

THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS: AN AFRICAN CONTRIBUTION TO THE PROJECT OF A GLOBAL ETHIC

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I. STATUS QUAESTIONIS¹

In 1992, Professor Swidler called for a "Global Ethos Research Center" which would be charged with the task of drawing together the research and reflection on a global ethic into a Universal Declaration of a Global Ethic. It is in response to this project that I came to think about the situation of Africa in the light of the tragic events happening in this continent. What do African people have to do with a Global Ethic elaborated outside of their continent and perhaps without taking into account their situation and difficulties? Does Africa even need a Global Ethic? What contribution could Africa bring to the project? To answer these questions, it is important to know first of all the real situation of African societies today in terms of human rights and ethics. Some recent events can help us to situate the debate of a "global ethic" in Africa.

In fact, the last decade from 1981 to 1991 will probably remain in African history an important period which can be qualified as a period of "Human Rights Revolution" or "The Rise of Democracy." Two important events marked this period: on the one hand, the publication of The African Charter on Human and Peoples' Rights in June 1981 by the OAU (the Organisation of African Unity) and, on the other hand the end of the "single party era" under the storm of democratization which started to blow in East Europe, Africa and Asia between 1989 and 1991 with the rise of Gorbachevian *perestroika*. In fact, since 1989, in several countries of Africa, the word "democracy" is becoming everybody's favorite song. Independent newspapers are growing everywhere. People talk openly against dictatorship and organize demonstrations. In many countries, men and women, priests, believers and non-believers march into the streets and die for freedom and justice. In January 1991, Jacques Pelletier, French Minister of the Cooperation, said that among 29 countries of Black Africa traditionally "friends of France," only five had not yet started seriously the process of democratization. In this process of democratization, one phenomenon has struck our attention: the role played by the churches to support democracy. In more than four countries, Christian bishops have been elected president of the "National Conference," a kind of "special Parliament," organized to lead countries from totalitarianism toward democratic governments in a non-violent way. Many African Christian bishops, as in Zaire,⁴ have clearly taken a position in favor of democracy and pluralism against dictatorship and the single party regime which prevailed in many countries since the independence era of '60s. In several pastoral letters the Zairian National Conference of Catholic Bishops called clearly for the end of the dictatorship of President Motubu and for the rise of "democracy." In February 1992 the United States Catholic Conference of Bishops sent a "statement on massacre of marchers in Zaire" sustaining the efforts of Archbishop Monsengwo to lead the country to a democratic regime:

Dear Archbishop Monsengwo Pasinya,

I write to express condolences on behalf of the United States Catholic Conference on the deaths of the Christian protest marchers who were killed on Sunday, February 16, in

Kinshasa in their prayerful and non-violent attempt to indicate their rights as a people. I would like as well to offer you, Archbishop, in your capacity as president of the National Conference, the support of the USCC in your work on behalf of national reconciliation and peaceful change. The church in the United States stands in solidarity with the church in Zaïre in its struggle for freedom, peace and justice.

We will be communicating our concern over the Kinshasa massacre with the embassy of Zaïre and with the US Department of State. If there is any way in which we can show our solidarity with your efforts on behalf the transition to democratic government, we would welcome hearing from you.⁵

This letter shows us the importance of "international solidarity" to solve African problems today. And the project of a Global Ethic may be helpful in the same way. The African struggle for democracy and for the respect of human Rights may be understood as a result of, at least, five factors:

1. The UN Declaration of Human Rights
2. The vigilant action of Amnesty International
3. The pressure of the US government urging the respect of human rights as a *sine qua non condition* for any economic help to African countries. This pressure became very powerful under the Carter administration.
4. The end of the Cold War which has slowed down the support given to African dictators by the former Soviet Union, the United States and many former colonial powers (mainly Great Britain, France and Belgium). Therefore the weakness of dictators has liberated the energy of people who can now organize marches and call for change toward new political regimes committed to the respect of human rights and the guarantee of freedom, justice and welfare for, at least, the majority of the people.
5. The "African Humanism" expressed in different political and philosophical movements like Panafricanism, Negritude, Authenticity and *Ujamaa* or African Socialism. This African Humanism is the traditional African passion for life expressed in the Bantu philosophy under the term "Force Vitale," a passion which has always made African people able to survive under oppressions, to claim freedom and justice and to fight slavery, colonialism, racism and now dictatorship.

The conjunction of all these factors defines the New Era of Africa, a new era which will surely be marked by the promotion of human rights. We use the expression of "New Era" also because the Africa of ethnocentrism and nationalism is developing a new way of life dominated by a "global vision" and "global interaction." In fact, even for an African who has never traveled abroad, it is clear today that the World has become a "global village." I still remember how the people of my small village were excited at the event of the first man marching on the moon in 1969. In African languages we created songs to sing "Apollo XI" while some boys of my village preferred to be called "Apollo." From their villages, Africans remain connected to the entire world through radio and through the contact with thousands of "outsiders" visiting Africa or working there. Many Africans are now accustomed to seeing all kinds of American Peace Corps workers, Westerns tourists, scientists, businessmen, teachers, engineers, soldiers and missionaries, agents of secret services visit Africa all time while others have been living there for a long times some of them even marry Africans, become members of African religions like Kimbanguism, receive traditional initiations, and so on. Asian people also, mainly Indians, Chinese, Koreans, Japanese, Arabs and Jews have been present on the African continent for

generations and generations. Some Europeans are citizens in Senegal, Kenya, Zimbabwe, Zaïre, Uganda and other countries. The so-called "Black Continent" is inhabited by different peoples from all over the world. That situation raises the question of "the conditions of the possibility" of "living together" peacefully and in friendship for people from different ethnic groups, races, customs, religions and ethical backgrounds. Such a question makes the project of a global ethic relevant, in the African context.

But before talking about a global ethic, we should first ask whether Africa even has a systematic ethic. When we read books published on "African Philosophy" and "African Theology", it appears clear that we still do not yet have an "African Kant." Nevertheless, some efforts have been made to systematize the ethics of different ethnic groups, and some authors, like John Mbiti, have attempted to bring this system to the level of the whole continent. Furthermore, a global direction is found everywhere: in academic researches and in public symposiums. In Zaïre, for instance, since 1972, the Catholic Faculty of Theology every year holds two kinds of symposia called "Philosophical Week of Kinshasa" and "Theological Week" which have produced an abundant literature on the issue of African ethics and human rights, as we can see in the following already published works, among many others: *Liberation and African Philosophy* (1977), *Ethic and African Society* (1980), *Human Rights and African Philosophy* (1982), *Development and African Philosophy* (1985), *Christian Ethic and African Societies* (1987), *Social Order and African Philosophy* (1988).⁷

In December 1992, a "Pan-African Workshop on Justice and Peace and Human Rights" was organized in Kumasi (Ghana). In the keynote address delivered during that symposium by Rt. Rev. Peter K. Sarpong, Catholic Bishop of Kumasi, we can clearly perceive the move towards a global ethic:

At the beginning of this last decade of our millennium, the global community, suddenly awakened to the gross injustices in our world, came up with such slogans as "Education for all by the year 2000", "Water for all by the year 2000", "Food for all by the year 2000", "Health for all by the year 2000", to captivate the imagination of humankind. They were designed to address inequalities in the world and hopefully to stem the wave of violence and hostilities everywhere. At a time when once unimaginable strides are being made in science, technology and social communications, our globe is sinking gradually but surely into the abyss of destruction. The world is revelling in wrong-doing, resulting in the degradation of the human person, sometimes to a level below that of the brute animal. One may ask why we intelligent and free human beings can not discern what is wrong from what is right, reject the former and adopt the latter?⁸

Today, in many countries we have several national organizations dealing with ethics, such as the "Association of Physicians," "Association of Philosophers," "Association for the Defense of Human Rights" and "Association of Moralists." Besides these non-religious organizations we have also the "Ecumenical Association of African Theologians" and the "Ecumenical Association of the "Third World Theologians"⁹ which carry on a significant dialogue on African values and on the issues of justice and freedom. The Catholic theology inspired by the interreligious dialogue promoted by the Council Vatican II and the Protestant Churches involved in the Ecumenical Movement developed a dialogue open also to "African Religions" and to other religions like Islam. Unfortunately all these organizations have not yet produced a general text in the spirit of a global ethic

including even non-believers. Until now, the African Charter on Human and Peoples' Rights remains the unique text bringing Africans of all beliefs to some common principles on human rights. Such a text is very important for the comprehension of ethics in Africa. That is why in this paper we want to see how this text can be used in the project of a global ethic. In fact in our world it is not enough to have "peace lovers," we need "peacemakers" and it is not enough to think in a "global way" or to have a kind of "universal mind." It is important "to act in a global way and with a global perspective" by treating in each human being the entire humanity, to paraphrase both Kant's and the ancient rabbinical principle. The survival of our world urges us to keep in mind the unity of the "human family" in each of our actions. It is in this way that we can understand the project of global ethic and its importance for African people. We will limit our analysis to a special text which is more meaningful: the "African Charter on Human and Peoples' Rights".¹⁰ This text will be analyzed in connection with two other texts, the UN Declaration of Human Rights and The Universal Declaration of Global Ethic. But, because the final text of a "Global Ethic" has not yet been adopted and published we will consider in this study, the principles formulated in the draft written by Professor Swidler under the title of "Universal Declaration of a Global Ethic" and in the draft written by Professor Hans Küng under the title "Declaration of the Religions for a Global Ethic."¹¹

After a brief presentation of the "African Charter on Human and Peoples' Rights," we will focus our attention on the contribution of this African Charter to the project of a Global Ethic. This Charter has been commented on and analyzed in several books and reviews dealing with international law such as the *American Journal of International Law*, the *Encyclopedia of Public International Law*, *Revue Universelle des Droits de l'Homme*, *Rivista Internazionale dei Diritti dell'Uomo*, *Cooperazione Giuridica Internazionale*, *Afrique 2000*, *Revue Africaine de Politique Internationale*, *Présence Africaine*, *Zaire-Afrique*.¹² Our paper intends to bring another kind of commentary, from the perspective of Global ethic.

II. WHAT IS THE "AFRICAN CHARTER OF HUMAN AND PEOPLES' RIGHTS"?

A. Definition

The "African Charter of Human and Peoples' Rights" is a declaration of human rights published by the Organisation of African Unity (OAU) in June 1981. This Charter intends to define human rights in the context of the African continent as a whole and from the African world view. In a sense, this Charter seems to be a correction, an interpretation, and an amplification of the UN Declaration of Human Rights. In other terms it is an application of the UN Declaration of Human Rights to the African situation, also taking into account the evolution of the concept of human rights since 1948. It is written by Africans and for Africans.

B. Genesis of the text

The "African Charter on Human and Peoples' Rights" is not an invention *ex-nihilo*. It has a long history behind it. Beside the contribution of the UN Declaration of Human Rights, the immediate history of the African Charter is rooted in the Carter administration and the action of the Association of African Jurists.

The conflict between African governments and the UN Declaration of Human Rights constitutes the starting point of the process of creating the "African Charter of Human Rights." Created in 1963, in a context of war against colonialism, the OAU focused its attention on the eradication of colonialism and *apartheid*. To avoid conflict between member states, the OAU emphasized the principle of noninterference in "internal affairs." Soon, the abuse of power by the presidents of African newly independent states becomes an internal affair so that President Senghor could claim that the OAU was not a tribunal which could sit in judgement on any member state's internal affairs.¹³ For a long time the OAU kept silence on the violation of human rights by Africans. The massacres of thousands of Hutu in Burundi in 1972 and 1973 were neither discussed nor condemned by the OAU, which regarded them as matters of internal affairs.¹⁴

Even though the OAU Charter reaffirms in its preamble and purposes the principles of the UN Charter and the Universal Declaration of Human Rights, many African presidents came to think that the UN Declaration, written without their participation, does not reflect the African vision of human rights and is in a certain way another form of colonization. Then in the name of "African identity" and "African tradition" they refused to recognize any European denunciation of violations of human rights, claiming that they were acting according to "the African vision of human dignity" and the African interpretation of the UN Declaration of Human Rights. The OAU charter itself was responsible for that confusion because, as many African jurists pointed out,¹⁵ it missed a significant emphasis on human rights, making only passing reference to the UN Charter in its preamble and in Article II.

But during the course of the years, the abuse of power by African politicians became more and more problematic because the "oppression of Africans by their fellow Africans" became so evident and intolerable. If the independent states were few in the 60's, their number increased in the 70's and the responsibility of Africans for the violation of human rights became much more evident and even increased. In fact, as Umozurike¹⁶ pointed out, during the 1970's the violation of human rights reached its acme in Africa with the terrible behavior of presidents like Idi Amin Dada in Uganda (1971-1979), Marciac Nguema in Equatorial Guinea (1969-1979) and Jean-Bedel Bokassa in Central African Republic (1966-1979). The terror set up by Idi Amin and Bokassa and its resonance in Western media created a great deal of indignation. In 1975 the Helsinki Final Act signed by the United States, Canada, and 33 European countries emphasized respect for human rights. When President Jimmy Carter took office in 1977 he found Africa in serious trouble. The same decade was also marked by the phenomenon of "boat people" in Southeast Asia. Coming to the White House after the Helsinki Act was signed in 1975 by the United States, President Carter made the respect of human rights a *sine qua non* condition for any economic help to third world countries. But indignation did not come only from the outside. On their side, African jurists decided to revise the role of OAU in such matters. Before the development of Western pressure and concern about abuse of human rights in African independent states, African jurists, already aware of the gross abuse of human rights during the colonial period, gathered in Lagos in 1961, under the auspices of the International Commission of Jurists and suggested an African Human Rights Charter under which would be created a court to which individuals or groups could have recourse.¹⁷ A similar call was made in Dakar by jurists from French-speaking African states in 1967. The African Bar Association later proposed a commission of human rights to operate along the same line as Amnesty International in London and the

International Commission of Jurists in Geneva. In 1967 Nigeria proposed at the 23rd session of the Commission on Human Rights that the UN establish regional commissions where none existed. The idea was accepted and the Commission then invited the UN Secretary-General to organize seminars in those regions where no human rights commission existed. At the commemoration of the 20th anniversary of the UN Declaration of Human Rights held in Tehran in 1968, Nigeria renewed its campaign for the establishment of regional commissions. In 1969, during a UN seminar held in Cairo and attended by 19 African states, the creation of an African Commission of Human Rights with the collaboration of the OAU was decided upon.¹⁸

Finally under international pressure and the pressure of Carter administration, the OAU decided in 1979 to address the issue of human rights. That happened also because the General Secretary of the OAU at that period happened to be Edem Kodjo, a jurist more sensitive to the issue of human rights and a citizen of Togo where human rights were terribly violated. In Feb. 1979, Edem Kodjo organized a colloquium on the topic "Les perspectives du développement de l'Afrique à l'horizon 2000". The conclusion of that symposium stated clearly that "no development was possible in Africa without the guarantee of human rights."¹⁹ Then the OAU set in motion studies of an African Charter of Human Rights. From Nov. 28 to Dec. 8, 1979 the committee of experts met in Dakar to draw up a draft charter. The Secretary-General of the OAU enjoined them to take cognisance of the "African concept of Human Rights"²⁰ in order to make the proposed charter distinct from other conventions already adopted in other regions. For that reason the Secretary-General proposed to the experts:

1. To give importance to the principle of non-discrimination;
2. To lay emphasis on the principles and objectives of the OAU;
3. To include peoples' rights besides individual rights;
4. To determine the duties of each person towards the community in which he lives and more particularly towards the family and the state;
5. To show that African values as well as morals still have an important place in our societies;
6. To give economic, social and cultural rights the place they deserve.²¹

After many amendments the draft gave birth to the "African Charter on Human and Peoples' rights" that was finally adopted by the 18th summit of the OAU in Nairobi (Kenya) in July 1981, the year that President Carter left the White House!

C) The Text

The text of the "African Charter of Human and Peoples' Rights" is divided into three parts introduced by a general preamble. The second and the third parts deal with the "Organization of the African Commission of Human Rights." The first part and the preamble are more important for the issue of a global ethic. The first part is divided into two chapters. The first chapter defines in 26 articles the rights of human beings (arts. 1-18) and the rights of peoples (arts. 19-26). The second chapter completes the list of rights by defining the duties of each individual (arts. 27-29). The preamble defines the spirit and the source of the Charter as based in one hand on the "African tradition" and in the other hand on the "UN Declaration of Human Rights" and other international conventions.

Among the important articles for the issue of human rights we have articles 17, 18 and 27 which present ethics as indispensable and as the key to the interpretation of any human right. We have also article 8 which guarantees the liberty of conscience and religion. Articles 10, 11, 12 and 13 are also very interesting because they open the door for "democracy." The word "democracy" is not used in the Charter, but article 13 guarantees the right to participate in government either directly or through freely chosen representatives and protects access to public property and services on the basis of non-discrimination. Also interesting for a global ethic is the constant reference of the Charter to ethics which appears several times in the text.

III. CONTRIBUTION OF THE AFRICAN CHARTER TO A GLOBAL ETHIC

A. Contribution as Ethics

The first question to be addressed is to know whether this text can qualify as an "ethical text." When we look at the story and the context of the text, we find that it has been promulgated neither by an association of African moralists nor by churches but by politicians, by heads of states gathered in the OAU, which is a political organization. But an attentive analysis of the content of the text reveals that the text is not totally lacking in an ethical atmosphere. What do we mean by ethics in that context?

Professor Swidler reminds us that "Ethic" refers to "the fundamental attitude toward good and evil, and the principles to put it into action."²² Understood in that sense, an ethic is present in the ACHPR. First of all we perceive that there are many similarities between the ethical principles of a Global Ethic formulated by Professors Swidler and Küng. In these two texts of a Global Ethic it clearly appears that the foundation of a global ethic is in one hand the concept of "good and evil" and on the other hand "the dignity of the human being" which implies the respect of human rights. Küng's text states clearly:

We recall to mind the 1948 Universal Declaration of Human Rights of the United Nations. What is formally proclaimed on the level of rights we wish to confirm and deepen here from the perspective of an ethic: the full realization of the intrinsic dignity of the human person, of inalienable freedom, of the equality in principle of all humans, and the necessary solidarity of all humans with each other.

For its part, Swidler's text says:

This document presupposes and affirms the rights and corresponding responsibilities enumerated in the 1948 Universal Declaration of Human Rights of the United Nations as a Universal Declaration of a Global Ethic which we believe must undergird any affirmation of human rights and respect for the Earth. In accord with that first UN Declaration we believe there are five general presuppositions which are indispensable for a global ethic: every human possesses inalienable and inviolable dignity, everyone is obliged to do good and avoid evil...

By reading the "African Charter of Human and Peoples' Rights" we find, *mutatis mutandis*, the same presuppositions. The preamble states clearly that the African Charter takes into account the UN Declaration of Human Rights and specifies that in this

African charter of human rights the fundamental rights "stem from the attributes of human beings" (*les attribus de la personne humaine*). That is to say, in concurrence with the general notion of human rights, that in the African world view human rights are not defined on the basis of the family or the collectivity, but one has rights by the fact of being a human being. Completing this foundation, article 4 affirms the "inviolability" of the human person and article 5 emphasizes that each individual has a dignity inherent in her person.

It appears then that the "Global ethic" (as defined in Swidler's and Küng's texts) and the African Charter of Human and Peoples' Rights have a common vision in the fact that:

1. They perceive "Human Rights" as based on the notion of "Human Nature."
2. They consider that the "Human Nature" has an intrinsic value and inviolable dignity.
3. They consider that this "common Human Nature" is the foundation of the principles of equality, justice, freedom and fraternity or solidarity which constitute the foundation of all human rights.

In both the "Global Ethic" and "ACHPR," we find the primacy of ethics and its expression in a fundamental rule, a kind of golden rule as an indispensable key to any definition and understanding of human rights and to any possibility of "living together" in the world.

In the ACHPR we do not have the golden rule in the same words used by Swidler and Küng, like, "What you do not wish done to yourself, do not do to others or what you wish done to yourself, do to others." But we clearly have the same rule in article 27 which states powerfully that all rights and liberties defined in the Charter must be put into action by each person only in the respect of the right and the security of others and in the respect of the morality: "The rights and freedoms of each person shall be exercised with due regard to the rights of others, collective security, morality and common interest" (art. 27, #2).

The concept of respect of others means that people must avoid to do to others what is not good. It corresponds to the golden rule in the expression of "What you do not wish done to yourself, do not do to others." The article also specifies that each individual has duties towards his/her family, towards the society and towards the international community: "Every individual shall have duties towards his family and society, the State and other legally recognised communities and the international community" (art. 27; #1).

By duties we should understand "the good to do to other people." An attentive reading shows clearly that this article 27 is the key to the interpretation of all human rights defined in the African Charter. It is then normal and logical to think that we have here a "fundamental rule," a "golden rule." We have then a major similarity of logic between the ACHPR and the Global Ethic. This similarity continues also in other articles of the Charter. It is easy to draw a parallelism between the Global Ethic defined by Swidler and the African Charter where we find the same key words and key notions or principles: dignity, equality, justice, respect, freedom, solidarity. The great majority of "ethical principles" defined by Swidler and Küng are present in the human rights defined by the Charter: freedom of religion and conscience (art. 8), freedom of thought and speech (art. 9), law (arts. 3, 13), decision-making (art. 13), property (art. 14), work (art. 15), education (art. 17), information (art. 9), peace (art. 23).

All that demonstrates that the ACHPR is in a certain way an “ethical text” for the following reasons:

1. Like any ethic, the African Charter deals with “action.” It is not a metaphysical text. It shows what must be done and what must not be done in the behavior of people, churches, any kind of group or association and governments.
2. The word “moral” and cognates, which deal clearly with ethical issues, appears several times in the text.
3. The text gives a great importance to ethic (arts. 17 and 27); it has a clear ethical vision, it contains in a sense some ethical principles (“dignity of human being..”), and it considers ethics the foundation of the genuine way of exercising human rights and freedom.

Even though the words “good” and “evil” are not present in the text, it is clear that this text prescribes the good to do and the evil (violation of freedom and human rights) to avoid. All we have seen in our analysis allows us to say that in the ACHPR we have in a certain way a kind of a “Declaration of African Ethics” which can then be analyzed in relationship to the project of a Global Ethic.

B. Contribution as a “Global” Project

We now focus our analysis on the concept of “globality.” Our thinking will follow three steps: African continent, relationship between Africa and other continents, relationship between African ethics and the text of the Universal Declaration of a Global Ethic.

1. First step: Within Africa

If the nature of the “Global Ethic” is to be a consensus from different “ethical traditions” of humankind, it is clear that it would be easier to deal with a text that already is a consensus of African peoples than to deal with the ethics of each single African ethnic group. The “ethical situation” of Africa is a very complex one. Africa is a huge continent of 53 countries and more or less 660 millions people speaking about two thousands languages, having different customs and worshipping God in several religions. As John Mbiti pointed out,²³ we find in the African continent mainly Christianity, Islam, Judaism, Hinduism and several “African religions” and sects from all over the world, mainly from USA and Asia like the Baha'i'i Faith and Witnesses of Jehovah. The so-called “African religion” is a group of different churches practicing the traditional religions or mixing Christianity and traditional spirituality. According to Gerhard J. Bellinger, in his article in *Knaurs Grosser Religionsführer*,²⁴ the African population in 1986, was 60 million members of tribal religions (12% of African population and 70% of all members of the traditional religions of the World), 40% Muslims and 45% Christians. According to Rik De Gendt,²⁵ who used the data furnished by the AIMIS (Agence d'Information Missionnaires) of Rome, in 1990 the continent had 81,883,000 Roman Catholics (13.4% of the whole African population), and in 1992 Africa had more than seven thousand “Afro-Christian” churches with 15 million believers. Such a situation does not make the building of a global ethic easy. Even though Christians and Muslims have been developing a dialogue, there are many violent religious conflicts, mainly in Nigeria and in Sudan. And in South Africa, the “Black theology” and the “White theology” justifying *Apartheid*²⁶ show how some Blacks and some Whites disagree on the conception of human rights and ethics. Among Black people there is no agreement on all ethical issues. In some ethnic groups of Zaïre, for instance, to have a child before marriage is

considered a good thing, a proof of fertility for a girl, while in other ethnic groups, like the Baluba, it is a sign of "prostitution," and a great obstacle to marriage.

In that ethical situation of commonalities and differences among African ethics, the "African Charter of Human and Peoples' Rights" brings a consensus on "how should we treat with our fellow human beings." By bringing African peoples from different ethical backgrounds to a consensus on human rights, the text constitutes a first step towards a global ethic. If this first step consists in bringing one African people together with other African peoples, the second step consists in bringing all African peoples to a dialogue with peoples of other continents.

2. Second step: Africa and the International Community

African people are already collaborating with many international institutions and some belong to the predominant religions of our world such as Christianity and Islam. But the African Charter of Human Rights plays a great role in bringing this international relationship to the level of a global ethic, as we can show in the following analysis.

The preamble of the ACHPR says clearly that the African Charter takes into account human rights defined by the UN Declaration and also the rights of human beings and peoples defined by various Institutions of the United Nations and by the Non-aligned Movement, which brought together the "Third World" of Africa, Asia and South and Central America. In dealing with Asia and Western countries, African peoples have been challenged to revise their traditions and customs, to revise their conception of "marriage," of "the dignity of women and children," of "family" and the humanistic values of "non-believers." Taking into account the legacy of modernity, the African Charter on Human and Peoples Rights appears to be a genuine bridge of dialogue between African peoples and the international community on the issues of human rights. In fact, the text already contains some common elements between African Ethic and the Global Ethic to be built. The African Charter goes beyond many practices of the traditional African way of life. That is the case for instance concerning religion, women, democracy, and human beings as individuals.

a) About religion

Many scholars, Africans and Westerns, have pointed out that Africans are notoriously religious.²⁷ In fact, historians tell us that in ancient African empires such as Ghana, Mali, Luba, Lunda, Kuba, Zulu, ... the political principle of the separation between State and the Religious institutions did not exist. In almost all the cases, we find the belief in the "divinity" of the King who considered also himself the High Priest or the supreme authority of "religious affairs."

But when we come to the African Charter we find that there is no mention of God and no reference to God as the foundation of political power. Even "human dignity" is not based on the notion of creation of humankind by God. The Charter says that the basic rights of human beings have their foundation in the "attributes of the human person" (the French translation seems much clearer at that point: les attributs de la personne humaine). We have in that expression not the religious language of African religion, but clearly the language of the Western metaphysics or rationalism. Despite the speculation of some

commentators, like the Italian Giovanni Michele Palmieri²⁸ pretending that the African Charter is characterized by "animism," the text appears clearly secular on that specific point. While African ethics are predominantly marked by the religious belief, the Charter does not have the language and characteristics of a religious text. In that way this charter opens the African conception of human rights to a global dialogue including non-believers.

b) About Women

Some Scholars interested in the history of Africa before Christianity and before Islam have recently developed a new understanding of African philosophy, showing that the dignity of women was never radically denied in African traditions. That is true to some extent. No African thinker developed a systematic sexism or racism, going so far as to question, for instance, whether some human beings are really human or whether they have a soul. Nevertheless the practices in social life do not correspond to the ideal. For centuries, women have been forced to occupy a low place in society and have been forbidden to participate in government. The African Charter clearly guarantees the "rights of women" (art. 18) and condemns any kind of discrimination based on sex (art. 2; 18). The Charter does not provide space for speculation on a possible "African way of understanding the dignity of women." The Charter guarantees to African women the same dignity and rights universally recognised for other women of our planet. Such an equality of rights between men and women is clearly a modern notion and not a characteristic of African traditions. The Charter abolishes many African traditions in that regard and brings the Africans into a genuine dialogue with other peoples in the context of modern civilization.

c) Democracy

Since the independence of Africa, many African leaders have manipulated the African traditions to banish pluralism and free elections and to justify their mono party regime, even to make themselves "president for life" (Président à vie). In Zaïre, for instance, Mobutu who proclaimed the ideology of "authenticity" said that he should keep power until the end of his life because "according to our ancestors' practice", in African order of power there is no place for "political antagonism" but only a place for one, unique Chief who must be obeyed unconditionally. But the African Charter which defends the "traditional values recognized by the community" (art. 18) strongly guarantees the right of all citizens to participate in the government through freely chosen representatives and guarantees freedom of speech and freedom of association. Here again, the Charter brings African peoples to join the international community in the "democratic system" of government.

d) Human Beings

In traditional societies we had the primacy of the family, the clan or the collectivity over the individual. But even though the African Charter recognizes the social dimension of human being and defines the rights of "peoples," it also brings about a fundamental revolution in the African conception of being human by recognizing specific rights to each human being as an individual. This vision of "human rights" based not on the family or the clan but upon the "attributes of human person" (Preamble) goes far

beyond the traditional vision of "Ujamaa" and brings African peoples to a common understanding of human rights with the international community.

That is to say that the African Charter which brings together African peoples with other African peoples also brings Africa to join the international community on the issue of human rights. In that way it opens the door to a "global ethic."

3. Third step: Contribution of the ACHPR to a Global Ethic

First, it is not easy to realize what the African Charter can bring to the Global Ethic in terms of novelty or innovation. When we read the text, we realize that many elements of the African Charter are already present in one way or another in the UN Declaration of Human Rights and in the two texts of Global Ethic written by Professor Leonard Swidler and Professor Hans Küng. The African Charter itself does not claim any radical originality in its formulation of human rights. The preamble of the ACHPR clearly acknowledges the influence of the UN Declaration of Human Rights on the African Charter.

But when we read the African Charter more closely and carefully, we realize that it is not simply a copy or a photocopy of the Western formulation of human rights or Global Ethic. The UN Declaration of Human Rights and the two texts of a global ethic are in many ways different from the African Charter.

First of all the name of the title is different in a very significant way. The text of the French Revolution was called "Declaration of Human and Citizens' Rights," the UN Declaration carries in its title the expression of "human rights" while the African Charter adds to "Human Rights" something new in the title "Peoples' Rights."

Secondly the African Charter has some specific articles defining "Duties" in the connection with "Rights."

The third important difference consists in the source of the Charter. While the Global Ethic considers itself like a kind of ethical extension of the UN Declaration of Human Rights, the African Charter claims that its source is "African tradition," which includes "virtues of African historical traditions" and "values of the African civilization." Finally, the Charter talks about some "new rights," like the right to development and the right of peoples to own their natural resources. It is mainly in these differences and "novelties" that we can find a contribution of ACHPR to a Global Ethic.

Many specialists of international law have tried to define the specificity and originality of the African Charter. According to Emmanuel Wonyu²⁹ the originality of the ACHPR lies in the fact that the African Charter links in an indissoluble way human rights and rights of peoples, defines human rights by understanding the human being both as individuals and as members of a society, and in the fact that the African Charter adds to the traditional or classical human rights some new human rights developed in the second half of the 20th century, such as the right to the existence of any people, the right for each people to liberate it by using all means accepted by the international community, and the right for each nation to utilize its natural resources. Like Wonyu, Umozurike also thinks that the African Charter has created something new in the field of the classical definition of human rights: "The African Charter on Human and Peoples' Rights has combined an

impressive array of individual rights and duties, group rights, and state rights and duties. Some of these, like the right to development and the right to national and international peace and security, appear to be new additions to the list of internationally recognized rights."³⁰

But when we read commentaries made by non-African authors, the tone is a bit different. The Italian Giovanni Michele Palmieri, for instance, contends that the contribution of African Charter lies in its "animism."

Our perception is still further different. We do not think that the contribution of African Charter to a Global ethic depends only on its originality, even though an original creativity may will be there. There are many ways of contributing to something. We may contribute to a project by expressing our agreement or our disagreement on some specific points, or by bringing some new elements to the project.

In my opinion, the first contribution lies in the acceptance or recognition of the UN declaration of human rights. Through this common ground with the UN the African Charter makes a global ethic meaningful for African peoples, bringing to the project the agreement of more or less 700 million African people!

The second contribution consists in the "amplification" and the "explicitation" of some rights. The African Charter brings a new perception of traditional rights by making explicit what was implicit, by stating in a precise manner or by emphasizing what the Global Ethic or the UN Declaration of Human Rights consider in a general way. Because of the difference in the experiences of life between African peoples and Westerners, what Africa considers priority rights are not always priorities for Western countries such as the right to development or to utilize one's natural resources or the right of other people to existence or the rights of parents. Then the African Charter formulates in "clear articles" what the UN declaration or the Global Ethic does not thus express. For instance, the global ethic (according to Küng's and Swidler's texts) states that it is not good to kill or to steal. The African Charter extends these rights and formulates them in clear articles. The "not to steal" is extended to "the right of peoples to freely dispose of their wealth and natural resources" and "the right for the dispossessed people to the lawful recovery of its property as well as to an adequate compensation, in case of spoliation." The "not to kill" is extended to "the survival of peoples" and to the protection of their traditional culture, while the right to freedom is extended to the right for colonized and oppressed people to defend themselves by using all means recognized by the international community.

The creativity of the African Charter can be perceived more clearly in three important fields: the rights of peoples, the rights to property and the right to development.

a) The Rights of Peoples

It seems clear that the major contribution of the African Charter consists in the definition of the "Rights of peoples." The French Declaration of Human Rights and the UN Declaration carried out a definition of human rights based on the individualistic vision of human beings. The global ethic defined by Professor Swidler is mainly based on the UN

vision of human rights. For that reason, there is a kind of primacy of the individual over the society, even though some references to the society seem to correct that vision.

With the African Charter we have a definition of human rights intrinsically connected to the rights of peoples. That is the result of the specific history of African peoples marked by slavery, colonialism and neocolonialism and which peoples feel and fear the danger of disappearing as peoples. The African Charter brings to the project of a global ethic a sensibility to the social dimension of human beings. It calls the attention to the "dignity of peoples" who cannot exist without a specific "culture" and situates the issue of ethics at a much more global level, including the behavior of peoples towards other peoples. In that way the discourse of a global ethic can be significant to many peoples of the Third World who suffer "cultural alienation," "political domination," and "economical exploitation." But this vision of human rights brings a correction not only to the Western vision of being human but also to the African tradition. Even though hospitality to foreigners is considered a great value in the African tradition, the idea of family as centered on "blood affiliation," the clan and the tribe, has created, in some cases, a spirit of self-esteem that led people to despise the members of other ethnic groups simply because they were different, spoke a different language and behaved in different ways. In a fantastic study, *Die auserwählten Völker. Eine christliche Deutung der Welt*, Father Walbert Bühlmann has shown that "the theology of chosen people" is a universal phenomenon, often used as a weapon against other people.³¹ In Africa in any ethnic group people believe that they are "the best people in the world." That is one of the reasons for so many ethnic conflicts. The African Charter preaches respect for all tribes. As Maurice Massengo-Tiassé pointed out, the right of equality of peoples means that, "Il n'y a plus de tribus ou de minorités qu'on doit étouffer, aucun peuple n'a le droit de dominer un autre."³²

As we can see, this right of equality of peoples is a major contribution to world peace and to the project of a Global ethic.

b) The Right to Property

The African Charter has developed a new vision of property that is not in the UN Declaration nor in the Global Ethic. The African Charter protects the right to property, but provides that it may be encroached upon in the interest of public need or the general interest of the community and in accordance with the provisions of appropriate laws. The right to property also implies the moral commandment: do not steal the goods of another. Here the African Charter has developed the "right to compensation" and the right of peoples to freely dispose of their national wealth and resources."

There is no clear mention of compensation in the UN Declaration nor in the Global Ethic texts. In African philosophy the goal of the ethical code is not only to prevent evil action but also the restoration of the "broken order" by compensation. Finally the African Charter brings out the notion of what I call the "global property" by defining the right of peoples to "equally enjoy the common patrimony of humankind."

In this way the African Charter genuinely covers all the aspects of "property" we need to take into account in a fair discussion of a global ethic.

c) The Right to Development

According to Umozurike³³ the right to development is a specific African contribution to the international community. It was first enunciated by the President of the Senegal Supreme Court, Keba M'baye, in an address to the Institute of International Law of Human Rights in Strasbourg in 1972. M. Keba M'baye suggested then that all rights are intertwined with the right of existence, with a progressively higher standard of living, and therefore with development. In 1978, as President of the International Commission of Jurists, he further commented on the right at the Dakar Conference on the Development of the Law of Human Rights. Finally, at the request of the Commission of Human Rights, the UN Secretary-General made a study in which he concluded that a large number of principles based on the UN Charter and human rights texts and declarations confirm the existence of the right to development in law. This conclusion was later confirmed by the UN General Assembly. M. Keba M'baye referred to Articles 55-56 of the UN Charter and 22-27 of the Universal Declaration of Human Rights, and to the statutes of the specialized agencies in which international cooperation and solidarity are important. But from the African world view he came to conclude that "the right to development" is a "human right." This right implies the negative duty not to impede the development of states and the positive duty to aid such development. In our century, the right of peoples to development seems the genuine way to address the issue of "international injustice" and thus the issue of a global ethic because it is clearly in the context of the development of peoples that we can understand clearly how the issue of good and bad behavior has reached a high and global level that make urgent the development of a global ethic without which the world has no way to avoid a "global catastrophe." It is in that way we can understand Hans Küng when he opened his project of global ethic with this expression "No survival without a world ethic"³⁴ or in Swidler's terms: "the future offers two alternatives: death or dialogue."³⁵

d) The Right to Traditional Values

The articles 17 and 18 of the African Charter powerfully call for the protection and the promotion of "morality and traditional values." We have here something that does not exist in the UN Declaration of human rights nor in the texts of a Global ethic written by Swidler and Küng. Obviously when one thinks that the defense of human rights is a product of the 20th century and is something new in the history of humankind, it would appear contradictory that the African Charter consider the promotion of "traditional African values" as a defence of "human rights." And yet it appears for Africans that their traditions are not completely empty of any notion of human rights. The Charter does not say what those "traditional values" are. But we can illustrate them by analyzing the traditional code of African ethics. That allows us to see how it is easy for Africans to accept the project of a global ethic because it already has some elements in common with the traditional African ethic. I will try to follow John Mbiti and confirm his view by the Luba ethic of my own tradition.

1. The Notion of Human Rights

Among the Baluba I do not find the notion of "human rights" in its modern sense as defined in the UN Declaration. The expression "human rights" itself is absent from the Kiluba language as well as from many other Bantu languages. But the notion of human

dignity is there. The Bantu anthropology reveals ten basic concepts used in the Kiluba language that can help us to understand the issue of human rights:³⁶

the nature of BEING	about the notion of DIGNITY
<i>BUMI</i> : life (any kind of life)	<i>BULEME</i> : respect, dignity
<i>LUFU</i> : death	<i>BUYA</i> : goodness, beauty
<i>MUNTU</i> : human being	<i>BUBI</i> : bad, evil, ugly
<i>KINTU</i> : thing	<i>BUHIKA</i> : alienation, slavery
<i>BUMUNTU</i> : essence of human being	<i>BUBINE</i> : truth

In the Bantu philosophy³⁷ "being" is divided into two categories:

-*MUNTU* (*BANTU* in plural; existing being-of-intelligence; human-being)

-*KINTU* (existing being-without-intelligence; animal, plant, thing). Animals, vegetation and minerals belong to the category of *KINTU* while God and human beings (men, women, children) belong to the category of *MU-NTU*. But when a human being behaves badly he falls into the category of *KI-NTU* and people refer to him differently, as the following figure shows:

The <i>MU-NTU</i> category: good morality and intelligence	The <i>KI-NTU</i> category: bad morality and stupidity
<i>MUNTU</i> (good, respectable person)	<i>KI-NTU</i> or <i>KI-MUNTU</i> (one not deserving respect)
<i>TATA</i> (a good father)	<i>KI-TATA</i> (a bad father)
<i>MAMA</i> (a good mother)	<i>KI-MAMA</i> (bad mother)
<i>MWANA</i> (a good child)	<i>KI-MWANA</i> or <i>KYANA</i> (bad child)
<i>MULOPWE</i> (good king)	<i>KI-LOPWE</i> (tyrant, stupid king)

The term *KI* means that a human can empty her/his essence, his/her humanness by doing evil, by saying or thinking in a wrong way. The criterion used to measure the "humanness" is "intelligence" or "wisdom" and mainly "moral conduct."

2. The Traditional Ethic

According to the traditional ethic, moral conduct is evaluated according to the attitude toward *BUMI* (life). That is good which protects and promotes human life, and that is evil

which destroys or alters human life. That is why in Luba society the devil *par excellence* is the *Mfwintshi* (Sorcerer). *BUMI* is the supreme value in the Luba ethic, which is completely concentrated on the “respect of human life.” For the Baluba, as for many other African peoples, religion and ethics are so anthropocentric that Mbiti could say: “In Africa, it is as if God exists for the sake of man.”³⁸ The Africans are so deeply concerned about the preservation and the promotion of human life that religion itself becomes a tool to reinforce the “respect for human life.” It is this concern for *BUMI* that gives African ethics and religion this dimension called by some scholars “utilitarianism” and expressed by Mbiti in this radical way:

African faith is utilitarian, not purely spiritual; it is practical and not mystical. The people respond to God in and because of particular circumstances, especially in times of need. Then they seek to obtain what He gives, be that material or spiritual; they do not search for Him as the final reward or satisfaction of the human soul or spirit. Augustine’s description of man’s soul being restless until it finds its rest in God, is something unknown in African traditional religious life.³⁹

This concern for “human life” is possible only because the Baluba believe strongly in the “dignity” of every human being. This notion of “dignity” is expressed by two words: *BUMUNTU* and *BULEME*. The concept of *BULEME* is the key to understand the Luba notion of human rights. It means “weight,” “solid,” “consistence” as in the Hebrew notion of the “Kabod of Yahwe.” In the Luba ethic, a person (*MUNTU*) fulfill her/his humanness (*BUMUNTU*) when s/he is capable of respect (*BULEME*) for her/himself (*KWILEMEKA*) and for others. Whenever a person does not “respect” the life and dignity of other persons, s/he automatically empties his/her *BUMUNTU* (essence of a genuine human being) because the *BULEME* is the essence of the *BUMUNTU*. It is the notion of *BULEME* that constitutes the foundation of all Luba ethics. Any conduct that does not respect the dignity of human life is bad. What contributes to the protection and the intensification of human life is good. The same can be said for other African cultures, as we can see in the “African ethic” described by Mbiti. In fact, according to Mbiti,⁴⁰ among the basic principles of “African ethics” we find: truth and rectitude as essential virtues, justice, generosity (the opposite of selfishness), hospitality, protecting the poor and weak, giving honor and respect to older people, chastity before marriage and faithfulness during marriage, avoiding hypocrisy, stealing, and falsehood, and keeping a covenant. This is verified for instance in the Luba society where ethics is based on two poles: *BUBI* (evil, bad, sin, ugliness) and *BUYA* (goodness, righteousness, purity, beauty). The Baluba distinguish the *MUNTU MUBI* (bad person) from the *MUNTU MUYAMPE* (a good person) or *MUNTU WAMPIKWA KATONYE* (a person without stain).

The *MUNTU MUYAMPE* has the plenitude of *BUMUNTU* (the being-human; the essence of being human) while the characteristics of the *MUNTU MUBI* are those which destroy human dignity, as the following figure shows:

Characteristics of the *MUNTU MUYAMPE* (good person)

Characteristics of the *MUNTU MUBI* (bad person)

1. *LUSA* (compassion)

MUSHIKWA (hate)

2. <i>BUSWE</i> (love)	<i>BUTSHI</i> (Witchcraft, sorcery)
3. <i>BULEME</i> (dignity, respect, integrity)	<i>BWIVI</i> (robbery)
4. <i>BOLOKE</i> (righteousness)	<i>BUNZAZANGI</i> (hypocrisy)
5. <i>BUBINE</i> (truth, integrity, honesty)	<i>BUBELA</i> (falsity)
6. <i>BUNTU</i> (generosity)	<i>MWINO</i> (selfishness)
7. <i>KANYE</i> (compassion)	<i>BUSEKESE</i> (fornication)
8. <i>BUYUKI/NGENYI</i> (wisdom, intelligence)	<i>BULEMBAKANE/BUVILA</i> (stupidity)
9. <i>BUTALALE</i> (peace)	<i>BULOBO/BUKALABALE</i> (violence)
10. <i>BUKWASHI</i> (help)	<i>NTONDO</i> (discrimination)
11. <i>BUTUNDAILE</i> (hospitality)	<i>LWISO/MALAKA</i> (absence of control of one's desire and emotions)
12. <i>BWANAHABO/BULOHWE</i> (freedom, auto determination, being one's own king, nobility)	<i>BUHIKA</i> (slavery)

This ethic is not only anthropocentric but much more sociocentric. Because in the African world view bad behavior is not a "private matter." Any bad conduct destroys "social relations," and for that reason, African ethics takes seriously into account the principle of "reparation": anyone who has done evil must confess publicly his fault and repair what he has destroyed in order to restore the broken order or harmony of social life. This social dimension of human life—"to be with," "to be in communion with"—what Nyerere calls *UJAMAA* (togetherness, fraternity or family spirit) is so important in Africa that some languages like Kiluba do not even have a specific word to express the verb "to have". In Kiluba, as in many other Bantu languages,⁴¹ the verb "to have" is expressed by the verb "to be" followed by "with" (*NE*). The verb *KWIKALA* means to be; *KWIKALA NE* means "to have" (literally "to be with"). To have a child = to be with a child (*KWIKALA-NE-MWANA*). To have a house = to be with a house (*KWIKALA-NE-NJIBO*).

This spirit of "togetherness" generates a spirit of hospitality and solidarity which distinguishes African ethics from the Marxist notion of "class struggle," as Nyerere tells us: "The true African socialist does not look on one class of men as his brethren and another as his natural enemies. He does not form an alliance with the 'brethren' for the extermination of the 'non-brethren.' He regards all men as his brethren—as members of his ever-extending family. *UJAMAA*, then, or 'familiness,' describes our socialism."⁴²

Our survey may give the impression that the African traditions are perfect. That is not the case at all. We know that the daily life of people does not always correspond to the

ideal. The purpose of our paper was to deal with "the system of values" and not the behavior of individuals. To study "African ethics" we must distinguish between the conduct of people and the "abuses" of the traditions from the genuine "spirit of the African tradition" that the African Charter calls the positive African traditional values. From our brief analysis we can understand clearly why the African Charter appeals for the promotion of these "positive traditional values" that predispose Africans to be interested in a debate on a global ethic to which Africans cannot come as a "*tabula rasa*." It is for that reason that the African Charter states in its preamble that Africa has "traditionally" reserved for "human rights and freedom" a primordial importance.

IV. C O N C L U S I O N

As Arlene Swidler pointed out, human rights represent what is probably the primary ethical concern in the world today.⁴³ When we say "the world," we also include the "African world." My opinion, at the end of this survey, is that Africans are today very concerned with the issue of human rights and cannot reject a project such as a "Universal Declaration of Global Ethic" which helps to end the violation of human rights in the world.

The project of a "Global Ethic" finds its justification and meaning in the course of events which characterize our world today. With the collapse of the communist regimes in East Europe, with the storm of democracy in the Third World, with the economic crisis and the wave of xenophobia in Western countries, our world is today in a very dangerous situation, a kind of "social earthquake." The African continent, more and more neglected by the masters of world economy while its governments fall apart and the population suffers starvation and ethnic cleansing, is not in a good situation. This "lost continent" as some pessimist scholars call it already, need such a thing as a Global ethic that can rescue it from its own diseases and save it through a "Global solidarity." At the same time its experience of suffering and struggle for survival may be fruitful for other peoples. For suffering is a privileged instance for the understanding of human rights.

If the United Nations, the Universal Declaration of Human Rights and the Vatican Council II have been built without Africa, at the edge of the third millennium the Universal Declaration of Global Ethic may perhaps receive an African contribution. But what kind of contribution, some could ask?

When we consider the great influence of Western civilization on African culture during the last four centuries it is easy to challenge Africans: "What do you have that you have not received?" (1Cor 4: 7).

Given the constant violation of human rights on the African continent, one could even remain skeptical about the notion of an "African ethic" and could say like Nathaniel, "Can anything good come from Nazareth?" (Jn 1:46)

But it is also true that the continent has already produced three "Nobel Peace Prizes," Albert Luthuli (1960), the Anglican bishop Mgr. Desmond Tutu (1984) and Mandela-De Klerck (1993). It is also significant that the Winner of the Nobel Prize for literature in 1986 was the Nigerian writer Wole Soyinka, well known for his struggle against dictatorship in Africa. It is a fact that African people are becoming more and more aware

of human rights. And this process of awareness has increased since 1989 in the direction of democracy. In many countries bishops, priests and people in general strongly urge politicians to build democratic institutions. Africa is clearly joining the international community in this matter. In that process of "democratization" the African Charter on Human and Peoples' Rights plays a key role. This African Charter does not claim any radical originality in its formulation of human rights. In fact, many African languages do not have a clear expression for "human rights". Nevertheless the concept of "human being" (*MUNTU*) and "human dignity" (*BULEME, BUMUNTU*) is clearly asserted in the African tradition, as we have pointed it out above in our analysis of the Bantu philosophy.

What is important in the African Charter is first of all the strong recognition of the UN Declaration of Human Rights as something valid and good for African people in the way of dealing with their fellow Africans and in their contact with other human beings that populate the earth. The second merit is that this text makes easy the project of a global ethic by bringing African people from different ethical traditions to a general consensus on human rights. The third is the African sensibility to the issues of colonialism, racism, economic exploitation and sensibility to the issue of the survival of human beings as members of a specific group (a nation, a race) whose culture must be protected as an important part of human identity. That is why the "Rights of Peoples" can be considered a major contribution of the African Charter to the project of a Global Ethic. The African Charter pays a lot of attention to the "social dimension" of being human and is for that reason more able to deal with ethical issues without losing time in casuistic speculations about the definition of concepts. Even though it is important to define concepts in order to know clearly what we want to do, it is true that a Global Ethic can find its just place in the interaction between people and not in a conception of human rights based on the primacy of the individualistic dimension of human beings. I believe that ethics deals basically with "what we do to others and what others do to us."

The African Charter is not perfect. We wanted to focus our paper on "the possible contribution of the African Charter" rather than making a critical analysis of its weakness and incoherences. For that reason we came to stress much more the positive aspects rather than the negative aspects of the African Charter. If some rights have not received a lot of attention in the African Charter, it may also be because it already emphasizes its solidarity with the UN Declaration of Human Rights. In that way some repetitions had to be avoided. The African Charter has already been criticized by many African philosophers or jurists for its lack of clarity on certain points. For instance, the emphasis on duties seems, for some people, a problematic point because it may be used by governments to curtail human rights and also because it puts conditions and restrictions on "liberties."⁴⁴ But despite all its weaknesses, the African Charter remains a very important step towards the respect of human rights and towards a consensus on a "Universal Declaration on Global Ethic." It is the first text in African history that draws on principles of good and evil and principles of how to treat human beings, and that reflects a general consensus beyond all kind of differences that divide African peoples. This can be considered an "African Charter of Ethics" which can be usefully used, *mutatis mutandis*, in the project of a global ethic.

NOTES

¹ Abbreviations: AOTA: Association oecuménique des Théologiens Africains (Ecumenical Association of African Theologians); EATWOT: Ecumenical Association of Third World Theologians; ACHPR: African Charter on Human and Peoples' Rights (we will also use the expression "African Charter").

² Leonard Swidler, *The Meaning of Life at the Edge of the Third Millennium*, (New York: Paulist, 1992), p. 69. In fact, in 1995, Professor Swidler did establish a "Center for Global Ethics," with an attached Internet network: g-ethic@vm.temple.edu.

³ R. Gendt, "Le christianisme africain dans l'opinion publique européenne," in *Concilium. Cahier spécial: Vers le Synode Africain*, No. 239, février, 1992, p. 140.

⁴ The Zairian Conference of Catholic bishops has taken position against the dictator Mobutu and called for the building of democracy in different documents. We found some of those documents in three periodicals: *La Documentation Catholique* published in France (No. 2006, 20 mai 1990; No. 2020, 20 Janvier 1990; No. 2070, 18 avril 1993); *Zaire-Afrique* and *Renaître* (two reviews published by Jesuit fathers of Zaire to promote justice and democracy). We have analyzed the following documents:

1. "Déclaration de l'Episcopat sur la situation présente." (1975)
2. "Notre foi en Jésus-Christ." (1977)
3. "Tous solidaires et responsables." (1977)
4. "Appel au redressement de la Nation." (1978)
5. "Notre foi en l'homme, image de Dieu." (1981)
6. "Message et déclaration des Evêques du Zaire à l'occasion du 25e anniversaire de l'Indépendance." (1985)
7. "Education nationale." (1986)
8. "Le Chrétien et le développement de la Nation." (1987)
9. "Mémorandum des Evêques du Zaire au Chef de l'Etat." (1990)
10. "Nécessité d'une campagne d'information sur la démocratie." (1990)
11. "Libérés de toute peur, au service de la Nation. Message des évêques du Zaire aux Chrétiens Catholiques et aux hommes de bonne volonté."
12. "Libérer la démocratie: Message et Déclaration des Evêques du Zaire aux chrétiens catholiques et aux hommes de bonne volonté." (carême 1991)
13. "Déclaration de l'Episcopat du Zaire à propos de la Conférence Nationale." (1991)
14. "Message des Eglises Catholique, Orthodoxe, Protestante et Kibanguiste." (1991)
15. "Message de la Conférence Episcopale du Zaire au Peuple Zaïrois et aux hommes de bonne volonté" (1991)
16. "Pour la poursuite de la démocratisation au Zaire." (Kinshasa, 12 décembre 1992)
17. "Sauvons la Nation." (1993).

⁵ Nkulu-N'Sengha Mutombo, "Les Eglises face à Mobutu: réflexion sur le rôle démocratique de la religion" in *FORUM ZAIROIS. Bulletin Culturel de la Communauté Zairoise des Etats-Unis*, Philadelphia, Vol. I, No. 4, Février 1993, p.12.

⁶ John Mbiti, *African Religions and Philosophy* (New Hampshire: Heinemann, 1990).

⁷ *Théologie Africaine. Bilan et Perspectives (Actes de la Dix-Septième Semaine Théologique de Kinshasa)* (Kinshasa: Facultés Catholiques de Kinshasa, 1989), p.6.

⁸We refer here to a document published by the AFJN (Africa Faith and Justice Network) based in Washington D.C.

⁹ Mushete Ngindu, *Les thèmes majeurs de la théologie africaine* (Paris: L'harmattan, 1989), p.19. EATWOT (Ecumenical Association of Third World Theologians) was created in 1976 in Dar-es-Salaam (Tanzania). During its second meeting held in Accra (Ghana) in 1977, the AOTA (Association Oecuménique des Théologiens Africains) which is a part of EATWOT, was created.

¹⁰ We use in this paper the complete text of the African Charter published in Amadu Sesay, Olusola Ojo, and Orobola Fasehun, *The OUA After Twenty Years* (Boulder, CO and London: Westview Press, 1984), pp.109-124, and the French version of the same charter published in the Jesuit review *Zaire-Afrique*, No. 236, Juin-Août 1989, pp. 295-299.

¹¹ For the texts of a "Global Ethic", we use in our paper the copy of Professor Swidler's published in this volume and the one by Professor Küng translated by Professor Swidler and made available in his seminar "Global Ethos-Human Rights-World Religions" at Temple University, Spring, 1993—it was subsequently published in Hans Küng and Karl-Josef Kuschel, eds., *A Global Ethic. The Declaration of the Parliament of the World's Religions* (New York: Continuum, 1993).

¹² Giovanni Michele Palmieri, "Il sistema regionale africano di promozione e di protezione dei diritti dell'uomo e dei popoli: profili istituzionali". *Rivista Internazionale dei Diritti dell'Uomo*, Anno IV, gennaio-aprile, 1991. pp. 53-87. Emmanuel Wonyu, "Un support juridique pour la démocratie en Afrique: la Charte Africaine des Droits de l'Homme et des Peuples" in *Afrique 2000: Revue Africaine de Politique Internationale* (Institut Panafricain de Relations Internationales), No. 8, Janvier-Février-Mars, 1992, pp. 29-50. U. O. Umozurike, "The African Charter On Human and Peoples' Rights," in *American Journal of International Law*, vol.77, 1983, pp. 902-912. "Charte africaine des droits de l'homme et des peuples (27 juin 1981)" in *Zaire-Afrique*. Juin-Août, 1989, pp. 295-299.

¹³ Umozurike, "The African Charter," p. 903.

¹⁴ Idem.

¹⁵ Idem, p.90.

¹⁶ Idem, pp. 902f.

¹⁷ Idem, p. 903.

¹⁸ Idem, p.904.

¹⁹ Wonyu, "Un support juridique," p.30.

²⁰ Sesay, et al., *The OAU After Twenty Years*, p. 84.

²¹ Idem.

²² Swidler, *The Meaning of Life*, p. 67.

²³ John Mbiti, *African Religions and Philosophy* (New Hampshire: Heinemann, 1990), pp. 223-256.

²⁴ We used the Italian translation of the book: G. Bellinger, *Enciclopedia delle religioni* (Milano: Garzanti, 1989), p. 17.

²⁵ Gendt, "Le Christianisme africain," pp. 142-44.

²⁶ Bruno Chenu, *Théologies Chrétiennes des tiers mondes. Latino-américaine, noire américaine, noire sud-africaine, africaine, asiatique* (Paris: Le Centurion, 1987), pp. 107-110.

²⁷ Mbiti, *African Religions and Philosophy*, p. 1.

²⁸ Palmieri, "Il sistema regionale africano," p. 56.

²⁹ Wonyu, "Un support juridique," p. 31.

³⁰ Umozurike, "The African Charter," p. 911.

³¹ I have used the Italian translation: Walbert Bühlmann, *I Popoli eletti. Un'interpretazione cristiana del mondo*. (Milano: Edizioni Paoline, 1987).

³² M. Massengo-Tiassé, *Comment peut-on vivre libre et digne en Afrique. Africains: vos droits et vos devoirs* (Paris: Michel de Maule, 1988), pp. 37-39.

³³ Umozurike, "The African Charter," pp. 906f.

³⁴ Hans Küng, *Global Responsibility. In Search of a New World Ethic* (New York: Crossroad, 1991), p. xv.

³⁵ Leonard Swidler, *Death or Dialogue? From the Age of Monologue to the Age of Dialogue* (Philadelphia: Trinity Press International, 1990), p. vii.

³⁶ For the Luba culture and the Kiluba language, which is my mother tongue, I am trying to create my own systematization of the "Bantu-Luba anthropology." The Luba culture is important within the study of African philosophy because that is the culture which refers to the "Philosophie Bantu," considered the starting point of the modern debate on African philosophy. This book, written by a missionary from Belgium, Father Placide Tempels, was published in 1947 by the famous "Présence Africaine," the historical organ of expression of the "Négritude Movement" based in Paris.

³⁷ E. A. Ruch, *African Philosophy. An Introduction to the main philosophical trends in Contemporary Africa* (Rome: Catholic Book Agency-Officium Libri Catholici, 1984), p. 156.

³⁸ Mbiti, *African Religions*, p. 90.

³⁹ Idem, p. 67.

⁴⁰ Idem, p. 207.

⁴¹ Théophile Obenga, *Les Bantu: langues, peuples, civilisations*, (Paris: Présence Africaine, 1985), pp. 184f.

⁴² Valentin Yves Mudimbe, *The Invention of Africa. Gnosis, Philosophy and the Order of Knowledge* (Indianapolis: Indiana University Press, 1988), p. 95.

⁴³ Arlene Swidler, ed., *Human Rights in Religious Traditions* (New York: Pilgrim Press, 1982), p. vii.

⁴⁴ Sesay, *The OAU After Twenty Years*, p. 88.