. And the scriptures are full of such incidences in which the rape of women are justified on the basis of the aesthetics of the female body. How do we mainstream gender in the Church with new theological insights that will transform the consciousness of the leadership of the Church ? We live in the epoch of desperation. Men have no time with their Women and hence relationship become based on raw power and not nutritive power!

The Story of Ruth and Naomi

There was famine in the land and here was a mother (Naomi) who had migrated from Bethlehem to the home of Moabites with her two sons. They settled well and grew their food and soon the sons were married local Moabite ladies i.e. Ruth and Orpah. However tragedy befell them with Naomi first losing her husband then her two sons leaving two young widows. Naomi did not give birth again; neither did Ruth and her companion. The conversation in the text takes place at a time when Naomi has made the resolve to return to her homeland. Ruth being an obedient and faithful daughter in law decides to accompany her but it seems there is more to the narrative than this. Her faithfulness must have been derived from the solidarity of widowhood and common challenges faced by women in patriarchal societies in general. The encounter between Ruth and Naomi in this part of the text takes place at a time of anguish and while still nursing the loss of their husbands they were faced with the prospect of losing each other. They had to struggle for basic needs like most widows in rural set ups and alienated urban slums in a foreign land. The hermeneutic derived from this conversation is signified by the climax in which Ruth responds intimately

to Naomi's resolve to travel the lonesome path of solitude back to the land of Judah . The text is an inquiry of faith between women faced with an existential predicament in which they have to reinvent themselves especially as shown more radically in the case of Ruth, a Moabite i.e. a foreigner by Jewish consideration makes the big leap of faith to embrace an alien people and faith in a God she had no historical nor cultural linkage . Ironically her story later becomes a beacon of new hope in times of scarcity, and hence a model of faithfulness to Yahweh in the land of her adoption, namely Israel. These women, in their loss they were both yearning to share same destiny, one who naturally identifies with her people and welcomes her daughters in law back home and together they embrace the courage to become part of a new community of faith.

Naomi resisted to be part of a hegemonic project, instead she encouraged Ruth and Orpah to go back to their own roots to face their own solitude and find their own truth. It is interesting that Naomi on her part is not trapped by the temptation to objectify her companions in terms of otherness or make any distinctive claims of privilege on her part as mother in law or a Jew for that matter . Yet we all know that in the World of xenophobia , of racism and tribalism , the one who names the other claims the authority and privilege derived from a false notion of the self and their rhetoric often becomes the normative expression of what duly constitutes dominant identity . However, Naomi creates an environment of freedom in which the choice of Ruth and her companions will only find an authentic expression of faith in Yahweh based on their own experience. But this does not take away the paradox, for God is still intimately invoked by one who is considered an outsider. And this brings us closer to the question of privileged identity, divine election and human destiny, all of which have created the most powerful hegemonic forces in history. Again this brings us closer to ponder the question of whether or not those who do not share our histories, culture, sex, religious experience and primordial identities cannot have their own vision of God who transcends all those categories ?

Unlike the previous century in which the World was divided by politics of Ideology ours is today dominated by the politics of identity and the use of military force to impose and import the so called values of civility upon others. The crusades against the religious occupation of the Middle East and the Jihad invasions of North Africa including Southern Spain in late antiquity remind us of the justification for occupation and humiliation of other civilizations on the basis of hegemonies designed to control resources, destroy diversity and manipulate people's individuality. From the conversation of these Biblical women we learn that it is possible to be intimate with one another before God as we are and embrace each others faith through respectful encounter of each other sacred ground . Like Moses we are called to remove our shoes of prejudice as we listen and enter into the histories, cultures and religious experience of other people who are different from us. And we too share in this very paradox , having embraced more than one culture , speaking a multiplicity of languages , sometimes embracing the same faith with a myriad of interpretations , we are often tempted to say with Naomi , "Turn back, my daughters; why will you go with me?" It is as if Naomi is saying, these are my definitive words, unfurled by the silence of conviction. Take these words and let them guide you to the sanctuary of your own familiar World and let me face my own fate and uncertainties alone ! Ruth refuses to accept this admonition , and yet as if unfamiliar with the World of Naomi's faith , Ruth embraces the ineffable with those profound words of intimacy "Do not urge me to leave you or to return from following you. For where you go I will go, and where you lodge I will lodge. Your people shall be my people, and your God my God. Where you die I will die, and there will I be buried". Her faith translates mere words into praxis which sometimes borders on insanity . Our encounter with God does not always fully respond to our need for rational comprehension of reality but rather as in the context of Ruth's experience , it is more often an existential leap of total submission to what is intrinsically connected to the liberating power of the Spirit in our day to day encounter with life's contradictions . Ruth's testament of faith reminds us that as we sojourn upon this cosmic garden somewhere at the dark corner of an unknown universe, the very basis of our existence is often questioned

and tested beyond any rational comprehension . Sometimes one wonders whether with our over rationalization and attempts to justify Gods presence we are actually responding to deep sensibilities of lack of faith and are momentarily losing the grip of what we claim to believe .

4. Right Based Approach and Social Justice

*Cowardice asks is it safe ?
Expediency asks is it polite ?
Vanity asks is it popular ?
But conscience asks is it right ?
And there comes a time when we must act
Not because it is safe , not because it is polite
Not because it is popular
But because , conscience says it is right !³⁹*

As already demonstrated from the previous chapter , in African spirituality it is ethically considered that by conducting one's life and that of the entire community in a manner consistent with the life giving and sustaining forces as preserved in that community's tradition, one is affirming the right to Life as primal and essence of Being. However, when the right to life and dignity of persons are violated in the community through deliberate wrongdoing , an opportunity for the enemies of life to invade the community is actualized. As suggested in Laurenti Magesa's work on African Religion *as moral traditions of abundant life* , the prime value of Human rights in this context is to preserve the community from the enemies of Life. Human Rights as such are part of the spiritual reality that constitute the essence of Life. Hence we endeavor to demonstrate in this chapter that the Rights' Based Approach (RBA) on human rights discourse requires re-visioning and renewed articulation on the basis of African theology and Spirituality . As the basis of our common search for a new grounding of human rights we turn to the contemporary civic virtues and asocial structures in modern Africa without which the notions of human rights

would also not be fully understood. Hence we heretheto need to interrogate the jurisprudential basis of engament with the civic public realm.

The RBA recognizes the isolation of the poor in society , the victims of war and their inherent rights essential to livelihood and security . Rights that are validated by just law. How ever as Mahatma Gandhi once said , ‘there are unjust laws as there as unjust Men’ . Rights based approaches make the connection between social injustice and poverty. Accepting this connection leads to a more holistic analysis that includes an examination of the structures, systems, and social norms or traditions that perpetuate poverty and marginalization of specific groups of people.

A rights based approach enables a deeper understanding of the causes of poverty and social injustice and therefore opens up the possibility of longer- term changes than do more conventional development approaches. Christian identity is increasingly engaging in dialogue with civil society and social movements on the Rights’ Based Approach (RBA) derived from the Universal Declaration of Human Rights . There is the aspect of universality and particularity of rights that can be equally engaged from an African , humanistic and theological perspectives . The Right Based Approach provides a common basis on which both Churches in Africa and also Christian development agencies can share a common vision of intervention on the plight of poor and excluded peoples and communities . Again , the Right Based approach provides a common platform upon which various religious faiths and traditions including Islam can dialogue on how to affirm the dignity of African person hood .

· **Rights-Holders**

All human beings are right holders . All men and women by virtue of being rights-holders have a legitimate legal and moral entitlements to human rights. The notion of Rights-holders applies especially to those who are socially , economically and politically excluded in society. They often suffer from several forms of social and economic deprivation

which when combined at times with deep-rooted discrimination become stigmatised in society . The right holders have to apply the knowledge of rights and responsibilities in their daily lives. They have to put pressure on duty bearers whenever necessary and also negotiate with them and/or claim their rights when they are threatened or aggrieved .

Duty Bearers

It is the basic duty of the State to guarantee and facilitate the implementation of human rights . The State is bequeathed with the principle legal and ethical responsibility for the protection , respect and fulfillment of human rights within its polity . The State has also the duty to raise awareness of rights and responsibilities . This can be done through dialogue among stakeholders to achieve common understanding of problems facing the citizenry . How ever this requires creating safe space and openness for discussion of taboo subjects or sensitive issues especially for Nations that are in transition to Democracy . How ever , non state actors such as the Church and civil society whose activities have great impact in the lives of people , are also endowed with the responsibility to be accountable and to hold the State accountable with respect to Human Rights.

The Church and other civil society actors have a duty to facilitate the right to be heard of ordinary citizens , marginalized and excluded groups . The Church must engage in the discernment of societal problems from the perspective of marginalized groups . Then they can initiate a process of concretization i.e. conducting participatory pedagogies which accompany the afflicted in society to further discernment and collective action . The core human rights documents are those that comprise the International Bill of Human Rights and are the following:

- The Universal Declaration of Human Rights (UDHR)
- The International Covenant on Civil and Political Rights (ICCPR)
- The International Covenant on Economic, Social and Cultural Rights (ICESCR)

These core documents have been supplemented by other conventions and declarations on specific Human Rights issues :

- International Convention on the Elimination of All Forms of Racial Discrimination
- The Convention on the Rights of the Child
- The Convention on the Elimination of All Forms of Discrimination against Women
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment .

Regional human rights treaties and mechanisms also exist in Europe, the Americas and Africa. The provisions in these treaties are broadly in line with the global treaties, although at times with different emphases. Where Human Rights Courts have been established e.g. the Inter-American Court of Human Rights and the European Court of Human Rights, these can be very important protection mechanisms for cases of systematic violations. The newly established African Court on Human and Peoples' Rights is a crucial mechanism to bear in mind in this regard.

On the basis of Universal Declaration of Human Rights and hence Christian Identity , all humankind are created equal by God and this is affirmed in our unalienable dignity. This principle inspires the fundamental basis for the respect for every other human being – irrespective of whatever else characterizes the other , be it ethnicity, gender , political persuasion or religion . This principle is, however, contested by the reality and structure of evil in the world . There are ideologies of hate and structures of impoverishment that ensure that human relations are characterised by exploitation and subjugation. And Africa is not an exception in this regard . Numerous violations of human rights and especially those of women and children have been undertaken on the basis of cultural practices and legalized patriarchy . Even within the Church in Africa there have been practices of discrimination against women and sections of the society that are often stigmatized on the basis of disease .

5. Ecumenical Advocacy for Human Rights in Africa .

*The arch of the moral universe is long , but it bends towards justice*⁴⁴

Some of the greatest violation of rights and crimes against humanity were committed in the last four centuries. If one was to invoke slavery and slave trade which mutilated nearly 20 million human beings , Africans must be considered the foremost of the victims of human rights among peoples of this planet . At the heart of the colonial project was the violation of peoples sovereignty , the denial of their humanity and looting of their resources . Paradoxically, Europe was built upon a legacy of feudal brutality that could only have been sustained by a falsified allegiance to divinity which justified the absolute authority and power of the Nation – State over ordinary human beings .

We are reminded of the crusades and great military expeditions that were anchored on puritan convictions , prompting civilizing missions that eventually led to genocide of the American Indians , racism in the Americas and most recently Apartheid in Southern Africa . The remnant of global conflicts such as the Palestinian question can be traced to the legacy of colonial regimes whose origins are to be found in Europe . Yet the contemporary human rights discourse is being located in the struggles of Europe to emancipate herself from the Chains of war and feudalism . While Europe was unleashing the vestiges of feudalism to the rest of the world , ironically , She too was reliving herself of the same oppressive forces !

Today virtually every good cause for change in public life seeks to embellish itself in the language of human rights crafted after the second world war . It has been argued well that the philosophical basis of the Universal declaration of Human Rights is historically conditioned. Thus its form and content can be situated in the aftermath of a war that was in essence a European conflict which then became global .

After the end of the cold war, the decade began with high hopes of ending large scale human right abuses specifically, large scale massacres or genocide, how ever these hopes vanished after the UN's failure in Bosnia, Rwanda , Burundi and Somalia . By the beginning of 2001, the hopes for a future in which humanitarian intervention would bring an end to genocide culminated in a major international document, *The Responsibility to Protect, 2001*. Since then, some prominent members in the international community have continued to develop doctrines of limited sovereignty that would give the international community a lee way and indeed an obligation to undertake armed intervention against a national government that is engaged in massive human right abuses of its citizens . Existing evidence suggest that ethnic cleansing and genocide are thought to be the product of longstanding grudges between opposing ethnic groups within a society . But ethnic hatred alone do not provide sufficient conditions for mass genocide or ethnic cleansing. How ever when ethnic hatred is combined with state complicity with intent to organize and execute impunity then genocide (mass abuse of human rights) is inevitable as was in the case of Uganda , Rwanda , Southern Africa , Sierra Leone Southern Sudan and today's Darfur . Examples of human rights situations and interventions in Africa are outlined below

• **The Case of South Africa and Human Rights**

South Africa as a project of occupation and colonial domestication is significant because it had not only an ideological basis for conquest but also a spiritual dimension . The apartheid regime derived its so called civilizing mandate on the basis of a puritan ethos and racism. The land being occupied was the biblical frontier of plenty flowing with “milk and honey” for the Boers . It had been bequeathed to those occupying South Africa through ‘Divine benevolence’ . The violence that ensues in the struggle to disposes the original inhabitants becomes a collective act of cleansing the ‘victim’ . Thus the frontier to be occupied as is the case with Palestine is hereby described by the apartheid ‘theologians’ as ‘Promised Land’ which then rejected the memory of

the original occupants and custodians of the Land . The original occupants of the Land i.e. the indigenous black South Africans were considered not fully human . They were orientalized and often considered pre-human . The colonial occupation of South Africa, the ideology of racial segregation and the unresolved issues of land and Identity reveal some of the grave human rights abuses ever experienced in modern times.

The ‘theology of apartheid’ was based not only on a false anthropology but also on very controversial biblical interpretation. Reading into scripture, the legitimation of power without the authority of the people ⁴⁵and the enforcement of unethical regime in the name of “Law and Order”. Blind obedience and absolute loyalty to tyranny became equated with civic and theological virtues of the Apartheid regime . One of the most classic examples is the use the text of St Paul as he wrote to the Romans . This text has been misused countless times as an instrument of legitimation of the definitive doctrine that bequeaths the State power without the authority of the people. There can be no authority on earth without the consent of the people that receives its blessings from God. The text which claims that ‘all authority comes from God’ is interpreted out of context and a new meaning is derived which distorts the environment in which it was produced.

The position of justification of state power on the basis of an authority that is derived from God was an act of moderation of the excesses in anticipation of the second coming. Such excesses would have had major political consequences which again compelled St Paul to proclaim that before the second coming, Christians are part of the world in which obedience to the State was part of a civic duty . Christians like all other citizens are obliged to live by the same rules of governance that regulate secular life. They are part and parcel of the associational life that produces State authority and hence they owe their obedience to it not as an act of being subservient but rather as an act of solidarity and loyalty to the general polity . Paul is here not concerned about the power of the State or epistemology of authority as such, rather given the level of enthusiasm with the authority of Jesus over “divine and

secular matters". It was necessary for Paul to give a balancing and strategic perspective in the relationship between civic public life and Christian identity. Furthermore in the late antiquity and Hellenistic worlds, both Jews and Christians had rejected the notion that imperial authority of the Romans, Egyptians, Babylonians or Greeks was absolute and of Divine origin. The apocalyptic description of these empires in the Biblical texts e.g. Books of (Daniel and Revelations) contradict the hermeneutics of State authority derived from Romans 13:1-7. To use this text therefore outside its context in order to authenticate the reign of tyrants and despots is to commit both theological and political heresy, hence spiritual abuse of human and people's rights.

In other words, support for apartheid can be considered demonic because of negative spiritualization . The sin of apartheid led to such immoral exclusion and bloodshed of innocent South Africans that the yearning for freedom and liberation from the yoke of oppression could only be contained by the solidarity between the global moral community and the local spiritual forces.

In a sense this was paradigmatic ; to find and sustain the nexus between the sacred and the secular advancements in the search for solutions to the dilemmas facing Africa at a time when some rich and powerful Nations such as United States of America which promoted 'human rights' also supported the apartheid system .The ethical and theological imperatives of being in solidarity with the suffering of a people who were alienated from their history and their land taken away with impunity is profoundly exemplified in the case of South Africa . They were also inspired by a vision of society which is informed by eschatological values of the gospel. Hence there is the privileged language of a spirituality that makes a clear moral distinction between what is good and evil in society. By naming of the ethos of apartheid as a sin against God and humanity, the akairoi theological movement in South Africa confronted the ideology of apartheid in South Africa as essentially morally evil. In a sense this is an affirmation of the theological imperative of liberation from oppression of a people under the tyranny

of occupation is more than an imperative of human rights. Nelson Mandela affirmed this theological thinking during his profound message to the World Council of Churches General Assembly held at Harare in 1998 .

The question of critical solidarity with the poor and the oppressed in society cannot take place in the absence of critical distance from partisan engagement in power politics that alienate resources and services from the people. It is classic that every spiritual or theological position articulated by the Church also defines a political and social location of the leadership of the Church. Indeed the desire for freedom and the right to self rule were among factors that led thousands of men and women to engage in the liberation struggle against the colonial occupation and domination. Long after the independence movement , Churches have been engaged in what may be termed as ecumenical social responsibility such as the case of Southern Africa during apartheid in which the churches and civil society have come together to address human rights issues .

The case of Darfur and Human Rights

The western Sudanese region of Darfur is bordered by Chad, Libya and the Central African Republic, three states where gun running is a child's play and where the Janjaweed face no arms embargo and need no license to buy their lethal weapons. In addition, as they have been provided with official Sudanese armed forces uniforms one would presume they would have also free access to weapons and ammunition from the arsenals of the Sudanese army. There is indeed a sustained "humanitarian catastrophe and a security crisis" in Darfur as the former USA Secretary Colin Powell once conceded, how ever the humanitarian crisis is man made and its origins are essentially political.

For example China is now Sudan's largest investor estimated to be US \$4 billion⁴⁶ . China buys 64% of Sudan's oil which is a part of China's strategy to grab global raw materials to fuel a superheated economy .

⁴⁷While neither Khartoum nor China releases any statistics, it is believed

that the deal amounts to \$2 billion per year. It is believed that China's National Petroleum Corporation (CNPC) is the majority of the stakeholder in both Petrodar and Greater Nile Petroleum Operating Company, two of the biggest consortiums in Sudan .⁴⁸ Any effort to impose further UN measures aimed at Sudan would have to overcome China, which has a veto in the UNSC .⁴⁹ Because China interest in Sudan is its massive oil reserves , if it subordinates its oil position with Khartoum it may face further scrutiny over imports of resources from countries such as Burma and Zimbabwe which are perceived to be dictatorships by the west . In this sense, China opposes intervention in Darfur to protect itself from future scrutiny.

According to Human Right Watch 2003, China has other economic interest despite oil vested in Sudan and therefore, armed intervention will compromise these interests. Despite Khartoum's human right abuses and bad governance, China's weapon exporting policy and its involvement in Sudan's long running civil war has been illuminated and criticized by human rights observers⁵⁰ . For instance, China gave direct assistance to Khartoum's military forces which in turn adopted a scorched-earth policy that burned villages, chased locals away from their homes and harmed the environment while prospecting for oil . In this sense, China must first protect her interests by opposing armed intervention using her veto power and that Beijing and Khartoum are equal partners in human right violations and that their only interest is their own.

Existing evidence suggests that China's position in the UN Security Council does affect the deployment of military intervention in Darfur. There has been growing concern how the crisis in Darfur could cloud preparations for Beijing Olympic Games in 2008⁵¹ . This declaration came amid criticisms over China's supportive stance towards Khartoum. It was reported that Steven Spielberg threatened to quit his role as one of the organizers of the Olympic ceremonies unless Beijing took a harder line on Khartoum⁵² . However, China is using a very direct language behind the scenes and Chinese lobbying is believed to have prompted Khartoum to accept a UN-AU Hybrid peacekeeping force⁵³ in order

to protect their ever increasing concerns that the crisis in Darfur poses to its commercial interest and the success of 2008 Beijing Olympic Games⁵⁴.

The people of Darfur, like their compatriots of the peripheries (South, Nuba Mountains and Eastern Sudan) have been marginalized by all the Sudanese regimes, which took power since independence in 1956. Democratic rule, as universally understood, was never on the agenda of these regimes. Thus the conflict in Darfur has historical geo-political roots and have escalated more since February 2003, when two rebel groups, the Sudan Liberation Army/Movement (SLA/M) and the Justice and Equality Movement (JEM) demanded an end to chronic economic marginalization and sought power-sharing within the Arab-ruled Sudanese state. They also demanded government action against the abuse by the Janjaweed. It is alleged that the Sudan Government armed and supported the Janjaweed against the two rebel groups and the civilian population. It has also been reported that the Government army has deliberately continued to target the civilian population suspected of harboring or supporting the rebel groups. Dominated by the Northern elites, the centralized governments ruled from Khartoum, has seldom taken any interest in the plight of the regional people so long as they do not comply with their policies of containment. Ironically as it may sound, the regional people of Sudan are in their large majority Africans – Nuba, Beja, Fur, Massaleit, Dinka, Nuer, Shilluk, Zaghawa and many others.

Because of the emergency of the humanitarian catastrophe, the political aspects of the Darfur crisis are being brushed aside. But, as many leading Darfur politicians have asked, the humanitarian intervention has to go hand in hand with a political solution so that (over 1.5million) of the internally displaced people and refugees scattered on the Chadian borders can return safely to their farms and live in peace and security guaranteed by their constitutional rights as citizens of Sudan. If and when the ancestral lands of the African people of Darfur have to be restored to their rightful owners, there is no doubt that the Arab nomadic groups and the African settlers of Darfur will have to live

together, like they did for centuries and share the same indispensable resources such water and land in an equitable way. This can be achieved if there is political will internally with the support of the international community.

· **The Case of Southern Sudan and Human Rights**

Sudan was ruled jointly by Britain and Egypt from 1899 to 1955, and the regions of Northern and Southern Sudan were separately administered (One of the closed districts, others were Nuba Mountains, and South Blue Nile). During this time the North was given preferential treatment in terms of resources and development, and the South was largely underdeveloped and impoverished. When independence from colonial rule by Britain and Egypt was achieved on January 1, 1956 the civil war (the Torit mutiny had already broken out in August 1955) was the beginning of the disagreements regarding power sharing between the North and South and the granting of relative autonomy to Southern Sudan. Shortly after independence from the British in 1956, the non-Muslim south Sudan, disappointed that the promises for a separate independence had not been kept, revolted and the country sank into civil war which was to last 17 years before a peace deal was brokered in 1972 at Addis Ababa with the churches playing a major role in the peace-making. This agreement provided for relative autonomy and self-government for the south. However, it was soon undermined by the strategies of the north, which increasingly was engaged in its project of Arabization and Islamicization of the nation under the growing influence of strict *shari'a* law (South Sudan had already embraced Christianity through missionary activity, and considered itself a Christian region). The program of Islamicization and Arabization of Sudan was the Mhadist agenda; however the successive governments after the independence were sensitive to the western reaction so they were not aggressive in implementing it although it did take place, using democracy as a front.

Democracy was reduced as an episodic event camouflaging the vested power interest in a segregating system like the apartheid of South Africa.

While the North imposed the economic of warfare and violence with impunity on the South , it did this on the basis of a racist agenda mooted to quieten National grievances against the State .Weak economic performance, increasing poverty, climbing debt, declining social capital, general dysfunctionality and incapacity for institutions in the North of Sudan to deliver public goods were some of the basic characteristics of unresolved National dilemmas of Sudan .

However, war broke out again after eleven years of faltering peace and lasted until the present fragile peace deal was achieved in 2002. More than two million people, mostly southerners, have been killed since 1956 and millions more are internal and external refugees. Sudan's is the longest civil war in African history. In 1983, when Numei introduced shari'a law, civil war erupted again between the government of Sudan (GOS) forces in the North and the forces of the Sudan People's Liberation Army (SPLA) in the South. Sudan as a country has been placed in a strategic position in terms of both resources and geopolitical locality and hence this invites various contesting global interests. Northern Sudan is predominantly Muslim and the ruling class is predominantly ethnically Arabic although there is a significant portion of the population in the North, which is ethnically African. Southern Sudanese civil society was made vulnerable, weakened and maimed by war in an environment of sustained conflicts.

The only part of civil society that maintained linkages with ordinary people on the ground with its expansive social infrastructure has largely been the church. As the protector of the people and a voice for the voiceless the church through the work of New Sudan Council of Churches and Sudan Council of Churches continue to harness the moral and social capital from below for the sake of peace and security in Sudan. Hence the church has continued to influence public opinion, provide the credibility and moral authority, which affirmed her as a duty bearer and transformed her religious identity. Both NSCC and SCC provided the framework for international advocacy by enabling the formation of an international coalition, namely the Sudan Ecumenical Forum.

Sudanese civil society, north and south, is still divided with hundreds of groups often competing, and fragmented without a clear national agenda. There is disagreement as to what actually constitutes civil society (many feel that in a security state such as Sudan, even opposition parties are part of civil society as they work towards the same agenda), and there is also a danger that “modern” civil society elites will eclipse the “traditional” Civil society chiefs, elders and rural women. Nevertheless a conference in Oslo in April 2005 that brought together more than 50 representatives of Sudanese civil society with around 20 international partners was a positive step towards creating an effective forum for civil society and the Churches to influence the reconstruction of Sudan and the full implementation of the Comprehensive Peace Agreement . A number of detailed working papers were produced which should inform all future interventions. International NGOs have become a major feature of Sudanese life. They wield massive power, wealth and influence. They have an inflated view of their own effectiveness and little understanding of how they are viewed by the Sudanese. While they have obviously saved a lot of lives and provided a lot of aid, nevertheless they have been characterized by waste, inefficiency, lack of political and contextual awareness, lack of cultural sensitivity, arrogance and, despite mission statements espousing the necessity of partnership, they have a tendency to follow their own agendas rather than those of the Sudanese. In the north they are controlled, and often harassed and obstructed, by GoS’s Humanitarian Affairs Commission (HAC). In the south they have operated freely. Attempts by SPLM/A to impose some form of control have met with only limited success. They will continue to be the major service providers for the foreseeable future, but it is important that they work to Sudanese priorities and agendas rather than their own. The protracted conflict in Sudan, which now has ended, deeply divided the peoples of Sudan along cultural, religious and ethnic lines. The conflict has especially victimized the people of the Southern and marginalized areas of Sudan. In addition, the prevalence of intra and inter ethnic raids all made more vicious by the proliferation of illicit small and Light Arms within and across borders of Sudan, have immensely destroyed and destabilized the

harmony, security, health and traditions of the communities. More than two million people have been killed by the war and over four million displaced and disfranchised. As a result, individuals and the entire communities are alienated, traumatized, and vengeful. NSCC and SPLM/A believes that the war over and the peace agreement signed, an enormous task lies on reconstructing peoples lives whose hearts have been severely wounded by war through equitable and growth oriented socio-economic development and creating an enabling and stable political environment that promotes dialogue among all Southern Sudanese peoples.

Southern Sudan is a rich agricultural area. Widespread hunger was rare before the civil war. The pastoralists move with their cattle to find water and grazing land. The rainy season can last six months or more and most parts of southern Sudan get one or two harvests. There is often a hunger gap, but local coping mechanisms existed. Much of the population has access to fish, and wild foods abound. The war changed all that. People lost their cattle and were displaced from their homes and farmlands. Fishing became difficult and dangerous, and displaced people did not know how to find nor prepare strange wild foods. Poverty and hunger became endemic. As international agencies struggled to provide aid, often in a fairly unsophisticated and logistics-driven manner, a culture of dependency set in. The extent of HIV / AIDS infection in Sudan was also profoundly affected by the war. As a war zone with extensive movements of soldiers and truck drivers right next to countries such as Uganda and DRC, which have high infection rates, it is likely that HIV/AIDS is already widespread in southern Sudan. The return of hundreds of thousands of refugees from neighboring countries is likely to exacerbate the problem. However at the moment people are still dying of malaria, malnutrition, dehydration and other curable causes long before full-blown AIDS develops, and given the lack of resources these other diseases have been prioritized over and above HIV/AIDS. Southern Sudan always contained relatively few schools and hospitals, but virtually all of these were destroyed during the war. Churches and aid agencies have provided very limited health and education facilities. However, in a previous climate of war and

poverty in which an entire population of southern Sudan remained traumatized has left a great challenge indeed.

Whereas, Southern Sudan is predominantly Christian and ethnically African, there is a long history of discrimination towards the Southern region and African communities in the rest of the country. Sudan is ethnically and religiously diverse and hence has been subjected to policies which have attempted to impose a monolithic Arab/Islamic state, which excluded and marginalized vast portions of its population. War has engulfed Sudan for all but a short period of times since its independence in 1956. Estimates are that between 2.5 and 3 million people have died as a result of the war, and over 4 million have had to flee their homes and villages (the war in Southern Sudan was and still may be an attempt to either reduce or eliminate the Africans in the region, similar to the British pushing out the Native American people in the US). Under the auspices of the African regional grouping also known as Intergovernmental Authority on Development (IGAD), peace talks between the Sudanese government and the SPLA/M have reached historic agreements. This has been a long and hard process with many disappointments along the way. The long-awaited peace for Sudan finally seemed to have dawned, although the sudden death in a helicopter crash in southern Sudan in July 2005 of newly-appointed Sudanese Vice-President John Garang, the long-time southern Sudan liberation leader was a serious blow to the peace process. He has since then been replaced by Dr. Salva Kiir Mayardit, a trusted deputy in the Sudan Peoples Liberation Movement (SPLM) who consequently was sworn in as first vice-president of Sudan. The legacy of Garang can be summarized as protracted struggle for self-determination for the South that created the necessary demands for negotiations under the auspices of IGAD between the Sudanese government (Khartoum) and the SPLM, which controlled most of the south. The signing of the Machakos (Kenya) Protocol in July 2002 marked a historic turning point towards respect for human rights, a just and lasting peace for Sudan.

· **The cases of Rwanda, Burundi, DRC, the Great Lakes region and Human Rights**

Following the genocide that took more than 1,000,000 human lives in 1994 in Rwanda many questions touching the church have been raised and are still being raised even today. The period has been a time of finger pointing and self examination for the church in Rwanda. How could such tragedy occur in a country where majority of the population is predominantly Christian? The census of 1991 showed that 88% of the Rwanda population was Christian with 62% Catholics, 18% protestant Churches and 8% Adventists⁵⁵. Rwanda was considered as a success of evangelization in Africa, be it for the Catholics as well as the Protestants. From the very beginning of internal discontent with the Nigerian - Biafran war, the blood bath in Liberia, ethnic clashes in Kenya, Eritrea /Ethiopian border conflicts, civil war in Somalia, Angola, Sudan , Sierra Leon , and subsequent Burundi / Rwanda massacres , massive human rights abuses were reported . In most of these tragedies especially where contesting ideologies of ethnic identity are at the heart of conflict, the churches were deeply divided and often part of the dilemma. It is rather obvious that the silence of the church or overt / covert positions of compliance with State power have often contributed to human rights abuses. Take the example of the recent case of Human rights abuses in Ethiopia when the ‘democratically’ elected government unleashed terror on its citizens and killed several students who were on a peaceful demonstration. It became very difficult even for the World Council of Churches to intervene publicly because one of her member churches had taken ‘a non partisan’ position in compliance with the status quo. This was obviously a paradoxical situation. Respect for human rights is crucial to any process aimed at the restoration of justice, permanent peace and reconciliation.

Over the past 59 years, the United Nations has sought to implement the Declaration on Human Rights by adopting international covenants related to specific areas of human rights and its abuses especially with regard to crimes against humanity. However, these attempts have not prevented millions of people from falling victim to atrocity, repression and genocide. Again and again, governments have ignored their commitments to these covenants, bypassed them and acted unilaterally.

UNESCO's principles on tolerance says: "Consistent with respect for human rights, the practice of tolerance does not mean toleration of social injustice or the abandonment or weakening of one's convictions. It means that one is free to adhere to one's own convictions and accepts that others adhere to theirs..."⁵⁶ The cries of the victims of human rights violations are still heard all over the world. Humanity should heed the painful lessons that it has learned from the genocide of the 20th Century and use that knowledge to build a world where peace with justice is established and memories are reconciled. In today's world, globalization challenges nations, religions and cultures to engage with one another in meaningful dialogue and creative interaction. We must move beyond interaction and dialogue alone and work towards a common platform in the work for Human rights and dignity of peoples.

In March 2004 there was a moving 10th anniversary remembrance of the genocide that occurred in Rwanda. In the struggle with the memory of genocide church leaders led the Christians to repent and seek anew, the face of God in Rwanda. The Suffering and struggles borne out of the negative history of Genocide in Rwanda should never make the people entirely hostage to the existential logic of anguish neither should they surrender to the global and local forces of impunity. The struggle to heal broken memories and traumatized psyches can only happen not just in our quest for justice and human rights but also in rebuilding trust through confession and forgiveness. The consequences of the genocide in Rwanda are so deep that only through invoking the soul of the nation before God in utter yearning for healing can we overcome the cruelty of the past.

What happened in Rwanda could have happened elsewhere given the conditions of ancient rivalries that were trapped and manipulated by colonial memory. As the continent and her peoples are constantly under cultural siege and perpetually being mutilated by internal and external predatory forces of conquest we must remember that it is in vigilance with the Word of God which speaks to us in the spirits of our ancestors, and ultimately revealed in the exemplary life and value of

the Jesus narrative that our hope is embedded .It is in the solidarity with the suffering, determination to live beyond the past and celebrate the resurrection of a new future for Rwanda that Jesus becomes for us the living motif of hope in Rwanda and in Africa. At that time the church committed itself to act proactively to work for peace and resolution of conflict in order to avoid a repeat of the genocide in Rwanda . Church leaders from Burundi strongly urged the international Christian community to assist in their efforts to bring peace to their troubled country. Responding to this urgent call church leaders from Burundi together with representative from the All Africa Conference of Churches (AACC) and the World Council of Churches (WCC) traveled in June 2004 to South Africa to meet with the then Chief negotiator of the Burundi peace process .

In the meeting with the then Deputy President Zuma they shared their understanding of the prevailing situation and gave moving testimonies of the struggles and suffering of the ordinary men and women of Burundi due to the unending conflicts in the country. A comprehensive analysis and policy position of the Churches was shared with the chief negotiator. The product was a communiqué signed by heads of the delegation. Additionally, the delegation was invited to an early dinner at the residence of the Anglican bishop of Pretoria. Further consultations took place with the local church leadership and South African Council of Churches (SACC), the main ecumenical agency in South Africa, which provided an opportunity for shared experiences and local solidarity with the people of Burundi. The people of Burundi still lived with the memories of atrocities committed since the assassination of their head of state in 1993. The achievements of the negotiated agreement under the leadership of former South African President Nelson Mandela opened a new chapter of great promise for peace in Burundi. However the struggles for political power since then have continued to undermine the need to embark on a serious program of nation building. During the initiative which led to the declaration for peace on Burundi at Arusha , the churches were not only represented but also urged to create an atmosphere of mutual trust and reconciliation between leaders of various political persuasions in order to pre-empt any further conflicts in the

country.⁵⁷

The provisions within the Arusha accord grant a clear framework for a long term solution to the problems of representation and power sharing facing both the minority and majority groups in the country. The churches realized that given the historical circumstances facing Burundi at that time, if elections (scheduled then for November 2004) were to be reasonably free and fair and then they be held as scheduled, and there had to be at least the fulfillment of the conditions of basic law and human rights that would guarantee a peaceful and democratic passage to a new future. However, certain post-Arusha declaration events in the country such as the emergence of some political parties and other groups which did not embrace the agreements continue to threaten the promise of democracy represented in the peace protocols. This situation is further aggravated by the fact that one of the major rebel groups had by then failed to sign a ceasefire with the government. There seems to have been a problem of political will and lack of clarity with regard to the General Elections in Burundi as mandated in the peace agreement. With the keen support and accompaniment of the AACC, WCC and the Fellowship of Christian Churches in the Great Lakes and Horn of Africa (FECCLAHA), the people and the churches of Burundi affirmed their need to work towards a new framework of formalized space for dialogue between civil society, political parties and the business community in Burundi on the agenda for lasting peace.

The Demobilization, Disarmament, Reintegration and Resettlement program would not have been viable without accompanying initiatives focused on transforming tools of war into ploughshares for peace. Programs such as community based policing would increase public confidence and participation in future elections. Churches are called to work together ecumenically and with all initiatives of public goodwill to ensure that every external intervention for peace becomes part and parcel of the local instruments of mediation that are close to the people. However, the situation in the Democratic Republic of Congo (DRC), also called for urgent attention since it is organically related with the situation in Both Rwanda and Burundi; The AACC and WCC have

already engaged in regional peace-building efforts with exchange visits between church and parliamentary groups between the DRC and Rwanda. A pastoral visit by the AACC, WCC and Organization of African Instituted Churches (OAIC) accomplished much . The Congolese churches made an urgent appeal to be accompanied in their fragile peace process. In the DRC there is currently a government of national unity, and elections were also to be held . There is a long history of conflict, ethnic divisions, and mistrust, and human rights abuses . The church leaders in DRC have strongly stated that the time that they needed to be accompanied by the ecumenical movement was then .

The church as a moral community is endowed with social responsibility and obligations of reclaiming the dignity of those who have been mutilated by the negative forces of history. The moral claims of authority by the Church forms the basis of the Church not only as the conscience of society but also as a caring prophetic community. Suffice to say that many church leaders are doing monumental work to stop the repeat of what happened to the people of Rwanda.

The turning of a blind eye by the international community and the isolation of Rwanda by the surrounding nations in Africa made the genocide a solitary event in history. The social and political complexities of the systemic, blatant and rapid massacre of civilians in Rwanda do not explain away the historical burden of the Church as a moral community. Why did we as a church become part of this evil? Why did church buildings become a shrine of death instead of a sanctuary of life? Why did the songs of praise to God and his creation become instead wild cries of mercy and vengeance in the hands of brutality? What happened to the ecumenical space for dialogue and affirmation of distinctiveness and diversities of identity in the community?

The imperative of this genocide is not just human failure but a diabolical confluence of negative forces in history and the distortions of primordial identities. When rage is not engaged by our capacity to be human and when poverty and apathy become the defining mode of relations in a community, then a trigger of hatred could easily leads to a chain of

violence with impunity. “When I came out, there were no birds,” said one survivor who had hidden throughout the genocide. “There was sunshine and the stench of death.” Yes death by any other name is not just death for even the birds in the air escaped from the roof tops because of the guile of politics and watched helplessly at a distance as human beings slaughter each other with machetes. And not just birds, the rest of creation were stunned by the events of genocide in Rwanda. It is said that the Sun was shy to shine on that day and the twilight zone was transformed by an aurora colored with blood.

Where is the dignifying value of African humanity to be found and how subtle is the expression of it even in the midst of such great suffering and confusion? Such questions should guide our renewed desire to awaken not just what has been lost but rather what can be found in the encounter and struggles to death by ordinary people in the continent. The impulse of optimism that sustains the degree of sobriety in the lives of ordinary people in Africa should not be confused as a psychological coping mechanism or a way of living with dysfunctionality which may lead to other forms of enduring but a form of frustrated functionality. It is as if there are no options other than creatively transcending the conflicts and causes of massive abuse of human rights i.e. genocide. The Rwandan genocide is forcing us to confront one basic truth, that we as human beings cannot assume that our conflicts are isolated from the ecology of life. What happens to the human spirit has consequences in ecology and other landscapes of nature. Our need for justice merely speaks of the whole creation groping for harmony and interdependency, seeking to be one with the creator of the universe.

The recent case of Kenya and Human Rights

Kenya, once considered an island of peace stunned the whole world following post election bloodshed which rocked the nation. Political co-responsibility and mutual vulnerability of the churches and civil society showed itself shamelessly. Special concern with regard a more comprehensive understanding of the root causes of ethnic

animosity which were translated into political violence in the aftermath to the contested 2007 General and Presidential Elections has been raised both locally and internationally. Hence the justification for a more a rational and coherent understanding of post colonial construction of ethnic identities, primordial class formations, and the logic of power games that have become foundational in African politics. The prevailing crisis in Kenya has created a scar which will not go away even if the so called Grand Coalition were to hold . In any event if new elections were to be held , there are still deeper historical questions undergirding the formation and reformulation of State systems that can accommodate ethnic-class formations . The manipulation of ethnic differentiation by urbane western educated class elite has deeply entrenched a tribalized political consciousness that it would be difficult to merely solve it through subsequent electoral events .

Again the role of an international oligarchy whose interests are to safeguard their wealth and influence at the local scene must never be ignored . The intrusion of global forces into localized conflicts often redefines the nature of the contradictions that initially produced them in the first place , and hence gives them a new impetus. As shown in the introductory pages of this book a piece of the Bible was found among the ruins of the Lutheran Church in Kibera slum, after the fire that had been lit there. The Church, School and the clinic were stricken by the fire but the piece was saved from all the trash after the fire. It was from Psalm 124:2-3 which reads “If it had not been the Lord who was on our side, when men rose up against us, then they would have swallowed us alive, when their wrath was kindled against us’’. This miraculous act was the basis of inspiration that led Bishops of the entire leadership of Evangelical Lutheran Church in Kenya (ELCK) to meet at Scripture Mission Conference Centre in Nairobi from 2nd to 9th February 2008. In their deliberations they displayed a show of solidarity with the pain and sorrow that have befallen the Nation and hence leading to violence and death. They had resolved to be united as clergy beyond ethnic divisions that have since rocked the Nation. How ever there was very little information apart from secondary materials from the media

that the Church leadership could rely on to guide their thinking and plan of action.

Again going back to the historical roots; we all know that the current problem has deep roots in the legacy of colonial domestication which fabricated certain grids of classifying people and also privileging certain communities upon others. In some parts of Africa there is confusion even now as to what may be termed as a “tribe” in the original sense or what was initially just a dialect of a certain ethnic group and which for inexplicable reasons was later declared to be a “tribe”. In some cases, the people did not in any way regard themselves as belonging to a tribe ethnically, but rather as subjects of a certain chieftain or leader. There are many examples of communities with different dialects which had a common identity under a particular authority. The common humanity of a people who co-exist within the boundaries of the Kenyan State is informed by the diversities of our cultures, traditions, religious conviction and heritages. For this reason Ethnic identity is transactional and not absolute, and hence if the historical grievances underlying our current crisis are resolved Kenyans who have been separated by the current conflict can be re-united due to the inevitability of their shared humanity. And here the message of Paul becomes more critical, thus our identity as human beings is ultimately spiritual i.e. we are created not in the image and likeness of our tribes but ultimately in the image and likes of God. From biblical exposition of the tower of Babel we experience the conflicting paradoxes of a global human project which suppresses diversity instead of celebrating it. How ever in the New Testament the Pentecostal experience among the disciples affirms the diversity of identity within the community and allows for complete expression of difference as a manifestation of the power of the Holy Spirit. We can therefore use biblical resources to reclaim the authentic expressions of human identity as manifestations of diversity within Gods creation.

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Colonial memory has remained our mode of engaging our primordial self, yet the reality that informs who we really are, even unconsciously, have nothing to do with our preoccupation with colonial memory. To plead for reconciliation and peace before these injustices are faced and dealt with is hypocritical. Any such plea plays into the hands of the oppressors who are still trying to persuade Kenyans to be reconciled to the status quo. Such is a call to become reconciled to the intolerable crimes that have been committed against the people over decades of misrule. This kind of reconciliation is sinful and nowhere in the Bible or in Christian tradition has it ever been suggested that we ought to try to reconcile good and evil, God and the devil. We are supposed to do away with evil, injustice, oppression and sin—not come to terms with it. We are supposed to oppose, confront and reject all forms of evil but this cannot happen without moral and spiritual regeneration hence this research portfolio will help sharpen our understanding by using both cultural and biblical resources for a new pedagogy for the internal renewal of the Churches in times of crisis such as this.

The question of manipulation of State resources over a long period of time may not necessarily be reflection of lack of adherence to Law and Order as such but may be revealing a state of confusion in society due to moral deficiencies in public life and spiritual degeneration of society including the Church. The politically designs and ethically justified use of power has been part of our rhetoric that the current dispute can only be resolved by the leaders making hard choices that may negate the interests of groups and communities they represent. This can only take place in an environment informed by selflessness and a spirit of sacrifice. But this has been lacking both within the Church and among

the secular leadership. From biblical exposition of the tower of Babel we are all aware of the experiences that lead the conflicts that separate entire Nations and peoples because power is used to suppress diversity instead of celebrating it. This kind of power incapacitates communities and hence often lead to chaos and anarchy. However in the New Testament the Pentecostal experience among the disciples affirms the diversity of identity within the community and allows for complete expression of difference as a manifestation of the power of the Holy Spirit. We can therefore use biblical resources to reclaim the authentic expressions of human identity as manifestations of diversity within Gods creation. Hence moral and spiritual regeneration of society.

The time has come, the time is now, and it is the Kairos moment! The moment of truth has arrived for the people of Kenya. Kenya has been plunged into a crisis that is shaking the foundations of her Nationhood and there is every indication that the crisis has only just begun and that it will deepen and become even more threatening in the days to come if amicable agreement between the PNU and ODM is not reached and sustained through the Grand Coalition. The KAIROS or moment of truth has arrived for Kenya. Yet this is also the favorable time in which God issues a challenge to decisive action. It is a dangerous time because, if this opportunity is missed, and allowed to pass by, the loss for the Church, for the Gospel and for all the people of Kenya will be immeasurable. Jesus wept over Jerusalem. He has also weeps over the tragedies and destruction of the cities of African republics due to post election violence. The massacre and displacement of the people in Kenya showed that there was no place to hide anymore and no way of pretending to be what we are not in the face of cruelty that has been displayed by the State. This is the face of life and death conflict between different social forces that seek to win the soul of the Nation after fraudulent elections. Church as an institution is also part of the conflict. Often based on ethnicity and power the Church has taken sides as expressed recently by the National Council of Churches of Kenya. Open confession by the Church ought to have been followed by prophetic signs and actions .

When the Church is atoning publicly for the sins of commission and omission it must not become a mere gesture in terms of Freudian catharsis, rather it must be a reflection of depth and commitment to a new liberating social and political dispensation. Interesting enough both oppressor and oppressed claim loyalty to the very same Church. They are both baptized in the same baptism and participate together in the breaking of the same bread, the same body and blood of Christ. They sit in the same Church while outside Christian policemen and soldiers are beating up and killing fellow Christians who only want peaceful protest against an illegal regime. When the Church is divided its Day of Judgment has come. The moment of truth has compelled to take sides with those who are on the side of justice and again “We must obey God rather than human beings” (Acts 5:29). When the Kenyan State uses the doctrine of ‘Law and Order’ to promote violence by denying the people their inalienable right to peaceful congregation in public places it means that it recognizes no authority beyond itself and therefore it will not allow anyone to question what it has chosen to define as ‘law and order.’

Peoples sovereignty is sacred and cannot be substituted with the doctrine of law and order for as Mahatma Gandhi once said there are unjust laws as there are unjust men and that when the law is unjust it must be disobeyed. Almighty God, who controls the destinies of nations and the history of peoples, who gathered our forebears together to live interdependently before the colonial occupation, is the ultimate sovereign. In this context and spirit, in order to inspire new theological movements in response to the difficult times ahead, research and documentation on this specific question for the Churches is vital indeed.

6. The Church and Civil Society in Africa .

He delivered Daniel from the Lion's Den,

*Jonah from the belly of the fish ,
And the Hebrew Children from the fiery furnace
And why not every man ?⁵⁸*

Civil society is the realm of organized social life that is voluntary, self-generating, (largely) self supporting and autonomous from the state. It is distinct from “society” in general in that it involves citizens acting collectively in a public sphere to express their interest and ideas, achieve mutual goals, make demands on the state, and hold state officials accountable. Voluntary collective action within the public sphere takes place in socio-political and ideological as well as economic markets; civil society thus implies notions of the impartiality, pluralism and competition.

Organizations that seek to monopolize a sphere of collective life or totally envelope the lives of their members are not part of the civil society. Civil society also tend to exclude private dimensions of individual and family life, the inward-looking activities of parochial institutions and organizations that seek to win a formal place within State Power infrastructure altogether. As essentially market oriented phenomena, actors in civil society recognize the principles of state authority and rule of law, and need the protection of these realities to prosper and be secure. Thus, civil society not only contains state power but legitimizes state authority when that authority is based on the rule of law. How ever there are major constraints in the application of the western notion of civil society without the context of historical experience of liberation in Africa.

Another model in the development of a church of the people is in the encouragement and support of lay movements that are already ecumenical in their structure. Such movements could provide a forum for critical reflection on the future of the church in Africa. The first step towards establishing African Christianity should be the recognition of the valuable elements of the African culture. The nightmare of divided spiritual loyalties cannot be overcome by establishing national

church councils that provide nothing more than financial support for the many churches in Africa. It is necessary to have discussions and exchange on critical questions about society, the church and theology.

During a symposium organized by the All African Conference of Churches (AACC) in Nairobi, the late Dr. Aaron Tolen, a political scientist and lay-theologian from Cameroon, asked those in attendance a few disturbing questions: “In almost all of our countries the process of democratization is confronted by a reluctance to think differently, to engage in dialogue and a lack of consciousness of responsibility for the common good. Can our churches and church councils claim to be role models? Did the church stop the tragedies in Rwanda, Burundi, Nigeria, Angola, Liberia or whichever other countries from occurring? Christians, churches, and church councils saw many things coming and were challenged to at least try to do something that could have stopped the outbreaks. But what did we really do? In Rwanda, the churches and the cathedrals are no longer safe places. One can get killed there just as in any other place. Being a priest, a pastor, a bishop or an arch-bishop has not made you a different citizen and does not make you different from those who went out of control. We are all sitting in the same boat, but with one difference: We knew what was happening. We had the means to protest in order to divert the events to another direction. But we did not do our duty and failed in our role as watch-dogs.”

Even the church is not free from ethnic divisions and is an impediment to the prophetic agenda of ‘human rights witnessing’. Today, many Christians want to have their “own bishops”, which means somebody from their own ethnic community. Bishops just have to be “sons of the home soil”. This expression that can be heard in many dioceses shows that in many places bishops belong to the “wrong” ethnic group. Such thinking along ethnic lines challenges the church to re consider her practical ecclesiology . The way in which the church in Africa handles this problem will show whether it has passed the test of maturity. The fight against ethnic discrimination is an important prerequisite for an effective evangelism. No great help from outside, from whichever organization, can sow the spirit of love and forgiveness among the

Tutsi and Hutu in Rwanda, and no great financial aid or external involvement can create peace in Africa, as long as there is neither the atmosphere nor the environment in which this peace can be realized. How can a church organization be an advocate of justice if it has problems of ethnic discrimination and prejudices within its ranks? It is difficult to provide solutions to problems when one is or was part of the historical formulation of the problem. When people ask where the church was during the massacre in Rwanda, the answer reads in part: some of the murderers were members of the church! However the new emerging roles of the church in the process of democratization is a sign of its presence in Africa. During the first free elections in South Africa in April 1994, the South African Council of Churches (SACC) participated in an initiative of the Ecumenical Council of Churches known by the name EMPSA (Ecumenical Monitoring Program on South Africa). EMPSA election-observers were distributed in different polling stations in South Africa to monitor the polling proceedings in different regions, from the logistical requirements on the ground to the reporting of any irregularities noted.

It is also evident that there are “African Christian Bureaucrats” (bishops and priests) who are perceived to represent interests larger than those in the local scene and hence in terms of governance they often speak for policies of their Roman, Canterbury or New York authorities. They are not only dependent on them economically, but they also hold in reverence their theological interpretations which are intended to uphold the institutional structures of western Christianity in Africa. But why must churches in Africa have the same structures as those of their European partners when it is practically impossible to uphold them locally? Of course western theology and theological way of thinking have influenced the churches in Africa. Western influences on structures, liturgies and architecture are still very strong locally and the advancement in the process of Africanization and the search for an independent Christian identity remains superficial. This is not a healthy starting point for a process of maturity especially on issues such as human rights by the established churches in Africa.

The emerging realities facing the continent and the challenge of internal institutional arrangements require a new thinking and re-articulation of the vision of the ecumenical movement in Africa . The viability of the programmatic life of AACC for example is constantly being tested by the shifting realities facing the ecumenical movement in relations between and among the member Churches. Furthermore the new policy and resolve by the eighth assembly of All Africa Conference of Churches and subsequent consultations with other ecumenical bodies reflect clearly the definitive moment and challenge for self renewal of the organization. In order to re-articulate its mandate and chart the path to a new future, there is the desired consolidation of spiritual , moral and institutional resources of the continent . This is would ensure that more efficient systems of discernment and delivery are put in place and that they are coherent with the mission and calling of the global ecumenical movement . The relationship between the institutional infrastructure and the constituency of the organization ought to be defined by the kind of praxis that corresponds to the needs of the continent by enriching the life and work on human rights for the churches in Africa.

7. Human Rights , Economic Justice And Development in Africa

Let us be dissatisfied until every state capital houses a governor who will do justice , who will love mercy , and who will walk humbly with his God . Let us be dissatisfied until from every city hall justice will roll down like waters and righteousness like a mighty stream . Let us be dissatisfied until that day when the Lion and the Lamb shall lie down together , and every Man will sit under his own vine and fig tree and none shall be afraid⁵⁹.

Given the fact that global trade is warped with further increase of poverty in the south, new regime of Human and people's rights have evolved - yet there is no theological equivalent to this development. How ever , the issues of justice have such rich theological heritage

among churches in the continent – only that theologians have not tapped adequately this heritage into the discourse of Human rights.

How do emerging theologies such as Ubuntu becoming part of the much needed paradigm shift and new thinking. Obviously there are a myriad of biblical citations that one can claim to provide a hermeneutical basis for theological argumentation as justification of Human Rights. But this in itself is not enough. Such citations ought to be embedded on historical, cultural and spiritual context. It can also be argued that there is a distinction between what may referred to as the biblically based justice paradigm and the right based secular approach. Hence the hermeneutic must constantly be interrogated and validated.

Again are rights derived from God or are they derived from ethical vision of humanity that was constructed in the enlightenment? If so where would African Churches / theologians situate the origin of the hermeneutic – could it be in a cultural-theological vision of society such as the Ubuntu or what Laurenti Magesa, the Tanzanian Catholic theologian calls the moral traditions of abundant Life? Together with the biblical narrative such reflections may provide us with the vision of a new society in which the rights of all human beings are respected and affirmed. Even ‘obuntuism’ as such requires further unveiling if it has to be sustained as a consensus theology of our vast continent. In this regard the question of rights ought to be placed within the broad frame work of the struggles of ordinary people and Africans in general in the context of globalization.

By proclaiming that all Human Beings should act toward one another in the spirit of brotherhood the first article of the United Nation’s universal declaration of Human Rights invokes the perennial Biblical injunction ‘ Love thy neighbor as thyself ’and ‘Love the stranger as you love yourself’ (Leviticus 19:18-33) . One may go further to assert that the basic foundation of human rights are biblical and are derivable from the ten commandments , for example , thou shall not murder is

the right to life, thou shall not steal is the right to property etc. If human Beings are created in the image and likeness of God then the fate of human life is intrinsic to the very being of God (*Genesis 9:6*). According to the teachings of Judaism, a part of each human being is Godlike and to murder one human being is to diminish God and destroy the world. It is on the basis of this spiritual jurisprudence that the Judeo-Christian heritage is ultimately the origin of Human Rights. The Laws of ancient Israel and their articulation in the New Testament were as a result of the experience of liberation from oppression in Egypt.

The UDHR begins by affirming the dignity and sanctity of the human person i.e. *the dignity and worth of the human person and in the equal rights of men and women..*” The sanctity of the human person presupposes that any causes for the sake of restoration and sustenance of their dignity is essential a spiritual concern. Yet to be human is to be human in relation to others, the world and ultimately God. In the context of Judeo-Christian tradition the sanctity of personhood is derived from ontological relation of choice and affection between God and humankind i.e. ‘God loves you as if you were the only person on earth. God, looking on us here, does not see us as a mass. God knows us each by name. God says, “Your name is engraved on the palms of My hands.” You are so precious to God that the very hairs on your head are numbered. “Can a mother,” God asks, “forget the child she bore?” That is a most unlikely thing, quite unnatural, but it could happen. God says, even if that most unlikely thing were to happen, God’s love wouldn’t allow Him to forget you or me. We are those precious things that God carries gently. You are precious to God. God cares for you’⁶⁰. ‘For when a society is so organised that it cares about its individuals, then, provided he is willing to work, no individual within that society should worry about what will happen to him tomorrow if he does not hoard wealth today. Society itself should look after him, or his widow or his orphans. This is exactly what traditional African society succeeded in doing. Both the ‘rich’ and the ‘poor’ individual were completely secure in African society. Natural catastrophe brought famine, but it brought famine to everybody i.e. ‘poor’ or ‘rich’. Nobody starved, either of food or of human dignity, because he lacked personal

wealth; he could depend on the wealth possessed by the community of which he was a member'.⁶¹ As far as the African society is concerned, dignity means, of course, absence of want. It means wealth in crops, animals, and children.

The African Charter of Human / Peoples rights provide a clear guide to Human Rights guaranteed under the African Charter. They rationalize how these rights are promoted and protected by the African Commission and how people can complain about violations of these rights to the Commission. In the 1960s and 1970s, several conferences were organized in Africa by the UN, African governments and non-governmental organizations (NGOs) to discuss the possibility of an African regional system that would promote and protect rights and fundamental freedoms in the light of international standards as well as the particular experiences of African people. The then OAU established the African Commission to oversee this process. The Commission is not a judicial body and can only make recommendations which are often ignored and not enforced by African governments. Due to this predicament, an African Court on Human and Peoples' Rights was established in June 1998 and the OAU adopted a protocol to authenticate the court. It took six years for the Protocol to enter into force, and it was only in January 2006 that the AU Assembly of Heads of State and Government (AU Assembly) elected the 11 judges to serve in this Court. The Court was due to begin its work by the end of 2006. The African Charter is the main human rights treaty in Africa and all 53 members of the AU are parties to it.

The Church has a moral duty to protect civic virtue in society of which democracy is the basic ideal of power relations and delivery of public goods. For democracy to survive it must never be stripped of its dignifying moral and revolutionary value even in the name of God. Justice means fairness, equity and what is morally dignified in the relationship among and between humans, their environment and the cosmos. There are conflicts that can only be described as the struggle between justice and injustice, good and evil, God and the devil. To speak of reconciling these two is not only a mistaken application of the

Christian idea of reconciliation; it is a total betrayal of all that Christian faith has ever meant. Nowhere in the Bible, or in Christian tradition, has it ever been suggested that we ought to try to reconcile good and evil. We are supposed to be against injustice, oppression and not come to terms with it. We are supposed to oppose, confront, and reject the devil and not try to negotiate with the devil. The aspiring ruling tribal elite in Africa must be prevented from using the democratization process as a stepping stone to political positions of power that legitimizes their own economic dominion in the public sphere without the overall sustained consent of the people.

There are several reasons why the church stands in a crucial and strategic position in the promotion of Human Rights. First, the very existence and essence of the church is that it is both a sign and symbol of liberation of individuals and people from the oppressive forces of this world. The church is certainly a symbol of contradiction to these forces of trepidation that have engulfed our world. The church is a truth telling community of justice in which all people especially the poor and the oppressed are sheltered from political and economic violence. Second, the church has both humanizing and transcendent values which affirm and but also challenge the temporal order. Hence she cannot be engulfed by the forces she is seeking to free her people from nor can she be co-opted into an agenda of power during or after a project of liberation.

The churches in Africa especially among countries in transition to Democracy have engaged in affirming their commitment to human rights and advocacy for the right of self-determination of the people. New theological insights that incorporate human rights discourse and methods of understanding the complexities of global and local forces of impunity are increasingly becoming essential. The churches in Africa must continue to provide the moral space for the growth of the ecumenical movement through initiatives that bring together Christians, Muslims, and people of other faiths on the basis of human rights. In a joint communiqué that was released in Dar es Salaam Tanzania recently, Muslim and Christian leaders from Eastern Africa⁶⁴, attending a historic

religious leaders' conference on peace building in the Horn of Africa acknowledged that conflicts and persistent insecurity in the region were caused not only by economic stagnation and poverty, but also massive violation of human and peoples rights.

Coupled with demands for repayment of external debt and servicing of internal debt amid cutting government expenditures and squeezing local economies – most African governments found themselves in a dilemma to internally democratize on one hand and yet live within a cruel, undemocratic global environment. Most African governments were driven into bankruptcy due to declining export revenues because of falling world market prices from the seventies on ward. The scale of transfer of capital from Africa to the North in terms of natural and human resources has been astonishing since the colonial times. The damage done in a few years by Structural Adjustment Programs has been immense. It has worsened conditions for the poor by reducing employment and cutting wages, increasing the price of basic commodities, especially food, and cutting government expenditure in basic services such as health, education and sanitation. Internal budgetary constraints due to structural adjustment programs imposed by IMF and World Bank led to major cuts (nearly fifty percent) in health and education. Multinational corporations derive large benefits from their operations in Developing countries. For instance the World Bank has reported that the average rate of return on Foreign Direct Investment (FDI) in developing countries is 18 per cent with the return in sub Saharan Africa being as high as 36 per cent. MNC's benefit from the availability of cheap unskilled labor (in countries such as Bangladesh), a cheap yet highly educated workforce (in countries such as India) and the availability of abundant and easy to extract natural resources (in countries such as Zambia and South Africa)⁶⁷. Editor of *Africa Confidential*, alleges in the context of illegal oil bunkering and corruption in Nigeria that oil companies or their accountants sometimes maintain “two sets of accounts. They will show you the set of accounts they want the government and officials to see. There will be another

one locked away."⁶⁸ Most analysts agree that the awesome scale of capital flight from Africa, estimated by the African Union at US\$148 billion annually, results in a permanent drain of between 80 – 90 per cent of the capital to offshore financial centers in Europe, the Caribbean or North America.⁶⁹ A study of Sub-Saharan African countries, for example, has concluded that the region is a net creditor to the rest of the world in the sense that its external assets (i.e. including the stock of flight capital) exceeds external liabilities (i.e. external debt).⁷⁰

The chronic poverty that afflicts the region arises from the fact that the assets are largely held in private hands, whilst the liabilities have been assigned to the African public⁷¹. 'In this regard the so called corporate social responsibility in Africa cannot be equated with justice to the continent. Africa does not need "charitable" gift, like a development project sponsored by Coca Cola. What the continent need is unconditional justice. And justice includes among other things big corporations paying proper wages to local people, paying taxes and fair prices for their products. Too many Northern companies are manipulating prices (through internal transfer pricing), and hence manage to report "no profit" or even a loss in Africa, even though the company makes a lot of money in the branches located in "tax havens". This is happening to the gold extraction for example in Tanzania. These companies often report no profit in the country of origin and also do not pay the corporate tax of 30% on profit. There are rampant practices of tax evasion in Africa by Trans National Corporations. This is stealing from Africa. This is criminal and against Human and economic rights of Africans. There is also growing complicity on the part of Governments in Africa due to hidden agreements on money paid secretly to their private/personal foreign accounts.

Western companies, and increasingly Chinese and Asian companies, have been masters in the game of corrupting certain governments. Part of the reason for unending poverty in the continent is due to huge manipulation of economic resources in Africa. Africa would not need AID at all, if the resources on the continent were priced and taxed fairly. Today most of the resources are leaking away, or even flooding

away, and benefiting Western and Asian nations and hence creating problems of unsustainable initiatives for Africans themselves. Aid money is often used as a tool for corruption or as a “carrot” to adopt policies that are beneficial for the West or the East, but not for Africa and her people. This was the case with Structural Adjustment Programmes (SAP) as is with the case of Economic Partnership Agreements (EPAs) and it is the case with the new lenders (China, India, etc)⁷².

The Coca-cola’s revenue in Africa exceeded \$ 620 million and is likely to increase at a rate of 12% every year! American Oil companies such as Chevron investing in the oil rich Niger delta export up to 450,000 barrels of crude oil from Nigeria daily. They have to show their response to Africa needs. Coca-cola is the largest foreign private sector investor in Africa today. Over 100,000 persons produce and distribute the products of coke in the continent. The operating margin of this company in Africa is twice that in North America. Every day about 44 million servings of coca-cola are sold through out Africa. How is this moral accounting when it comes to giving back to Africa? What do they give to genuine development in Africa? What do they give to the fight against HIV/AIDS in Africa? Their obligations cannot be measured by what they give charitably to Africa, but by their response to this basic duty.

Surplus capital accumulated in the form of private profit crosses boundaries from one part of the globe to another regardless of how it has been acquired and the local conditions upon which it has been produced. Arming consumers and traders with the knowledge to identify scams and illegal activity is one of the best ways to maintain the standards of the marketplace so it is said. However informed consumers are less likely to fall prey to unfair trading practices and informed traders are less likely to breach fair trading standards and legislation. Hence the legal infrastructure in which goods are produced and marketed must be subjected to ethical and theological interrogation. Northern agencies that seek to be in solidarity with the poor in the south must work day and night towards an equitable, informed, and

safe practices that make significant change in the behavior and lifestyle of their own people. In this regard there is need for the following:

1. Promotion of fairer trading practices between Europe and Africa
2. Responsible spending informed by the damaging consequences of rampant consumption
3. Informed and effective consumer awareness and protection campaigns
4. Ensuring businesses venture coming outside the continent operate responsibly, through monitoring/checking compliance with fair trading standards and legislation, and providing support in stamping out illegal trading behavior especially as they affect Africa through compliance and enforcement activities;
5. There is need for more information and lobbying expertise to the Churches and human rights NGOs in Africa in order to access appropriate means of redressing their own requisite consumerism and improper policies by their own governments.
6. To provide advice and information to business on their responsibilities, and to consumers on their rights, and carry out audits and work on global financial institutions including the G8 in order to ensure compliance in respect of marketplace legislation and how these affect Africa .

There is a critical need to provide information and services on public goods regarding maintenance of a high level consumer protection as regards quality, safety, health as well as legal rights. Yet for the first time perhaps in history, the world could really afford to provide access to a decent life to every person on earth-enough food, clean water, adequate housing, basic education, health care and public services, as set out in the Declaration of Human Rights of 1948. Where the money would be found? Where most of it already is – international sphere in the profits of mega-corporations and on financial markets; in the cancellation of poor country's debts; in closing down tax havens and

making corporate taxes mandatory; in making so called “free trade” fair trade (Susan George ‘Another world is possible’).

Article 25 of UDHR declares that everyone has a right to a standard of living adequate for the health and well being of himself and his family, including food, clothing, housing and medical care and necessary social services, and right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood . In the same article motherhood and childhood are entitled to special care and assistance. All children whether born in or out of wedlock are entitled to enjoy the same social protection. The entire continent must therefore be freed for a new drive to the new frontiers of human development. The new stage is set for economic emancipation and a sustainable means for self reliance especially in food production, health and education as integral part of the development agenda. The ecumenical movement must set such an agenda to reinforce this quest. This is the new Jubilee to which Africa is reaching out to the world, seeking not only healing but also justice as a human right issue for the continent and her people.

The church having been dethroned in all spheres of state related temporal authority and delivery of public goods still remains the beacon of hope for the poor and the oppressed. In response to the prevailing situation there is an urgent need for the resurgence of theological movements that provide an integrated vision of life based on the communitarian ethic of non-market values. Henceforth, every theological response must produce a new thinking and new radical discourse in the context of ordinary narratives of daily living rather than replicate contesting ideological tools of power. In other words theological articulation of alternatives must bring about rebirth of new organic communities of well being outside the logic of the market.

The impact of globalization coupled with information and communication technologies create superficial expression for a new desire to humanize the world with a new spirit of modernity. The corporate world through

“private” initiatives driven by the blind desire for profits guide and sustain the inner life of the market. Overall macro-economic and fiscal policies as part of human rights must be guided by the needs of spurring economic growth, creating employment and enhancing social justice especially for the working poor.

8. The Bible as the Basis for Human Rights

*There is a balm in Gilead to make the wounded whole*⁷³

The bible is the source of revealed truth in the context of the human encounter with God. Yet the bible also reveals very deep and profound truths about human beings and the World as we know it (or think we do) . From the bible we derive moral inspiration , ethical vision and spiritual affirmation of what it means to be human in a world full of contradictions . For this reason the bible is a resource for understanding and articulating what it means to be human before other human beings , the world and God . Hence it is only proper that we situate the human rights discourse within the context of the biblical narrative . From the Old testament to the New testament , there is a running thread of inspirational passages that can provide a coherent discernment of human rights.

However it is vital to note two major challenges in this section ; That the nomenclature of modern human rights discourse can only be biblically ascertained through an interpretive method which is not within the scope of our current project . And that there are certain passages (omitted here) that can be identified as condoning human rights. When not subject to an interpretive method the bible may be regarded as containing within itself narratives that support violence against minorities and especially women .

In order to ascertain the overall value of the biblical context with regard to the question of human rights we need to engage in a new kind of hermeneutic which provides a deeper understanding of the social milieu

from which such passages found their way into the text. In this regard one may contend with the notion that the bible also contains the human story which is also a story full of contradictions. Therefore when one is reading the following texts, it is important to read them within the context in which they were written, especially the old testament. The passages below have been carefully chosen from 'The African Bible'⁷⁴ and they are meant to inspire every Christian who engages on the ministry of promotion of human and peoples rights.

9. Prayers and Liturgy based on Human Rights.

*Go down Moses, way down to Egypt Land
Tell old Pharaoh, to let my people go⁷⁵.*

The Church is a sanctuary and the place of encounter with God through communal and personal prayer. It is through prayer that the faithful discern the will of God. Only prayer guide us to the kind of action that edifies others and draws them closer to the way of life of Jesus who was committed to dismantling structures of oppression, protecting the vulnerable, combat violence in society and proclaiming the new era of grace.

Equipped with the gift of discernment, analytical skills and courage to militate against injustice within and outside the church, the ecumenical movement should maintain its focus on building institutional capacities for sustained engagement against ideological trends and practices that undermine the basis of our humanity. The theological self understanding of the Church as a sanctuary of the faithful provides a deeper basis for their engagement in moral and ethical duty of transforming the conditions that negate abundant.

The church is blessed with the privilege of being a custodian of hope in the midst of human affliction. This privilege creates a formidable challenge to both the churches and social movements with the co-responsibility for discernment and radical engagement that must lead

to alternative ways of thinking in responding the dilemmas of modern life . The ecumenical movement must become the unifying force and conscience of society by example and through prayer . It is the prayer of Jesus that we may be one that justifies the very existence of the ecumenical movement . Hence we must keep asking the question, how can we deliver the world from the evil of power over life? We can do this by first being awakened to the world anew and open our eyes to embrace the abounding opportunities that the good Lord has placed before us .

10 . The Church as Duty Bearer of Hope and Transformation : Ecumenical Covenants

What is lament ?It is a form of mourning but it is more purposeful . It signals that relationships have gone terribly wrong and it reminds God that God must act as a partner in the covenant . It is both individual and communal . It is a primal cry that comes out of the Human soul and beats against the heart of God . It calls God to account for our Human suffering ⁷⁹ .

A . The Harare Covenant ⁸⁰

We, the people and churches in Africa, give thanks for the manifold blessings bequeathed upon us by God. We acknowledge that African leaders have committed crimes against their own kith and kin in the past and at present times. We repent now of our sins against each other and beseech you O God to heal our land and deliver us from all evil. Our hearts are yearning to be freed from despair so that we may endure in faith, because of God's promise to restore our dignity and fulfill all our dreams.

May God grant us the wisdom and knowledge to harness the growing public goodwill towards a new vision of life for our people in Africa and for the rest of the world. Let us renew our faith in the God of love in whom our future is safe and our grief is turned into great joy. We,

African people on the continent and in the Diaspora . Having been reminded afresh of our difficult past. But, inspired by the stories of resistance with courage and sacrifice of our fore parents : And empowered by the signs of hope such as increasing acceptance of democratic governance, the end of the apartheid regime, and the Truth and Reconciliation Commission of South Africa, we hereby renew our commitment to reconstruct and rebuild our communities and work tirelessly for a future of Africa full of life in abundance. We commit ourselves to:

1. continue the unfinished task of transforming our social, political and economic systems and institutions for an inclusive and just society;
2. seek and pursue peace and reconciliation for our people and communities;
3. establish appropriate ethical values in work, governance and management, and good stewardship;
4. do everything in our means to overcome the scourge of HIV/AIDS; affirm the right of African children to hope for a bright future which we shall help to work out with all our strength and all our ability; We therefore renew our covenant with God in fulfilling these promises and invite men and women of goodwill, and especially this Assembly, to accompany us in this journey of hope.

B . The Yaoundé Covenant⁸¹

We members of the Ecumenical Family in Africa and in the rest of the World gathered at the AACC General Assembly in Yaoundé, Cameroon declare our faith in the triune God, the Father, Son and the Holy Spirit.

We praise God for Africa, our beloved continent, and the mother of humanity. We praise him/her for the gift of life kept and transmitted by our ancestors from time immemorial. We praise the creator whom we know by many names and through different experiences who has taken us from the abyss of slavery and colonization to political freedom, with South Africa being the last country to be liberated. With confidence in

the almighty God, we are determined to embark in the second phase of our struggle for human dignity, economic emancipation of our continent and for the spiritual renewal of our people.

After intense reflection at this decisive time for humanity to make choices between life and death, not only for humankind but also for the whole creation, and empowered by the signs of hope such as increasing acceptance of good governance principles. We commit ourselves to:

1. Contribute towards a united Africa by no longer allowing anybody inside or outside the continent to misuse or abuse our diversities granted to us with love by God.
2. Develop appropriate mechanisms to ensure a stable and peaceful environment in which we are all each other's keeper.
3. Stop totally the phenomenon of uprooted-ness, which is degrading humanity.
4. Denounce and challenge the misuse of power and public resources by those in leadership.
5. Rediscover our African values of solidarity and community life, which have sustained our societies through ages.
6. Reaffirm and practice Christian ethics based on Love, Justice and Tolerance.
7. Say no and never again to wars of any kind and the use of children as soldiers and child labor.
8. Ensure the welfare of children in families and fight the phenomenon of street children.
9. Fight against domestic violence and substance abuse.
10. Uphold and empower women on laws related to their rights.
11. Affirm and respect the dignity and the sanctity of human beings, especially women as carriers of life.
12. Overcome stigmatization and discrimination of people living with HIV/AIDS and other diseases.
13. Help to get access to treatment at affordable conditions (HIV/AIDS, malaria and TB).
14. Define appropriate strategies to alleviate poverty, which contradicts the abundance of wealth on the continent.

15. Value work and the management of time and resources in order to fight the dependency syndrome.
16. Promote education at all levels and initiate specific programs to eradicate illiteracy.
17. Find African solutions to African problems.
18. Create awareness and commitment for the protection of a sustainable environment.
19. Accompany and engage the NEPAD process.
20. Respond to globalization without losing our spiritual humanness.

C . Covenant on Zimbabwe⁸²:

The struggle to heal wounded memories and our traumatized spirits can only happen not just in our quest for justice but also in rebuilding trust through confession, forgiveness and honest reflection on the entire history that gave rise to the problems facing Zimbabwe. Whilst conscious of our negative past we must refuse to be trapped by its memories. May be this is the biggest challenge that faces this conference. To commit to remember in order that we may be effective healers.

We thus greet you and desire for you, that the journey you have embarked on brings healing to the ecumenical movement and to this great Nation of Zimbabwe. On our part both as AACC and WCC we would wish for you that a clear message comes out of this consultation about what the Churches plan to do together to help the people of Zimbabwe face the future with purpose and courage . In sum, as your ecumenical sojourners,

- We accept your commitment to a fair and just redistribution of land in Zimbabwe, as we desire this for the entire continent of Africa. We urge you to clarify for yourselves and for the benefit of the continent the principle that should enable land to be the bedrock of an equitable economy in Zimbabwe. This will form the basis for our visioning together not only for Zimbabwe but for Africa as well.
- We hear with humility your sadness at the circumstances that

surrounded recent land reclamation in Zimbabwe. We urge you humbly, to be deliberate in your focus not to offend what amounted to violation of human rights. Please consider ways by which this process of land restoration to the people will be marked by honor, justice and dignity. This is a tall order, as other instances in the continent show, but we have to be firm in our commitment to values. The ecumenical family is already to think with you on these as far as possible.

- We believe it is only the Church that can assist Zimbabwe to find the higher ground of common Nationhood, as it lifts the people above the politics of partisanship to the plan of values that should inform everybody, including politicians.
- We pray that you will be given wisdom and strength to de-racialize the future of a country that has been marked by a colonial legacy of racial bigotry. As Church, I believe you have the tools more than anybody else in Zimbabwe to alleviate this.

May this retreat of the Heads of Churches in Zimbabwe give birth to a process of dialogue that will bring together the Church in Zimbabwe to fulfill its task of fostering the spirit of nationhood among all the peoples of Zimbabwe irrespective of any challenges that could easily widen their divisions?

Whilst you will be engaging your colleagues within Zimbabwe, we urge you to keep the ties strong with the broader ecumenical movement. Be passionate and forthright with all in your advocacy for the vision you cherish. We stand to find with you a common synergy that would enrich your mission on behalf of God for the people of Zimbabwe. May peace and prosperity reign on the people of Zimbabwe .

D . The Kigali Covenant⁸³

Love your neighbor as yourself. Mark 12:31

This Covenant with God and with each other is based on the second important commandment ever given to humanity found in Mark 12:31. We, Christians, from the Churches in Africa and beyond, thank God

for making it possible for us to gather at the workshop on Lasting Peace in Africa in Kigali, Rwanda, from 14th to 19th April, 2004.

We came to Kigali, to stand in solidarity with the people of Rwanda who suffered terribly the horror of genocide that claimed the lives of more than one million innocent people in 1994. We listened to the testimonies of the survivors of the genocide, and visited genocide remembrance sites where we saw with our own eyes evidence of people's inhumanity to people. We accept guilt for inaction during the genocide in Rwanda before God and offer our apology, as some Rwandese Churches did, to the people of Rwanda. We saw the remnants of the genocide in the form of bones, skulls and dilapidated clothing and personal belongings of babies, children, youth and adults. They were frightfully displayed as reminder of the dark hundred days, the Rwandan genocide lasted, at the NTARAMA MEMORIAL (formerly a Roman Catholic Chapel) as well as the KIGALI Memorial Centre. We also heard stories of women of the genocide who were raped and who are today living with HIV/AIDS and bruised bodies; child headed households and totally handicapped persons. These, the ecumenical family must undertake to assist in any way possible. As we pondered on the genocide stories, we were convinced that the perpetrators of the genocide killed their humanness, cut their relationship with God, before they could take away the humanness of others. The depth of the horror challenged us to deeply reflect on ways and strategies with which we can build everlasting peace in Rwanda in particular and the rest of Africa in general. The abuse, anger, tension, humiliation, trauma, pain and tears inherent in any genocide experience like those of Rwanda remind us of the even leading on the crucifixion of our Lord Jesus Christ. (Matt. 27)

The false accusations and torture of the innocent are truly degrading, to say the least, and an affront to the Gospel of Christ. Hence, like Peter, the Apostle, the best human response would have been to encourage the victims to draw their swords in revenge; and yet Jesus ordered Peter, His disciple, to put back his sword. Christ, the Master warns that those who kill by the sword would die by the sword. (Matt. 26:48-52)

This is an experience that teaches us to struggle for peace at all costs. This is why as Christians we teach and preach confession and repentance before the message of peace, reconciliation and love to all and sundry. We thank God for the victory of Easter – for bringing us back to life, for bringing Rwanda, back to life. The significance of Easter being that Christ rose from death in a victorious way. We are therefore grateful to God, the Sustainer and Giver of Life for the hope and courage found within and among Rwandans who embarked with determination the process of reconstruction of this beautiful country and reconciliation of its sons and daughters. Many countries on our continent have the potential of repeating the Rwandan experience and now that we have time to prevent a similar occurrence, we commit ourselves that never again should such a degree of violence and crime against humanity is allowed to occur in any of our countries. Consequently, we, in the workshop dwelt on identifying issues such as manipulation of ethnic identities, dominant tribal attitudes that have the potential to destabilize the continent of Africa and do hereby covenant with God and each other to:

1. Share widely our experience and invite all persons of good will to work for peace in Africa and the world at large.
2. Work and promote good governance practices that protect the integrity and dignity of creation.
3. Stand up and speak against behavior, pronouncements and practices that have the tendency to set one group of people against another.
4. Challenge the youth and the leadership of churches and governments to feed the minds and souls of their people with love, peace and reconciliatory messages so that painful experiences in human memory are not exploited.
5. Pledge to ensure that never again should Africa experience genocide.
6. Please with the World Council of Churches, All Africa Conference of Churches, the Sub-Regional Fellowships, National Christian Councils and all other confessional and

religious bodies to help build the capacity of our churches in advocacy and be proactive in the prevention of conflicts.

7. Regularly call on organizations such as the African Union and the Regional Economic Blocs to ensure that rapid response mechanisms are in place to prevent wars and acts of genocide.

We were touched and overwhelmed by reports on the efforts of the Rwandan Government, Churches and humanitarian agencies for the solidarity and acts of healing given to the victims of the genocide; even though more resources are needed to complete the task of restoration. We therefore call for strong advocacy effort and support of the healing process currently taking place in Rwanda. While we plead for support for the efforts of the Rwandan Government, the Churches are encouraged to witness its prophetic ministry by standing for truth, justice and reconciliation. As we renew our Covenant with God and each other, we assure all genocide victims across the globe that you are in our hearts as we seek to fulfill these promises. We invite men and women of goodwill to accompany us in this journey aimed at the restoration of the integrity of humanity in our troubled world.

E . Ecumenical Charter : Behold I create a New Africa⁸⁴

Preamble

We, members of the All Africa Conference of Churches gathered at the 8th General Assembly in Yaoundé, Cameroon from the 22nd to the 27th of November 2003, declare our faith in the triune God, Father, Son and Holy Spirit. We believe that Jesus Christ came into this world so that **we may have life and have it abundantly. We affirm** that God hopes and works for a world where all shall be included in the feast of life. We are all part of the body of Christ: a community of mutual interdependence in which diversity contributes to wholeness. We are a community, a social tapestry of relationships which sustains the life of each and all members of the community. **We bear witness** to the love and hope that has kept the African people through slavery, the transition from colonial rule to political independence and in the struggle against the numerous challenges facing the continent. **We acknowledge** our

weaknesses and failures: we have been part of the forces that have, by acts of commission or omission, perpetuated underdevelopment, corruption the marginalization of women, and other social injustices; and

- we have failed to champion the prophetic vision and role of the church;
- we have failed to discover our potential role and our leaders have been reactive; and
- we have not been the salt of the earth.

Accordingly we confess and believe that we have an opportunity and responsibility to contribute towards the renewal, healing and transformation of Africa.

We are, in the spirit of the message from the Pan African Ecumenical Consultation on NEPAD held in March 2003, firmly resolved to recognize The New Partnership for Africa's Development (hereinafter referred to as NEPAD) as a vision embodying Africa's yearning towards total emancipation. **We commit ourselves** to develop ways of increasing public awareness of NEPAD; to enhance popular involvement in its implementation; and enrich the spiritual and cultural dimensions of its vision.

We are encouraged by an African proverb, *'If you want to walk fast, walk alone, if you want to walk long, you have to walk slower, in the company of other people'*, as we join in this timely journey for the renewal of Africa. **We continue the mission of Christ** at the service of humanity and the earth when we engage with NEPAD to 'bring the good news to the afflicted, proclaim liberty to captives, sight to the blind, to let the oppressed go free, and to proclaim a year of the Lord's favor'.

In this spirit, **we adopt this charter** as a common commitment to renew our beloved continent, transform our social and political institutions, reassert African values and ensure that all of Africa's people enjoy abundant life. The charter aims to provide the basis on which the churches could dialogue with and support NEPAD. In Christ it is

possible to create a new Africa.

The New Partnership for Africa's Development (NEPAD) .

We see NEPAD as an indication of an emerging responsive leadership that is aware and cognizant of its responsibility to its people and the African continent. We regard the stated vision in NEPAD of eradicating poverty and propelling Africa into the 21st century and solidly on the path of sustainable development as critical. The political will generated by NEPAD must be focused into a truly participatory transformation of Africa through direct, immediate and decisive action to overcome the causes of Africa's deepening impoverishment.

While **we accept NEPAD**, we do not do so uncritically. The initiative contains some problematic elements that have proven to be ineffective in building peaceful, just and caring societies in Africa; its basic proposals are heavily influenced by neo-liberal thought; and its economic strategy is discredited by the harsh impact on the poor in African countries that have already adopted similar policies. We want to take seriously the critical questions raised on different aspects of NEPAD and try together to conduct fair and critical review of the initiative. In **engaging NEPAD**, we seek to ensure that the development paradigm of the continent is consistent with African systems of thought and aspirations and centers on the human dignity of African peoples and on a sustained incremental improvement in all aspects of the quality of their lives.

Our concern as churches is how to:

- translate NEPAD's proposed programmes into practical actions that would in turn give tangible results in the form of effective reduction of the number of Africans living on less than US \$ 1 a day;
- enable African countries to effectively take part in the global economy of the 21st Century;
- restore the human dignity and self-respect to ordinary African people; and
- ensure respect for life over profit and the assurance of providing

access to basic and essential services to all citizens.

We are agreed that NEPAD should focus primarily on immediate poverty eradication interventions that will deliver direct benefits to the poor rather than its current focus on a long term and indirect development strategy.

We appreciate that some churches have initiated processes of reflection and study to develop coherent positions on NEPAD. We all engage in NEPAD in a spirit of mutual responsibility and commitment in building a better world for Africa's people. **Accordingly, we commit ourselves:**

- to ensure that in seeking a new and effective partnership with the international community, NEPAD does not compromise the following cardinal principles:
self-reliance, self-sustenance, socio-economic transformation, holistic sustainable development and the democratization of the development process;
- to engage in conscientious and intensive dialogue and assessment of NEPAD so as to stimulate further and more focused debate about what the initiative means for us as Africans and as Christians;
- to raise awareness of NEPAD in the worship and teaching, doctrine and life of our churches; and
- to advocate for African values (such as Ubuntu) that enhance dignity for all.

Towards an African-Owned and African-Led Recovery Strategy:

Fostering Ownership of NEPAD Among the African People

We will commit church programmes on NEPAD to consult the African people, the academia and civil society groups in engaging and developing the concept and practice of NEPAD.

We will seek to ensure that NEPAD is not gender blind and that it recognizes and addresses major issues of gender inequality, discrimination and the oppression of women. We will ensure that NEPAD is not used to perpetuate these evils. We celebrate and recognize

the unique role of women in the church and society and therefore underscore the need to incorporate gender analysis within all development strategies of NEPAD.

NEPAD is to be an African-owned and African-led recovery strategy. To be faithful to this the bulk of the resources needed to close the US\$64 billion per annum resource gap will have to be generated through concerted African efforts aimed at significantly increased domestic savings and through repatriation of the billions of dollars of African savings in foreign banks outside the continent. **Accordingly, we commit ourselves:**

- to develop ownership of NEPAD at the local, sub regional, regional and continental levels;
- to contribute towards ensuring NEPAD becomes a people-based, people-focused and people-driven initiative;
- to engage in a consultation process to establish a widespread African women's consensus on the priority gender issues to be addressed within NEPAD;
- to clarify some of the central issues raised by NEPAD and offer a theological framework for resolving them;
- to engage in reflection that will give rise to an evaluation of NEPAD based on values and principles inherent to the church's tradition of social engagement;
- to integrate gender in all aspects of development and to reverse elements in culture and development programmes that are inherently oppressive to women, and therefore disrespectful of their human rights; and
- to ensure that NEPAD is informed by the lived experience, needs and knowledge of the communities meant to benefit from it.

Financing NEPAD

We are convinced that the proposed capital flows into the continent in NEPAD's resource mobilization strategy should be perceived as supplementary rather as the driving force of the initiative.

We recognize that the international financing conditions and policy advice from the International Monetary Fund and the World Bank have

prompted many African nations to adopt market fundamentalist economic policies that have deepened poverty;

increased inequality; resulted in spiraling unemployment; led to increased costs for basic needs like food, fuel and energy supplies and social services. This has made African economies even more fragile and vulnerable; promoted values detrimental to social development in Africa; and deepened social and political instability on the continent. Consequently, we will continue our advocacy for the establishment of a more just, transparent, democratic and accountable global economic system.

We need to reflect on why there should be a shortage of resources to finance infrastructure and human resource development in our African countries where millions of dollars are mobilized through commercial banks, pension funds, insurance companies and other institutions. NEPAD must promote self-reliance by financing development from our own resources and by controlling capital inflows in a manner consistent with national priorities.

We are aware that Africa has not been able to take advantage of globalization because of structural impediments, resource outflows and unfavorable terms of trade. We must ensure that NEPAD confronts the negative effects of globalization in Africa.

We recognize that in the current global environment power relations between Africa and the North are highly unequal. We believe that the rules that guide the partnership between Africa and the rest of the world must be negotiated and agreed before the partnership takes effect and must not be to the detriment of the continent.

Accordingly, we commit ourselves:

- to foster the development of NEPAD as a self-reliant development initiative that puts faith in the people of Africa rather than on foreign capital;
- to use NEPAD as a platform to argue against the neo-liberal

- paradigm and for justice at the global level;
- to advocate that NEPAD prioritizes meaningful debt cancellation for Africa as a pre-condition for Africa's sustainable development, so that budget support can be provided for public investment in social services such as health care, education and the provision of water and electricity;
- to advocate for changes to make the global system of trade and finance fairer, more equitable and devoid of structural impediments for Africa;
- to advocate for decisive structural changes to the current international financial and trade systems;
- to advocate for a clear mechanism to resolve the issue of reparations due to Africa's people;
- to campaign for meaningful debt cancellation together with the global movement for socio-economic justice; and
- to ensure that market rules do not rob NEPAD of the capacity to give ongoing social and economic care to the disadvantaged people of Africa.

Monitoring the Implementation of NEPAD

A 15 member Head of States Implementation Committee (HSIC), a steering committee and a secretariat for technical and logistical support are central in the implementation of the programmes and strategies in NEPAD. We note with appreciation that African countries are also establishing country secretariats that are engaged in the development of country specific projects and in the popularization of the initiative.

We acknowledge the need for active monitoring of the processes and implementation plans of NEPAD. There is also a need to monitor governments' commitment, ratification and respect of African Union protocols and the constitutive act towards the enhancement of NEPAD.

We are key providers of quality health and education and other services in the continent and will contribute and offer leadership in the identified sectoral priorities of NEPAD.

We welcome the establishment and implementation of the Africa Peer Review Mechanism (APRM) and are hopeful it will help foster good economic and political governance in the continent.

We support and continue to play an active role in NEPAD's peace and security initiative.

Accordingly, we commit ourselves:

- to establish a working relationship with the NEPAD secretariat, a working relationship that enhances implementation of NEPAD in ways that promote faith, order, dignity, peace, gender equality and justice;
- to seek active representation and participation at various structures of NEPAD and the African Union;
- to offer constructive criticism and actively participate in the implementation of the programmes proposed in NEPAD; and
- to advocate for the institutionalization of transparent legal and regulatory frameworks in the fight against corruption in African countries.

Good Governance

We will foster good governance and democratic practices in Africa that are concerned with the economic conditions of the majority of the people, a democracy that promotes freedom, equality, justice and fullness of life. We recognize that genuine democracy in Africa must be based on: integrity and wholeness: (encompassing the whole person, the whole community, whole relations and the whole life); relational dimension of democracy which denotes being in and belonging | to the community; consensus building as a way of reaching decisions; and equality.; We recommit ourselves to the struggle for peace with justice. We also renew our commitment to rebuild our communities and work tirelessly for an Africa full of life in abundance.

We will encourage the reconceptualization of NEPAD as a bottom-up, pro-poor approach to development and to influence policy formulation in the African Union.

We will establish a desk on NEPAD at the AACC secretariat to work hand in hand with other organizations that promote ecumenical action and understanding and seek socio-economic justice in the world.

We will carry out a critical and comprehensive evaluation of the NEPAD framework from a multifaceted and inter disciplinary perspective with a thorough scrutiny of the theoretical paradigms, the proposed strategies and the implementation plan of the framework.

We call on all African governments to approve/ratify protocols for the establishment of key institutions of the African Union: the Pan African Parliament, the Peace and Security Council, the African Criminal Court and the African Court of Human and People's Rights.

We call on the international community to move beyond mere expression of solidarity and enter into a compact with Africa in support of this Africa-led development initiative.

Conclusion

In ongoing faithfulness to the mission of Christ, we will continue to raise collective public awareness of the ways in which current global financial, trade, and political systems hurt the poor throughout the world.

In Lauding NEPAD we do not do so uncritically. The initiative has some problematic elements like: the lack of consultation of African people and the lack of popular and civil society participation in its conception, design and formulation; the proposed means of resource mobilization that puts emphasis on external funding; its acceptance of the neo-liberal economic approach to development; and its support for economic globalization.

As **churches in Africa** we have a duty to ensure that a new Africa is constructed out of the present image of hopelessness and desperation. It is time for the Church to accompany the continent as it seeks to find itself and to achieve the great African dream: a just, peaceful, participatory, prosperous and ecologically sustainable society.

As **the General Assembly of the All Africa Conference of Churches**, we commend this charter to all member churches and ecumenical organizations in Africa to be adopted and adapted in each of their local contexts. It is our hope that this charter will not remain on paper, but will be implemented by all of us, in our churches and ecumenical organizations.

With this commendation we hereby sign the ecumenical charter on the occasion of the 8th General Assembly of the All Africa Conference of Churches (AACC).

E . Statement by Christian-Muslim Religious leaders on peace building , in the horn of Africa , Dar-es-salaam, Tanzania⁸⁵

We, the Christian-Muslim Religious leaders from Burundi, Kenya, Rwanda, Somalia, Sudan, Main land , Tanzania, Uganda and Zanzibar meeting in Dar-es-Salaam, Tanzania on 3rd-4th February 2007, to deliberate on Peace Building and Reconciliation in the Horn of Africa;

Acknowledging The mercies of the Almighty God on us as we spent time together, sharing our thoughts with each other and developing bonds amongst us;

Having reflected and shared extensively for the past two days on a wide range of issues relating to the conflicts and instability in the Horn of Africa within the context of inter-faith relations in the region;

Deeply concerned about the endemic conflicts and persistent insecurity caused or aggravated by, economic stagnation and poverty, mistrust and suspicion between governments and political players, massive violation of human rights and other policies of exclusion and marginalization, use of violence for acquiring and conserving power, illicit trafficking of small arms and light weapons, illicit trade in drugs, proliferation of armed groups and, organized crimes;

Gravely troubled about the humanitarian and social consequences of the crises and armed conflicts especially the violations of human rights of women, children, the elderly, the disabled and youth, the denial of refugees access to safety and security as they flee the war zones, the recruitment and use of child soldiers in armed conflicts, the sexual violence and exploitation of girls and women, the destruction of basic services, especially health and education infrastructures and food insecurity;

Bearing in mind the sub-human and abhorring conditions under which many of our people in the Horn of Africa live, either in the internally displaced persons camps or refugee camps;

Mindful of the fact that the existence of hostilities in the form of propaganda, stereotyping, provocative statements, arbitrary arrests, and use of offensive weapons by the parties in conflict is detrimental to the current efforts aimed at building peace in the region;

Aware of the powerful role the media has in influencing and shaping public opinion, we urge the media to report in an objective and responsible manner that contributes to peace building and harmony in the region.

Recognizing that the Somalia crisis has a regional impact that could adversely affect the peace and security in the Horn of Africa, and that it may be manipulated and transformed into an inter-religious conflict between Christians and Muslims with the real possibility of this becoming true;

Convinced of the fact that religious and traditional leaders have a role in contributing towards peace and reconciliation process in Somalia and the Horn of Africa and that the issue of peace and reconciliation need not be considered as the responsibility of governments only but also a mandate of religious leaders;

Noting the role-played so far by the Government of Kenya, the Government of Sudan, Inter-Governmental Authority on Development (IGAD), the African Union (AU) the Arab League, the International

Contact Group on Somalia, the European Union, the United Nations (UN), and other players towards the Somalia peace process and other peace processes in the Horn of Africa;

Expressing our appreciation for the focus given towards the stability of Somalia by the just ended Africa Union Summit and the announced TFG plans to have an all-inclusive reconciliation conference as a step towards stabilizing the country;

We the Muslim and Christian Leaders do hereby make this statement and recommendations to ourselves and all stakeholders for consideration and action:

On Somalia:

1. To sustain and intensify our prayers for the people of Somalia and the grave conditions they find themselves in.
2. To ensure that the Transitional Federal Government (TFG) continues with the on going dialogue on power sharing, leading to a broad based inclusive transitional government including leaders from the Union of the Islamic Courts (UIC).
3. To facilitate a phased and voluntary process of disarmament and demobilization rather than a forced one.
4. To advance the process of national reconciliation and facilitate the review and implementation of Transitional Federal Charter, that will lead to democratic elections.
5. To ensure the withdrawal of the Ethiopian and other external forces from Somalia and their replacement by a neutral peace keeping force acceptable to all stakeholders in Somalia.
6. To urge all actors in the Somalia and the Horn of Africa arena to practice maximum restraint and to exert all pressure on the belligerent parties to cease any further escalation in the already volatile environment

On Ethiopia and Eritrea:

7. We appeal to the UN and AU to fast track a peaceful resolution to the border conflict between Eritrea and Ethiopia.
8. We appeal to the Eritrean and Ethiopian leaders to exercise

restraint in the intervening period and avoid all actions directly or indirectly that lead to violence and loss of life.

9. We commit ourselves to support peace initiatives between these two countries using the infrastructure of the religious leaders in the region.

We, the Christian and Muslim leaders together with the institutions we represent do here by commit ourselves to undertake, a series of actions to bring fruition to the work that we have done in the last two days. In this regard, we have resolved to:

1. Actively continue engaging in sincere Christian-Muslim dialogue and collaboration for peace in each of our countries and in the region.
2. Remain committed to the cause of peace, healing, and reconciliation in Somalia/the Horn and seek to do everything within our capacity to reduce further escalation of violent conflict in the Horn of Africa.
3. Ensure the active participation of Christian and Muslim leaders from all the IGAD countries and the Eastern part of Africa in the on-going process.
4. Organize solidarity, fact-finding and support visits to troubled areas and countries in our region.
5. Pay a visit to the AU and IGAD to get first hand information on their current peace building processes in the region, with the aim of strengthening genuine partnership and collaboration in our peace building missions:

Finally, with the help of the Almighty God and inspiration from our people, we make a joint and firm commitment towards the journey of building peace in the Horn of Africa and invite all the people of goodwill to join us.

