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The "Common Word," Development, and Human Rights: African and Catholic Perspectives

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Dr. Joseph M. Isanga⁺

INTRODUCTION

This article underscores the critical importance and potential for development that can be located in trying to connect the African continent's fastest growing numbers of Christians and Muslims by harnessing the common values of Christianity and Islam regarding their commitment to the world, in order to propel development of many African nations that have experienced conflict and underdevelopment, partly due to the manipulation¹ of religion for political ends. Many African countries that could potentially be rich are currently impoverished. The causes of African impoverishment are multifaceted, as are the solutions. Religious beliefs can have important development² and human rights implications. In a number of African countries the lack of common understanding between the mainstream and the fastest-

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¹ As President Obama put it, "human history has often been a record of nations and tribes—and, yes, religions—subjugating one another in pursuit of their own interests." President Barack Hussein Obama, *Remarks by the President on a New Beginning*, Cairo University, June 4, 2009, available at <http://i2.cdn.turner.com/cnn/2009/images/06/04/obama.anewbeginning.pdf> (last visited on June 6, 2009)

² Rodney Wilson argues, for example, that the spread of Islam resulted in scientific resurgence in the Middle East. See Rodney Wilson, *Economic Development in the Middle East*, CRC Press (1995), p.26. The Catholic Church also maintains, "it can be said that the European identity is not understandable without Christianity, and that precisely in Christianity are found those common roots by which the continent has seen its civilization mature." See *The Holy See, II Special Assembly For Europe: Lineamenta*, Vatican City (1998), available at http://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_02061998_europe-lineamenta_en.html.

growing religions—Christianity and Islam in particular—has contributed to violent conflict and gross violations of human rights, consequently, leading to poor economic development.³ Over the last 40 years nearly 20 African countries (or about 40 percent of Africa South of the Sahara (SSA)) have experienced at least one period of internal or international armed conflict.⁴ Political and economic forces have sometimes exploited religious diversity and difference.⁵ Yet, there has not only been negative forces, religious groups have been and continue to be on the frontlines of the fight for social justice, respect for human rights, and development. The reason being that these religions are not inherently violent or anti-development in their predisposition inasmuch as advocates of interreligious dialogue observe, religion or faith and reason are not intrinsically antithetical. By bridging cultural or religious differences through the promotion and emphasis of common values, it is possible to create conditions of peace and respect for human rights that are essential to human development. Both Christianity and Islam are

³ It is nevertheless important to note that in recent times—in the words of President Barack Obama—it is usually “[v]iolent extremists”—“a small but potent minority”—who “have exploited these tensions.” See, *Supra*, President Barack Hussein Obama, *Remarks by the President on a New Beginning*, Cairo University, June 4, 2009, available at <http://i2.cdn.turner.com/cnn/2009/images/06/04/obama.anebeginning.pdf> (last visited on June 6, 2009)

⁴ Ibrahim Elbadawi and Nicholas Sambanis, *Why Are There So Many Civil Wars in Africa? Understanding and Preventing Violent Conflict*, World Bank Policy Research Paper available at http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2004/03/10/000265513_20040310160347/Rendered/PDF/28130.pdf (last visited April 17, 2009).

⁵ Pope Benedict XVI notes that, “some assert that religion is necessarily a cause of division in our world; and so they argue that the less attention given to religion in the public sphere the better. Certainly, the contradiction of tensions and divisions between the followers of different religious traditions, sadly, cannot be denied. However, is it not also the case that often it is the ideological manipulation of religion, sometimes for political ends, that is the real catalyst for tension and division, and at times even violence in society?” Pope Benedict XVI, *Meeting With Muslim Religious Leaders, Jordan*, Mosque al-Hussein bin Talal – Amman, May 9, 2009, available at http://www.vatican.va/holy_father/benedict_xvi/speeches/2009/may/documents/hf_ben-xvi_spe_20090509_capi-musulmani_en.html.

outward-oriented religions that contain ideas for social action, engagement, and social justice. Pragmatically, this is also evidenced in many African countries where adherents of both religions live and work side by side in cooperative coexistence. In addition, the ubiquitous African traditional religiosity with its proclivity to accommodation of diverse traditional spiritualities and expression, as well as, practical integration of the secular and the sacred in all spheres of life—economic, social, and political—prepares fertile ground for harmonious cooperation among the mainstream religions. The enormity of African development challenges, which are currently exacerbated by the global economic downturn, in itself make cooperation of religious bodies *inter se* and with the state an absolute necessity.

Part I of this article explores why and how past and ongoing African violent conflicts have had a religious dimension and presents evidence of judicial and other recognitions of links between those conflicts and human rights and underdevelopment. Part II explores the contributions of African traditional religions and Christianity, with particular emphasis on the Catholic Church for its significant global outreach and institutional organization, to cooperative coexistence—a precondition for protection of human rights and development. Part III explores contemporary African and global challenges and how these can be and should be common concerns and opportunities for cooperative coexistence between mainstream religious groups.

Africa is the most conflict-ridden region of the world, and has been since the end of the Cold War. Africa continues to lag behind other regions with regard to development and human rights performance. These conditions can also cause religious beliefs to escalate conflict, especially where religious polarity is susceptible to being exploited. The

sheer scale of such conflicts underscores the urgency and significance of interreligious engagement and dialogue: “[q]uantitative and qualitative analysis based on ... database including 28 violent conflicts show that religion plays a role more frequently than is usually assumed.”⁶ This ambivalent character of religion⁷—its double potential for being a catalyst for peace and its concomitant effects such as socio-economic development and human rights protection, but also for violent conflict—is well understood and accepted especially in a post-9/11 world. Religion’s positive potentials, many of which are common ground among various religious organizations, can and should be exploited to generate outcomes conducive to economic and social development and human rights protection. As President Barack Obama noted during his June 4, 2009 Cairo speech, we cannot allow the “relationship [to be] defined by...differences” as that “will empower those who sow hatred rather than peace those who promote conflict rather than cooperation that can help all of our people to achieve justice and prosperity.”⁸ The ongoing “Common Word”⁹ initiative between Islam and Christianity—specifically, the

⁶ Matthias Basedau and Alexander De Juan, *The ‘Ambivalence of the Sacred’ in Africa: The Impact of Religion on Peace and Conflict in Sub-Saharan Africa*, German Institute of Global and Area Studies Working Paper March 2008, available at <http://ssrn.com/abstract=1119171>.

⁷ See generally, R. Scott Appleby, *The Ambivalence of the Sacred: Religion, Violence, and Reconciliation* (2000).

⁸ *Supra*, President Barack Hussein Obama, *Remarks by the President on a New Beginning*, Cairo University, June 4, 2009, available at <http://i2.cdn.turner.com/cnn/2009/images/06/04/obama.anewbeginning.pdf> (last visited on June 6, 2009)

⁹ On October 13th 2006, one month to the day after Pope Benedict XVI’s Regensburg address of September 13th 2006, 38 Islamic authorities and scholars from around the world wrote the *Open Letter to His Holiness Pope Benedict XVI* in a spirit of open intellectual exchange and mutual understanding. See, <http://ammanmessage.com/media/openLetter/english.pdf>, (last visited April 6, 2009). In his Regensburg speech Pope Benedict underscores the interdependence of faith and reason and its relevance for world peace, development and civilization generally. But, then he used, the debate between the Byzantine emperor to of a conversation that took place in 1391 between a Byzantine emperor, Manuel II Paleologus, and an educated Persian on “on the subject of Christianity and Islam, and the truth of both.” See also,

Catholic Church—is one example of recognition of such common grounds and interests and the exploitation of those positive potentials. As President Obama noted, “America [in our case ‘Christianity’] and Islam are not exclusive and need not be in competition. Instead, they overlap, and share common principles—principles of justice and progress; tolerance and the dignity of all human beings.”¹⁰ This article proposes that African pragmatic approaches regarding interreligious coexistence in the public square can and should be incorporated as important starting points for implementation of the ‘common word’ initiatives among the major religions—especially Islam and Christianity—which are significantly represented in Africa. African traditional worldviews remain an important part of the philosophical and religious landscape of Africa. However, Africa is increasingly Christian and Islamic. To this end, the paper also highlights insights from Catholic teaching, which are not only relevant for interreligious dialogue, but are also pragmatic in character in light of their development emphasis.

RELEVANCE OF ON COMMON WORD APPROACHES FOR AFRICA

Interreligious dialogue is particularly important for Africa because a large portion of the African population is either Muslim or Christian. (Muslims constitute about 45.1% of the African population or nearly 300 million, and Christians constitute 36.9%. The Catholic population is estimated at 158 million and is increasing). A society’s

http://www.vatican.va/holy_father/benedict_xvi/speeches/2006/september/documents/hf_ben-xvi_spe_20060912_university-regensburg_en.html, (last visited April 6, 2009).

¹⁰ Supra, President Barack Hussein Obama, *Remarks by the President on a New Beginning*, Cairo University, June 4, 2009, available at <http://i2.cdn.turner.com/cnn/2009/images/06/04/obama.anewbeginning.pdf> (last visited on June 6, 2009)

demographic religious structure can influence the potential magnitude, as well as, the direction of the role of religion in conflicts. Religious structures may influence not only the potential magnitude of religions' effects on civil conflicts, but also the nature of their impact. Most studies indicate that those societies, which are either highly fragmented or homogenous in terms of religious demography, are actually less prone to religious conflict.¹¹ The reason for this is because compared to polarized societies, it is very difficult to organize or sustain a rebellion in either homogeneous or diverse societies.¹² Hence, rebellions tend to be less frequent in societies divided into many small sub-groups by ethnicity or religion. The most trouble-ridden constellation is a polarized structure in which a religious majority faces a strong religious minority or in which two main groups, such as Christianity and Islam, are almost the same size.¹³ The results of these studies indicate that religious differences themselves are not the pivotal factors.¹⁴ Religious structures enable or inhibit mobilization on religious grounds, with polarized structures being especially dangerous in this respect. Polarized demographic structures exist in a number of African countries, such as: Nigeria, Sudan, Côte d'Ivoire, Uganda, and so on.

¹¹ Paul Collier and Anke Hoeffler, *Greed and Grievance in Civil War*, World Bank Policy Research Working Paper 2355 (2001). James D. Fearon and David Laitin, *Ethnicity, Insurgency, and Civil War*, *American Political Science Review* 97: 1, p.75-90 (2003).

¹² Supra, Ibrahim Elbadawi and Nicholas Sambanis, *Why Are There So Many Civil Wars in Africa? Understanding and Preventing Violent Conflict*, World Bank Policy Research Paper available at http://www.wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2004/03/10/000265513_20040310160347/Rendered/PDF/28130.pdf, (last visited April 17, 2009).

¹³ Marta Reynal-Querol, *Ethnicity, Political Systems, and Civil Wars*, *Journal of Conflict Resolution* 46: 1, p.29-54 (2002).

¹⁴ Supra, Matthias Basedau and Alexander De Juan, *The 'Ambivalence of the Sacred' in Africa: The Impact of Religion on Peace and Conflict in Sub-Saharan Africa*, German Institute of Global and Area Studies Working Paper March 2008, available at <http://ssrn.com/abstract=1119171>.

Religions in Africa, by Regions¹⁵

	Indigenous	Muslim	Christian	Other	Total
Eastern Africa	52,114,073	59,091,873	135,194,880	6,058,251	252,459,077
Middle Africa	21,001,056	13,528,373	61,821,241	437,688	96,788,358
Northern Africa	9,020,093	167,131,245	6,410,368	632,920	183,194,626
Southern Africa	14,089,672	871,722	34,202,095	1,087,807	50,251,296
Western Africa	41,617,613	130,835,929	66,685,296	1,601,876	240,740,714
Total	137,842,507	371,459,142	304,313,880	9,818,542	823,434,071
Percent	16.7%	45.1%	36.9%	1.2%	99.9%

Based on the above chart, it would appear that a fair balance between African Christian and African Islamic populations underscores the significance of coexistence and why it is imperative in Africa that there is coherency between interreligious dialogue and life and between theory and application. Religious traditions, particularly Islam and Christianity, have a lot in common at the level of doctrine. However, doctrine may not of itself engender common understanding. It is when people of different religious traditions live side by side that they get to appreciate the goodness of each tradition and its adherents, essentially because actions speak louder than words. In many African

¹⁵ **Source:** Adapted from *Spread of Christianity and Islam in Africa: A Survey and Analysis of the Numbers and Percentages of Christians, Muslims, and Those Who Practice Indigenous Religions*, by Amadu Jackay Kaba, *Western Journal of Black Studies*, Vol. 29, No.2, p.561 (2005).

countries, Muslims and Christians must live side by side, whether they like it or not, except for some countries in Northern Africa where Muslim populations dominate. That being said, in a number of African countries religious differences have been exploited, leading to violence, human rights violations, wastage of resources, and underdevelopment.

Interestingly, however, studies show that religious polarization or any other measure of religious demography cannot be linked to the onset of civil war in the region.¹⁶ Studies show, instead of religious plurality and difference of religious teachings, to a larger extent that it is the existence of natural resources that are associated with a higher risk of war in Africa.¹⁷ From a theoretical standpoint, it is easy to find quotes that legitimize violence and intolerance, and vice versa, in every world religion.¹⁸ Conversely, it is not difficult to find religious teachings common to these religions that promote love and peace. Both Islam and Christianity, for example, preach love (even for enemies), peace, and tolerance. Both have interpretations of their teachings that show that they strongly reject violence (for example, “Thou shalt not kill”). From a practical standpoint,

¹⁶ Supra, Ibrahim Elbadawi and Nicholas Sambanis, *Why Are There So Many Civil Wars in Africa? Understanding and Preventing Violent Conflict*, World Bank Policy Research Paper available at http://www.wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2004/03/10/000265513_20040310160347/Rendered/PDF/28130.pdf (last visited April 17, 2009).

¹⁷ Supra, Ibrahim Elbadawi and Nicholas Sambanis, *Why Are There So Many Civil Wars in Africa? Understanding and Preventing Violent Conflict*, World Bank Policy Research Paper available at http://www.wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2004/03/10/000265513_20040310160347/Rendered/PDF/28130.pdf (last visited April 17, 2009).

¹⁸ Supra, see generally, R. Scott Appleby, *The Ambivalence of the Sacred; Religion, Violence, and Reconciliation* (2000). Juergensmeyer, M. , *Terror in the Mind of God: The Global Rise of Religious Violence*, University of California Press (2003), David Little, *Religious Militancy*, in Chester Crocker, A , Osler Hampson, and Pamela Aall, (eds.), *Turbulent Peace. The Challenges of Managing International Conflict*, Washington, DC : United Institute of Peace, pp. 79-91 (1996).

however, the dominant interpretation of the holy writings and the general discourse on religious ideas plays a decisive role in this respect. The nature of this discourse will depend on certain other contextual factors.¹⁹ Monotheist religions in particular, such as Christianity and Islam, make claims of an exclusive theological truth; hence they may not accept other religions as equal. Christians and Muslims also aim principally to proselytize. Violence may not be a measure of choice, but it is more likely that such religions will enter into conflict with other religious denominations or “nonbelievers” than those which do not aim at proselytization. In fact, throughout history, the spread of Christianity and Islam has often, though not always, been accompanied by violence. Yet, it would be incomplete to characterize especially contemporary African conflicts as purely interreligious in nature. Therefore, it is important to understand the mediating role of exploitative economic and political interests of which there is judicial notice or indisputable evidence.²⁰ Religious organizations are more likely to play an escalating role if they are attached to one of the conflict parties.²¹

In at least two conflict cases there have been organizational overlaps between religious organizations and warring factions: Lord’s Resistance Army (LRA) and United Islamic Courts (UIC) in Somalia. In a number of African conflicts, warlords or other leading representatives of opposing parties made use of religious ideas and legitimized or

¹⁹ Supra, Matthias Basedau and Alexander De Juan, *The ‘Ambivalence of the Sacred’ in Africa: The Impact of Religion on Peace and Conflict in Sub-Saharan Africa*, German Institute of Global and Area Studies Working Paper March 2008, available at <http://ssrn.com/abstract=1119171>.

²⁰ Supra, Matthias Basedau and Alexander De Juan, *The ‘Ambivalence of the Sacred’ in Africa: The Impact of Religion on Peace and Conflict in Sub-Saharan Africa*, German Institute of Global and Area Studies Working Paper March 2008, available at <http://ssrn.com/abstract=1119171>.

²¹ Supra, Matthias Basedau and Alexander De Juan, *The ‘Ambivalence of the Sacred’ in Africa: The Impact of Religion on Peace and Conflict in Sub-Saharan Africa*, German Institute of Global and Area Studies Working Paper March 2008, available at <http://ssrn.com/abstract=1119171>.

called for violence with religion-inspired justifications.²² According to the literature, connections between political leaders, warring factions, and the overlap of religious boundaries with other social cleavages might make religions more vulnerable to manipulation by political actors.²³ Studies have found that connections between political leaders and religious organizations that exceed simple personal contacts are systematically linked to the use of religious ideas for conflict escalation and to the overlapping of religious and other boundaries.²⁴

In addition, a survey of international jurisprudence indicates, however, that there is evidence of exploitation of differences between religions for political and economic objectives. Sudan and Nigeria exemplify this. In *Amnesty International and Others v. Sudan, African Commission on Human and Peoples' Rights*,²⁵ the African Commission on Human and Peoples' Rights held that the government of Sudan was liable for violations of human rights in southern Sudan. Thousands of civilians were killed in the course of the civil war and the State had oppressed Southern Sudanese Christians and religious leaders, expelled all missionaries, arbitrarily arrested and detained priests,

²² Supra, Matthias Basedau and Alexander De Juan, *The 'Ambivalence of the Sacred' in Africa: The Impact of Religion on Peace and Conflict in Sub-Saharan Africa*, German Institute of Global and Area Studies Working Paper March 2008, available at <http://ssrn.com/abstract=1119171>. The cases between 1990 and 2007 include: Angola, Central African Republic, Chad, Congo Republic, Côte d'Ivoire, DR Congo, Ethiopia, Guinea, Liberia, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, South Africa, Sudan, and Uganda.

²³ Andreas Hasenclever and Volker Rittberger, *Does Religion Make a Difference? Theoretical Approaches to the Impact of Faith on Political Conflict*. Fabio Petito, Pavlos Hatzopoulos, (eds.), *Religion in International Relations. The Return from Exile*, New York, NY: Palgrave Macmillan, p.107-14 (2003). Jonathan Fox, *Religion, Civilization, and Civil War: 1945 through the New Millennium*, Lanham/Oxford: Lexington Books (2004).

²⁴ Supra, Matthias Basedau and Alexander De Juan, *The 'Ambivalence of the Sacred' in Africa: The Impact of Religion on Peace and Conflict in Sub-Saharan Africa*, German Institute of Global and Area Studies Working Paper March 2008, available at <http://ssrn.com/abstract=1119171>. This was the case in CAR* Congo Republic, Côte d'Ivoire, Nigeria, Senegal, South Africa, Sudan, and Uganda.

²⁵ Comm. No. 48/90, 50/91, 52/91, 89/93 (1999).

closed and destroyed Church buildings, constantly harassed religious figures, and prevented non-Muslims from receiving aid. Southern Sudan is predominantly Christian as opposed to northern Sudan, which is predominantly Muslim. The root cause of this conflict is centered on the inequitable distribution of wealth derived from oil. Religion was used as a wedge to divide the South from the North, but the distribution of resources and development issues were at stake as well. This conflict would spread to South Western Sudan (Darfur). Southern Darfur, like southern Sudan, is rich in oil. Darfur's people rebelled against the government complaining that Sudan had failed to develop the area. In March 2005, the United Nations Security Council adopted resolution 1593 referring the Darfur situation to the International Criminal Court (ICC). Pursuant to the resolution, the ICC now wants President al-Bashir for crimes against humanity.²⁶

In Nigeria, religious strife has often broken into violence. Through decrees, Nigeria's military rulers appropriated mineral resources in the Niger Delta to the central government. The people of the Niger Delta maintain that they have been denied a significant share of oil wealth. They maintained that the Nigerian Supreme Court, dominated by Muslim judges appointed by Military Rulers from the Muslim North, ruled in favor of the Central government.²⁷ Most of the inhabitants of the Niger Delta are either Christians or adherents of traditional religion. A similar issue was argued before the African Commission on Human and Peoples' Rights. In *Social and Economic Rights Action Center for Economic and Social Rights v. Nigeria* (hereinafter, *Ogoni Case*),²⁸ it was alleged that the Nigerian government not only ignored the concerns of Ogoni

²⁶ *Prosecutor v. Omar Hassan Ahmad Al Bashir*, ICC-02/05-01/09.

²⁷ Section 162(2) of the 1999 Constitution guarantees that 13 percent be paid as derivation to oil-producing states from the Federation Account. The above right was upheld by the Supreme Court in the landmark case of *A.G. Federation v. A. G. Abia State* (2000), 96 LRCN 559, 595-597.

²⁸ African Commission on Human and Peoples' Rights, Comm. No. 155/96 (2001).

communities in the Niger Delta regarding oil development, but that the government had responded to protests with massive violence and executions of Ogoni leaders. The government attacked, burned, and destroyed several Ogoni villages and homes. Seeing no solution in sight, people of the Niger Delta responded with armed struggle.

Although many religious violent conflicts in Africa have an inter-denominational dimension, some conflicts just feed off religious ideas in order to justify their recourse to violence. Somalia and northern Uganda are contemporary examples of this. In both situations, horrendous human rights violations have been perpetrated, partly in the name of religion. The Lords' Resistance Movement/Army (LRM/A) claims that its campaign is aimed at restoring the Ten Commandments.²⁹ Now, the leaders of the LRA, stand charged by the ICC for, *inter alia*, crimes against humanity.³⁰ A mix of religion and politics is at the root of the violence and human rights violations in Somalia, where the Union of Islamic

²⁹ It is difficult to assess the degree and purpose of the religious dimension of the LRA. But many sources have documented this dimension. According to the Human Rights Watch, the LRA like its predecessor, Alice Lakwena's Holy Spirit Movement, initially believed that they could confront government troops' bullets armed with nothing more than stones and shea butter oil smeared on their chests to protect them. Joseph Kony, generally understood to be the leader of the LRA, performed an eclectic mix of rituals, some drawn from Christianity, some from the indigenous Acholi traditional religion, and, increasingly, some from Islam. The fighters were told that those who obeyed the Holy Spirit would not be killed in battle: those who obeyed would be protected, while only those who offended the Holy Spirit would die. See Human Rights Watch, *The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda*, 1997, at <http://hrw.org/reports97/uganda/>. See also, Heike Behrend, *Is Alice Lakwena A Witch? The Holy Spirit Movement and Its Fight against Evil in the North*, Hansen & Michael Twaddle eds., *supra* note 1037, at 164-65. See also, Ayebare Adonia, *Bullets Puncture the Faith of Ugandan Rebels*, *The World Paper*, Sep. 1998, at <http://www.worldpaper.com/Archive/wp/1998/Sept98/adonia.html> (describing how Kony started out as a healer). See also *Behind the Violence: Causes, Consequences and the Search for Solutions to the War in Northern Uganda*, Refugee Law Project Working Paper No. 11 (Feb. 2004), at <http://www.refugeelawproject.org> (hereinafter *Refugee Law Project Report*) (Refugee Law Project describing LRA motivation as being "apocalyptic spiritualism.").

³⁰ *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen*, ICC-02/04-01/05.

Courts is trying to establish beleaguered stability in the Horn of Africa, beset by persistent violence and lawlessness on land and at sea.

Some of the internal African conflicts that had a religious dimension at their base metamorphosed and dispersed to neighbouring countries, with disastrous regional economic and human rights consequences. These conflicts may begin on the basis of religious difference, but have at times evolved along ethnic lines. For example, the conflict in Southern Sudan that dispersed to Western and South Western Sudan (Darfur) and later spilled over into Chad.³¹ The conflicts in Southern Sudan spilled over into Uganda, and those in Uganda spilled over into the Democratic Republic of Congo (DRC), which in turn pulled in several other African nations—Angola, Zimbabwe, Burundi, and Rwanda. The conflict in the DRC involved gross violations of human rights. In the *Case Concerning Armed Activities On The Territory Of The Congo (Democratic Republic Of The Congo v. Uganda)*,³² DRC claimed, *inter alia*, that Uganda engaged in the illegal exploitation of Congolese natural resources and violated international human rights law by killing, injuring, and abducting Congolese nationals or robbing them of their property. The International Court of Justice (ICJ) found that “whenever members of the UPDF [Uganda Peoples’ Defence Forces] were involved in the looting, plundering and exploitation of natural resources in the territory of the DRC, they acted in violation of the *jus in bello*, which prohibits the commission of such acts by a foreign army in the territory where it is

³¹ Eastern Chad is temporary home to about 300,000 refugees who have fled Sudan's Darfur conflict. Rebels, reportedly supported by the Sudanese government, have been trying to overthrow the Chadian government for three years. See, *Chad: 125 Rebels Killed in Eastern Battle*, New York Times (May 8, 2009), available at <http://www.nytimes.com/aponline/2009/05/08/world/AP-AF-Chad-Rebels.html>.

³² ICJ, General List No. 116 (2005).

present.” This armed incursion also led to gross violations of human rights in its wake. The ICJ found “credible evidence sufficient to conclude that the UPDF troops committed acts of killing, torture and other forms of inhumane treatment of the civilian population, destroyed villages and civilian buildings...incited ethnic conflict ... and did not take measures to ensure respect for human rights ... in the occupied territories.”³³

Another example of inter-state violence involving resources though initiated by a country with a history of interreligious violence is the war between Nigeria and Chad and Cameroon. Recourse to the use of armed violence in order to have access to oil did not stop in the Niger Delta. The Nigerian military also occupied an area of Chad and the Cameroonian Peninsula of Bakassi. Before the ICJ, in *Cameroon v. Nigeria* (The Land and Maritime Judgment),³⁴ Nigeria contended, *inter alia*, “Cameroon's claim to a maritime boundary should have taken into account the wells and other installations on each side of the line established by the oil practice and should not change the status quo in this respect.” Whatever their source or cause, conflicts tend not only to result in human rights violations, but they also push the affected persons (refugees) farther into poverty.³⁵

With most of these conflicts, violations of human rights and wastage of resources had an immediate or mediate religious dimension either in their inception or execution and dispersion, and it is particularly important that States and religious communities

³³ ICJ, General List No. 116 (2005).

³⁴ ICJ, General List No. 101 (1998)

³⁵ The Millennium Development Goals Report 2008, available at <http://www.un.org/millenniumgoals/pdf/The%20Millennium%20Development%20Goals%20Report%202008.pdf>.

understand this and work for a 'Common Word' or understanding among them. Since the African continent is mostly Muslim and Christian, it is particularly important that the two religions work to promote common understanding among them. At a global level, the Catholic Church, several Islamic Scholars and States have endorsed understanding and cooperative coexistence of religious groups as important preconditions for peace, human rights, and development. Even with regard to Africa, the Catholic Church has recommended similar approaches. Not every African country has enjoyed this peaceful religious coexistence. During his recent visit to Africa, Pope Benedict XVI maintained that religion "rejects all forms of violence and totalitarianism: not only on principles of faith, but also of right reason" and he expressed the hope that the "enthusiastic cooperation of Muslims, Catholics and other Christians in Cameroon, be a beacon to other African nations of the enormous potential of an inter-religious commitment to peace, justice and the common good," adding, "religion and reason mutually reinforce one another."³⁶ The Catholic Church, as well as, several Islamic groups and States have been major development partners in Africa and have promoted social justice, human rights, and peace in Africa. The most effective use of development resources would presuppose cooperation rather than competition. Pope Benedict XVI while in Cameroon, observed that African Muslims and Catholics live and work side by side, and that far from being a catalyst for violence, religions can work together "to build a civilization of love" based on religion and reason. As Pope Benedict noted, "Christians and Muslims not only show how they foster the full development of the human person, but also how they

³⁶ Address of the Holy Father Benedict XVI Meeting With Representatives of the Muslim Community of Cameroon (March 19, 2009), available at http://www.vatican.va/holy_father/benedict_xvi/speeches/2009/march/documents/hf_ben-xvi_spe_20090319_comunita-musulmana_en.html, (last visited on June 6, 2009).

forge bonds of solidarity with one's neighbours and advance the common good." In that way, they can better demonstrate that "[b]elief in the one God, far from stunting our capacity to understand ourselves and the world, broadens it. Far from setting us against the world, it commits us to it."³⁷

AFRICAN AND CATHOLIC CHURCH PERSPECTIVES

In Africa, there are a number of reasons to hope that this common understanding can take place. These reasons can be replicated elsewhere with appropriate adaptations. To this end, it is necessary to examine the African perspectives that are conducive to that common understanding and which could be reproduced elsewhere with appropriate accommodations. These perspectives are primarily religious in nature. Traditional religions and spirituality that predisposed Africans to Christianity and Islam have not entirely been displaced from African consciousness and worldview. Traditional religion is ubiquitous—as it is integrated in every aspect of life—economic, social, and political. Africans integrate the secular and the sacred. Religion and reason—the basis for religion's commitment to this world—is thus not alien to the African worldview. African traditional religion is paradigmatic in regard to the promotion of cooperative coexistence and integration of development in every aspect of life.

In general, most Africans are still a very religious people for whom the proposition that religion and reason should coexist has resonance. Africans integrate the secular and

³⁷ Supra, Address of the Holy Father Benedict XVI Meeting With Representatives of the Muslim Community of Cameroon (March 19, 2009) available at http://www.vatican.va/holy_father/benedict_xvi/speeches/2009/march/documents/hf_ben-xvi_spe_20090319_comunita-musulmana_en.html, (last visited on June 6, 2009).

the sacred. According to Professor John Mbiti, “Africans are notoriously religious...Religion permeates into all the departments of life so fully that it is not easy or possible always to isolate it.”³⁸ Professor Mbiti elaborates what this means:

Because traditional religions permeate all the departments of life, there is no formal distinction between the sacred and the secular, between religious and non-religious, between the spiritual and the material areas of life. Wherever the African is, there is his religion: he carries it the fields where he is sowing seeds or harvesting a new crop; he takes it with him to the beer party or to attend a funeral ceremony; or if he is educated, he takes religion with him to the examination room at school or in the university; if he is a politician he takes it to the house of parliament.³⁹

In addition, traditional religions were not highly competitive among themselves. This is because traditional religions had and have no universalistic ambitions: they were ethnic or national. One such religion would be bound and limited to the people among whom it evolved. One traditional religion would not seek to be propagating itself to another ethnic group.⁴⁰ Traditional religions had and have no missionaries to propagate them. Indeed, there is no conversion from one traditional religion to another. This process of accommodation has been extended in some countries to the relations between Christianity and Islam, although the competition for African hearts and minds that Christianity and Islam exhibit has sometimes been exploited to disastrous ends. In many African countries, however, it is possible to find Christians and Muslims in the same family or workplace. Thus, Pope Benedict XVI announced, “Cameroon is home to thousands of Christians and Muslims, who often live, work and worship in the same

³⁸ John S. Mbiti, *African Religions and Philosophy*, 2nd Ed., Heinemann Educational Publishers, Oxford (1990), p.1.

³⁹ *Id.* at 2.

⁴⁰ *Id.* at 4.

neighbourhood.”⁴¹ Except in situations where religion is politicized, mostly for economic or social advantages, most African countries would understand the need for Christianity and Islam to coexist.

The advent of Christianity, Islam, and modern life in Africa was accompanied by profound religious, social, economic, and political changes. Religion affects the culture in profound ways and is a foundation for civilization. Christianity, for example, laid the foundation for Western civilization many generations ago. And, as President Obama noted, “Islam...carried the light of learning...paving the way for Europe’s Renaissance and Enlightenment. It was innovation in Muslim communities that developed the order of algebra; our magnetic compass and tools of navigation; our mastery of pens and printing; our understanding of how disease spreads and how it can be healed.”⁴² The arrival of Christianity in Africa usually meant the opening up of schools, and the advent of modern amenities and infrastructure. Christianity and Islam are on the rise in Africa. Yet, despite many years of evangelization or Islamization, African states still struggle with problems of underdevelopment, war, religious strife, and gross violations of human rights. Christian and Islamic groups possess the attributes to overcome these obstacles, as long as, they use collaborative approaches, and avoid the exploitation of the competitiveness between Christians and Muslims to opposite ends. Because of the low levels of economic

⁴¹ Supra, Address of the Holy Father Benedict XVI Meeting With Representatives of the Muslim Community of Cameroon (March 19, 2009) available at http://www.vatican.va/holy_father/benedict_xvi/speeches/2009/march/documents/hf_ben-xvi_spe_20090319_comunita-musulmana_en.html, (last visited on June 6, 2009).

⁴² Supra, President Barack Hussein Obama, *Remarks by the President on a New Beginning*, Cairo University, June 4, 2009, available at <http://i2.cdn.turner.com/cnn/2009/images/06/04/obama.anewbeginning.pdf> (last visited on June 6, 2009)

development in many African countries, Christian and Islamic groups have a real good chance of obtaining the cooperation of the State which welcomes religious actors as legitimate development partners, their religious identity notwithstanding. Thus, religion, far from being the source of discord, violence, and underdevelopment, can be deployed as a tool to propel African development.

Africa's development and human rights challenges cannot be analyzed purely through the prism of religion. Africa is caught up in modern life, primarily because of globalization. This too can be an opportunity for promoting common word approaches in Africa. Thus, secondly, in an increasingly globalized world characterized among other things by faster and easier means of communication, there are real chances for greater understanding of diverse cultures and religions. Many Africans now use mobile phones and the Internet. The more interaction that takes place, the more the significance attached to the different cultural expressions of the common values will diminish.

Thirdly, the African States themselves, although with some setbacks, have been expressing firm resolutions to put an end to the past marked by strife and conflict, including religious conflict. The Constitutive Act of the African Union recognizes that the "scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent and of the need to promote peace, security and stability as a prerequisite for the implementation of our development." It also acknowledges the link between development on the one hand, and democracy and human rights on the other. The principles of this Union include "[r]espect for democratic principles, human rights,

the rule of law and good governance” and the “[p]romotion of social justice to ensure balanced economic development.” Importantly, African countries, such as Senegal, Botswana, Tanzania, and South Africa are providing examples to others regarding good governance, democracy, and respect for human rights.

Fourthly, there are some signs of hope that the international community is changing its attitudes towards Africa and consequently that the African Union is changing its view of the world. Africa cannot help but remember the legacy of colonization, the attitudes on which it was premised, and the persistence of those attitudes. Western colonization was premised on the assertion of superiority of Western values and civilization. The General Act of Feb. 26, 1885 of the Berlin Conference stated that:

All the powers exercising sovereign rights or influence in the aforesaid territories ...shall, without distinction of creed or nation, protect and favor all religious, scientific, or charitable institutions and undertakings created and organized for the above ends, or which aim at instructing the natives and bringing home to them the *blessings of civilization*.⁴³

The Assembly of the African Union has expressed confidence that a new paradigm is underway with the election of President Obama. They said that “under the dynamic and wise leadership of President Obama and with his reaffirmed commitment to the promotion of dialogue on all strategic issues of interest to the future of humanity and his sensitivity to the global challenges confronting the world, a new hope for change in the world would be created.”⁴⁴ Change of attitude is particularly important with regard to how

⁴³ Emphasis added.

⁴⁴ See *Message of Congratulations to H.E. Mr. Barack Obama, President of the United States of America* (Assembly/AU/Message (XII)).

developed countries and international financial institutions or organizations dominated by them have crafted solutions to African development challenges. The IMF Managing Director Dominique Strauss-Kahn recently said, “[w]e understand that we need to change the way we work with Africa.”⁴⁵ The paradigm of development assistance has not developed Africa. Instead, it has discouraged entrepreneurship and encouraged corruption and dictatorships (clinging to power), which have only led to violent internal or inter-state conflict and human rights violations.⁴⁶ Trade and investment would be the solution for African development issues, and by extension, the antidote to human rights challenges. There is a need to pay more attention to technical cooperation between developed countries and developing countries. The case for this proposition becomes acute in light of the fact that multinationals engaged in the exploitation of African natural resources generally pay host governments only a small percentage of profits after costs have been recouped.⁴⁷

The ongoing global economic challenges will probably exacerbate the African

⁴⁵ *Proceeding of the 12th Assembly of the African Union*, available at [http://www.africaunion.org/root/au/Conferences/2009/january/summit/Decisions/ASSEMBLY%20AU%20DEC.%20208-242%20\(XII\)%20all%20in%20one.pdf](http://www.africaunion.org/root/au/Conferences/2009/january/summit/Decisions/ASSEMBLY%20AU%20DEC.%20208-242%20(XII)%20all%20in%20one.pdf). (last visited March 16, 2009).

⁴⁶ Thus, Professor Neil Turok (Chair of Mathematical Physics, University of Cambridge and founder of the African Institute for Mathematical Sciences (AIMS)) argues, "One trillion dollars has been given in aid to Africa over the last 40 years, but that money has not reduced the need for aid in Africa, you have to ask yourself was it invested wisely? I would say it has done more harm than good. It has been used to create dependency, I think it's time for a rethink and at a very minimum I think a fraction of a percent of all the aid going to Africa must be dedicated to creating skilled people in Africa." See, Julian Siddle, *Africa Aid 'Needs Science,'* <http://news.bbc.co.uk/2/hi/science/nature/7998169.stm>, (last visited April 18, 2009).

⁴⁷ John Hossein Ghazvinian, *Untapped: The Scramble for Africa's Oil*, Houghton Mifflin Harcourt, 2007, p. 286, also available at <http://books.google.com/books?id=o8PZOXocDRwC>.

challenges, because most countries are now becoming increasingly protectionist.⁴⁸ The Africans who still have a small share of international trade are likely to be impacted the most. The African Heads of State have indeed expressed the view that “current fall in consumer demand, particularly in developed countries, resulting in job losses do not result in protectionism that would exclude products, particularly from Africa and the developing world” and that the Doha Development Round needs to be completed to ensure that the developing countries have access to the markets of the developed world.⁴⁹ There has been little progress recently in reducing the barriers to exports from developing countries to developed countries. In December 2005, the developed country members of the World Trade Organization vowed, that by 2008, they would make at least 97 percent of their tariff lines duty-free and quota-free for imports originating from the least developed countries. Excluding arms and oil, the proportion of developing countries’ exports that have duty-free access to developed countries’ markets has remained largely unchanged since 2004, it even fell slightly in the case of least developed countries.⁵⁰

The African holistic view of reality was shared by Pope Paul VI’s concept of integral and authentic development. Development cannot be conceived in purely material terms. Without citizen empowerment at all levels of the human person, material

⁴⁸ Mark Landler, *Trade Barriers Rise as Slump Tightens Grip*, NY Times, Mar. 22, 2009, at <http://www.nytimes.com/2009/03/23/world/23trade.html?scp=1&sq=Trade%20Barriers%20Rise%20as%20Slump%20Tightens%20Grip,%20&st=cse>.

⁴⁹ See, *Addis Ababa Declaration on the International Financial Crisis*, Assembly/AU/Decl.2 (XII).]. Investment creates jobs. See, Raymond Baguma, *New Investments to Create 13,000 Jobs*, (April 6, 2009), The New Vision, <http://www.newvision.co.ug/D/8/12/677206>.

⁵⁰ The Millennium Development Goals Report 2008, available at <http://www.un.org/millenniumgoals/pdf/The%20Millennium%20Development%20Goals%20Report%202008.pdf>.

development itself may not be achievable or sustainable. Thus, in his encyclical, *Populorum Progressio*, Pope Paul VI stated that:

The development we speak of here cannot be restricted to economic growth alone. To be authentic, it must be well rounded; it must foster the development of each man and of the whole man. As an eminent specialist on this question has rightly said: "We cannot allow economics to be separated from human realities, nor development from the civilization in which it takes place. What counts for us is man—each individual man, each human group, and humanity as a whole."⁵¹

This means taking into account spirituality and morality, among other factors.

In Africa, basic education is badly needed. Development is a multifaceted issue, and education is the most fundamental approach to resolving development challenges. The poor are often caught in a vicious circle. The United Nations acknowledges that “[t]he poor are not only those with the lowest incomes but also those who are the most deprived of health, education and other aspects of human well-being.”⁵² To break that circle requires a multipronged approach and an array of simultaneous interventions, beginning with education. Indeed, the second goal of the Millennium Declaration concerned the achievement of Universal Primary Education. To this end Pope Paul VI proposed some concrete steps to achieve authentic development—basic education:

[E]conomic growth is dependent on social progress...and...basic education is the first objective for any nation seeking to develop itself.

⁵¹ Citing, L.J. Lebet, O.P., *Dynamique concrète du développement Paris: Economie et Humanisme, Les éditions ouvrières (1961)*, No. 28.

⁵² The Millennium Development Goals Report 2008, available at <http://www.un.org/millenniumgoals/pdf/The%20Millennium%20Development%20Goals%20Report%202008.pdf>.

Lack of education is as serious as lack of food; the illiterate is a starved spirit. When someone learns how to read and write, he is equipped to do a job and to shoulder a profession, to develop self-confidence and realize that he can progress along with others...literacy is the "first and most basic tool for personal enrichment and social integration; and it is society's most valuable tool for furthering development and economic progress."⁵³

In order for African children to reach their full potential and countries to develop, the gains made in universal primary education must be replicated at the secondary level. At present, 54 percent of children of the appropriate age in developing countries attend secondary school.⁵⁴ There are some who think that focusing on basic healthcare and primary education is stopping African development. They believe that investment in higher education is key and that Africa needs its own science and technology skills base in order to become an equal partner in the global economy.⁵⁵

Pope Benedict XVI, speaking to Cameroonians in 2009, noted that Christians and Muslims share perspectives, but also exist living and working side by side. Living side by side is extremely important in the promotion of common understanding, as well as, dispelling fear of each other and other misconceptions. He said:

Christians and Muslims... often live, work and worship in the same neighborhood. Both believe in one, merciful God who on the last day will judge mankind (cf. *Lumen Gentium*, 16). Together they bear witness to the fundamental values of family, **social responsibility**, obedience to God's law and **loving concern for the sick and suffering**. By patterning their lives on these virtues and teaching them to the young, **Christians and**

⁵³ *Populorum Progressio*, No. 35.

⁵⁴ Supra, The Millennium Development Goals Report 2008, available at <http://www.un.org/millenniumgoals/pdf/The%20Millennium%20Development%20Goals%20Report%202008.pdf>.

⁵⁵ Julian Siddle, *Africa Aid 'Needs Science'*, <http://news.bbc.co.uk/2/hi/science/nature/7998169.stm>, (last visited April 18, 2009).

Muslims not only show how they foster the **full development of the human person**, but also how they forge bonds of solidarity with one's neighbours and advance the common good.⁵⁶

The holistic worldviews of the different religious traditions should and can inform understanding of human rights. The Cold War is at the basis of dichotomy in human rights conceptions,⁵⁷ which seems to be replaced by the so-called “clash of civilizations.” Categories of West and East are categories of inclusion and exclusion. It is wrong to conceive Western culture and/or Christianity and Islam, or even African cultures, in terms of confrontation instead of cooperation and mutual respect. Each civilization or culture contains competing values that correspond to similar values existing in other cultures.⁵⁸ But, looking to the holistic worldviews of these religious traditions, as well as to the increasing globalization, there is a lesson for a holistic conception of human rights as this has implications for development. The dichotomy between civil/political and economic-social-cultural rights has transformed most development initiatives. Behind, this divide is socialist/capitalist opposition. Many people in the West and East, to this day, are still thinking in terms of the opposition. However, none of these is perfect. The truth is in the middle. That truth it seems requires a holistic approach, a rapprochement of

⁵⁶ Supra, Address of the Holy Father Benedict XVI Meeting With Representatives of the Muslim Community of Cameroon (March 19, 2009), available at http://www.vatican.va/holy_father/benedict_xvi/speeches/2009/march/documents/hf_ben-xvi_spe_20090319_comunita-musulmana_en.html, (last visited on June 6, 2009). [Emphasis supplied].

⁵⁷ Professor Joe Oloka-Onyango argues that the “Cold War stalemate...caused both western and eastern mentors to turn a blind eye to the human rights violations of their client states...both categories of human rights—economic, social and civil and political—suffered as a consequence.” Joe Oloka-Onyango, *Beyond the Rhetoric: Reinvigorating the Struggle for Economic and Social Rights in Africa*, Cal. Western Int'l Law Journal, Vol. 26, No. 1, Fall 1995, p.4. Some African scholars even argued that the protection of civil and political rights should await the implementation of economic and social rights.

⁵⁸ Abdullahi Ahmed An-Na'im, *Globalization and Jurisprudence: An Islamic Perspective*, Emory Law Journal, Vol. 54, 2005 Special Edition, p.25; 28.

those dialectical oppositions. Pope John Paul II seemed to support that approach: For he said, “Church's social doctrine adopts a critical attitude towards both liberal capitalism and Marxist collectivism.”⁵⁹

Radical distinctions can have negative implications for social responsibility, which is perhaps the most credible methodology for achieving common understanding. As Pope Paul VI said, “[l]iberal Capitalism present profit as the chief spur to economic progress, free competition as the guiding norm of economics, and private ownership of the means of production as an absolute right, having no limits nor concomitant social obligations.”⁶⁰

AFRICAN AND GLOBAL CHALLENGES AND OPPORTUNITIES

Efforts to promote a more just world order, including through the common word, face challenges, such as the temptation to inward-looking strategies when faced by global economic crisis. The ongoing global economic challenges will probably exacerbate the African challenges and solutions through interreligious dialogue, because most countries are now becoming increasingly protectionist. Indeed, the African Union expressed the concern that the “current fall in consumer demand, particularly in developed countries, resulting in job losses does not result in protectionism that would exclude products, particularly from Africa and the developing world.” The current global economic crisis,

⁵⁹ Pope John Paul II, *Sollicitudo rei socialis*, available at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_30121987_sollicitudo-rei-socialis_en.html, (last visited on June 6, 2009)

⁶⁰ Pope Paul VI, *Populorum Progressio*, available at http://www.vatican.va/holy_father/paul_vi/encyclicals/documents/hf_p-vi_enc_26031967_populorum_en.html, (last visited on June 6, 2009)

which demonstrates our mutual vulnerability, should show precisely why a common word and commitment to common action between cultures and religions is necessary. We must not retreat, but rather come together to solve the problems that face our common world.

In regard to attitudes, the social teaching of religious groups could be particularly instructive. In his Encyclical, *Sollicitudo Rei Socialis*, Pope John Paul II identified some very important obstacles faced by developing nations and proposes the solution. According to John Paul II,

[O]ne must denounce the existence of economic, financial and social mechanisms which, although they are manipulated by people, often function almost automatically, thus accentuating the situation of wealth for some and poverty for the rest. These mechanisms, which are maneuvered directly or indirectly by the more developed countries, by their very functioning favor the interests of the people manipulating them at in the end they suffocate or condition the economies of the less developed countries.⁶¹

He proposed that “[s]ummounting every type of imperialism and determination to preserve their own hegemony, the stronger and richer nations must have a sense of moral responsibility for the other nations, so that a real international system may be established which will rest on the foundation of the equality of all peoples.”⁶² The membership of the Holy See at the United Nations can be put to good use if it sought to work with Islamic countries on matters of common concern, such as international development.

⁶¹ *Supra*, *Sollicitudo Rei Socialis*

⁶² *Id*, *Sollicitudo Rei Socialis*

The African nations too must make their contribution regarding change of attitudes. Instead of a definitive embrace of genuine and irreversible democratic governance, personal rule shrouded in a façade of democratic elections, continues to be the norm in many countries of Africa. Violations of human rights and *coup d'états* continue to take place in Africa, in spite of the provision in the Constitutive Act of the African Union for the “right of the Union to intervene in a Member State ... in respect of grave circumstances, namely war crimes, genocide and crimes against humanity.” The African Union not only failed to intervene in the Darfur situation, when the International Criminal Court (ICC) indicted the President of Sudan for human rights atrocities, the Union urged the “United Nations Security Council ... to defer the process initiated by the ICC.”⁶³ In addition, the African Union called for a moratorium on the use of universal jurisdiction—a fairly effective instrument in fighting impunity. The African Union called on “all United Nations (UN) Member States, in particular the EU States, to suspend the execution of warrants issued by individual European States.”⁶⁴ The AU has responded almost in similar fashion with respect to the crisis in Zimbabwe and recent *coup d'états*. The African Union can and must do better than this.

In a climate of falling prices globally, developed countries, including China which all along stressed absolute state sovereignty and espoused hands-off approach with respect to democracy and human rights issues, seem to be reluctant to invest in African states characterized by political instability. And yet, for all their rhetoric and promises in

⁶³ See, *Decision on the Application by the International Criminal Court (ICC) Prosecutor for the Indictment of the President of the Republic of the Sudan*, Assembly/AU/Dec. 221(XIII).

⁶⁴ See, *Decision on the Application by the International Criminal Court (ICC) Prosecutor for the Indictment of the President of the Republic of the Sudan*, Assembly/AU/3(XII).

the Constitutive Act of the African Union—to promote democracy, human rights, and intervene in countries that violate human rights on a gross scale⁶⁵—African conflicts continue to have far too many unstable countries and *coup d'états*—Guinea, being just one example, although the country is endowed with unspeakable mineral wealth. Indeed, the Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court of Human and Peoples' Rights,⁶⁶ which preconditions individual petitions of the Court on a permissive prior and optional grant by their State parties is another example of leaders, who are reluctant and reticent, regarding their embrace of full human rights protection.

Common word efforts may look hopeless, but there can be reason to urge patience and persistence. In Madagascar, for instance, after the recent *coup d'état*, weeks of political unrest devastated the economy and worried foreign investors. The fact that the African Union suspended Madagascar after the coup seems to be an important first step to self-criticism. Perhaps, we can hope to build on that and urge African States to act consistently wherever respect for democracy and human rights are threatened or non-existent, such as: Guinea, Zimbabwe, Kenya, Sudan, Algeria, Somalia, Algeria, Morocco, and Tunisia.

RECOMMENDATIONS

⁶⁵ Article 4(h) of the Constitutive Act of the African Union (OAU Doc. CAB/LEG/23.15, entered into force May 26, 2001) provides for the “right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity.”

⁶⁶ *Protocol on the African Court of Human and Peoples' Rights on the Establishment of An African Court of Human and People's Rights* (June 9, 1998), OAU Doc. OAU/LEG/EXP/AFCHPR/PROT (III), Article 5 and Article 34(6).

First, there is a need to identify and overcome attitudinal obstacles. Pope John Paul II identified some very important obstacles faced by developing nations and proposed a solution: “[O]ne must denounce the existence of economic, financial and social mechanisms which, although they are manipulated by people, often function almost automatically, thus accentuating the situation of wealth for some and poverty for the rest. These mechanisms...are maneuvered directly or indirectly by the more developed countries.”⁶⁷ Pope John Paul II proposed that “[s]ummounting every type of imperialism and determination to preserve their own hegemony, the stronger and richer nations must have a sense of moral responsibility for the other nations, so that a real international system may be established which will rest on the foundation of the equality of all peoples.”⁶⁸

Second, in a more globalized world, we could and must take advantage of modern means of communication in the promotion of the common word or action—media and the Internet—to promote common understanding as part of social awareness and outreach. The one who controls and shapes the word (message)—usually the media—matters more than ever. Are we having a big Internet presence regarding interreligious dialogue? How much of the good news in Africa or the Middle East or Asia is shown in the media, especially media sources of religious organizations such as EWTN, or television channels in the Middle East, or news outlets of the Vatican?

⁶⁷ *Supra*, *Sollicitudo Rei Socialis*

⁶⁸ *Id.*, *Sollicitudo Rei Socialis*

Third, the pragmatic approach requires development and advocacy for the virtue of solidarity. There is something in Christianity and Islam regarding social responsibility. As President Obama noted, it is possible to promote common understanding while collaborating for development through service projects that bring together people of diverse religious affiliations.⁶⁹ Since religious competition often frustrates such initiatives, it is imperative that governments give priority to projects based collaboration. That way, as Obama noted, “we can turn dialogue into interfaith service, so bridges between peoples lead to action—whether it is combating malaria in Africa, or providing relief after a natural disaster.”⁷⁰ Pope John Paul II often talked about “virtue solidarity.” One way to promote that solidarity is, now 50 years from the start of the United Nations and adoption of the United Nations Declaration of Human Rights, to really be UNITED. The International Covenant on Economic, Social and Cultural Rights provides that “each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means.”⁷¹ The interpretation of this Article by the Committee on Economic, Social and Cultural Rights is that “international cooperation for development

⁶⁹ *Supra*, President Barack Hussein Obama, *Remarks by the President on a New Beginning*, Cairo University, June 4, 2009, available at <http://i2.cdn.turner.com/cnn/2009/images/06/04/obama.anewbeginning.pdf> (last visited on June 6, 2009)

⁷⁰ *Supra*, President Barack Hussein Obama, *Remarks by the President on a New Beginning*, Cairo University, June 4, 2009, available at <http://i2.cdn.turner.com/cnn/2009/images/06/04/obama.anewbeginning.pdf> (last visited on June 6, 2009)

⁷¹ G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force Jan. 3, 1976. Art. 2.

... for the realization of economic, social and cultural rights is an obligation of all States. It is particularly incumbent upon those States which are in a position to assist others in this regard.”⁷² The United Nations Charter also calls for international economic and social cooperation. The Charter provides that the United Nations shall promote “higher standards of living...and conditions for economic and social progress and development,” “solutions of international economic, social, health, and related problems; and international cultural and educational cooperation” and that “[a]ll Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.”⁷³ The Declaration on the Right to Development is anchored on precisely this Charter obligation. The Preamble of the Declaration provides that “[b]earing in mind the purposes and principles of the Charter of the United Nations relating to the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian nature.”⁷⁴ Article 3(3) of the Declaration provides that “States have the duty to co-operate with each other in ensuring development and eliminating obstacles to development. States should realize their rights and fulfill their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and co-operation among all States.” But, clearly, the developed nations that are in a position to finance international financial institutions are not keen to adopt this

⁷² Committee on Economic, Social and Cultural Rights, General Comment 3, The Nature of States Parties' Obligations (Fifth session, 1990), U.N. Doc. E/1991/23, annex III at 86 (1991).

⁷³ Charter of the United Nations, Arts.55 and 56, June 26, 1945, 59 Stat. 1031, T.S. 993, 3 Bevans 1153, entered into force Oct. 24, 1945.

⁷⁴ C.H.R. res. 1997/72, ESCOR Supp. (No. 3) at 235, U.N. Doc. E/CN.4/1997/72 (1997).

human rights approach.⁷⁵

That economic, social, and cultural rights can and should be taken seriously just like civil and political rights is evident from the increasing justiciability accorded to those rights across many jurisdictions and legal instruments—whether directly or indirectly. Many constitutions of African countries,⁷⁶ international and regional human rights instruments, and jurisprudence regard these rights as properly belonging to state responsibility. African Commission on Human and Peoples' Rights held in *Social And Economic Rights Action Center And Center For Economic And Social Rights v. Nigeria*,⁷⁷ that Nigeria violated the rights to health, a clean environment, and property. The South African case of *Minister of Health v. Treatment Action Campaign (TAC)*⁷⁸ concerned an alleged violation of the right to health care services. The Constitutional Court found, notwithstanding the fact, economic, social, and cultural rights are subject to a progressive realization; there is an unrestricted right to minimum core medical services. In

⁷⁵ According to Joe Oloka-Onyango, the explanation for this is that despite assertions that the administration of development assistance is apolitical; it remains linked to national interests and the perpetuation of structures of dependency and control. Evidence of linkage can be located in the conditionality attached to such assistance, such as the stipulation that all raw materials, spare parts, equipment, etc, be purchased from the donor country irrespective of cost or the possibility of cheaper procurement elsewhere, and that technical assistance be expatriate (normally from the donor country) regardless of local availability of personnel. Supra, Joe Oloka-Onyango, *Beyond the Rhetoric: Reinvigorating the Struggle for Economic and Social Rights in Africa*, Cal. Western Int'l Law Journal, Vol. 26, No. 1, Fall 1995, p.20.

⁷⁶ Algeria: Art. 53(right for education); Art. 54(right to health); Art. 55 (right for work). Rep of the Congo: Art. 34 (1) (public health); Art. 37 (1) (right to education); Art. 46 (right to healthy environment); Art. 43 (right to development). Ethiopia: right to improved living standards and to sustainable development. Namibia: Art. 20 (right to education). Angola: Art. 29 (3) (right to education); Art. 31 (creation of conditions for fulfillment of the economic, social and cultural rights of youth); Art. 47 (medical and health care). Benin: Arts. 12, 13 (education of children). Burkina Faso: Art. 18 (right to education, social security, health, etc). Chad: Art. 35 (right to education). Equatorial Guinea: Art. 23 (right to primary education). Rep. of Guinea: Art. 15 (right to health).

⁷⁷ Comm. No. 155/96 (2001).

⁷⁸ (2002) 5 SA 721 (CC).

addition, in *Minister of Public Works & Ors. V. Kyalami Ridge Environmental Association & Ors*,⁷⁹ the same court found that there was an obligation of government to realize right of access to adequate housing. Even the European Court of Human Rights has been able to indirectly find positive obligations of the State with respect to economic rights. For example, in *Airey v. Ireland*,⁸⁰ this Court noted that many civil and political rights had social and economic implications involving positive obligations. In *Chapman v. The United Kingdom*,⁸¹ the Court held that Article 8 of the European Convention on Human and Fundamental Rights implied positive state obligations to facilitate the Gypsy way of life. In addition, the European Committee on Social Rights held in *European Roma Rights Centre v. Greece*,⁸² that the implementation of Article 16 of the European Convention on Human and Fundamental Rights with regard to nomadic groups, including itinerant Roma, implies that adequate stopping places should be provided. In *International Association Autism Europe v. France*,⁸³ where Autism-Europe claimed that France had failed to provide sufficient education to adults and children with autism and that social rights can be progressively realized when they are very complex and expensive, but this realization must occur within a reasonable time with the maximum use of available resources. This Committee held that lack of overall progress by France constituted a violation. In *F. H. Zwaan-de Vries v. the Netherlands*,⁸⁴ where the applicant claimed that legislation which granted unemployment benefits to married men, but not married women, was discriminatory, the United Nations Human Rights Committee held that discriminatory legislation in the field of economic, social, and cultural rights can violate right to equality in International Covenant of Civil and Political

⁷⁹ (2002) 1 LRC 139; (2002) 3 CHRLD 313.

⁸⁰ 32 Eur Ct HR Ser A (1979): (1979) 2 E.H.R.R. 305.

⁸¹ Application No. 27238/95.

⁸² Complaint No. 15/2003.

⁸³ Complaint No. 13/2002.

⁸⁴ Communication No. 182/1984 (9 April 1987), U.N. Doc. Supp. No. 40 (A/42/40) at 160 (1987).

Rights. In the *Case of the "Five Pensioners" v. Perú*,⁸⁵ the Inter-American Court of Human Rights held that Peru had violated the rights to private property and judicial protection by arbitrarily modifying the pension amounts. In the *Case of the "Street Children" (Villagrán-Morales et al.) v. Guatemala*,⁸⁶ the Court held that the right to life comprises of not only the right of all persons to not be deprived of life arbitrarily, but also the right to having access to the conditions needed to lead a dignified life. In the *Case of the Jean and Bosico Children v. The Dominican Republic*,⁸⁷ the Court requested that the State guarantee access to free elementary education for all children regardless of their background or origin.

In spite of the above instruments and jurisprudence, very few developed countries take the above international instruments as laying down serious international obligations. They regard economic, social, and cultural rights as not true rights. This means that more than strictly legal approaches must be adopted. It could mean a rethinking of the human rights instruments and crafting them more holistically with a view to social and global responsibility. It could also mean strengthening global development approaches. The Millennium Development Goals (MDGs) are a right step in that regard. In adopting the Millennium Declaration in the year 2000, the international community pledged to “spare no effort to free our fellow men, women and children from the abject and dehumanizing conditions of extreme poverty.”⁸⁸ But these are not only development objectives; they encompass universally accepted human values and rights, such as: freedom from hunger, the right to basic

⁸⁵ ICJ Decision Feb. 28, 2003.

⁸⁶ ICJ Decision Nov. 19, 1999.

⁸⁷ ICJ Decision Sep. 8, 2005.

⁸⁸ *United Nations Millennium Declaration*, A/Res/55/2, available at <http://www.un.org/millennium/declaration/ares552e.htm>, (last visited April 20, 2009).

education, and the right to health. These goals are now challenged by a global economic downturn, with the possibility of unraveling even the few gains on that front.⁸⁹

Perhaps the greatest threat to world peace is not so much inter-state war and absolute state sovereignty (hence focusing on civil and human rights), but internal conflicts mostly feeding off extreme conditions of poverty. Persistent international injustice only leads to international discord and violent extremism, and some of it is religious in nature. Perhaps the Catholic Church and Islamic countries at the United Nations could lead the world in rethinking human rights around the idea of “solidarity” of the human race as a solution. We could sell that message to our leaders.

Fourth, we need to adopt the strategy of optimistic recognition of and emphasis on positive developments. After all, a journey of a thousand steps begins with taking the first step, and continuing to take one step at a time. The international community, the Catholic Church, the World Council of Churches, and Islamic countries taking an active part could recognize and work closely with individual African countries and the African union in the promotion of positive and incremental developments there—and there is some good news happening there. We may, for instance, point to the fact that Africans are committed to ending conflicts, whether interreligious or otherwise. The Constitutive Act

⁸⁹ In all but two regions, primary school enrollment is at least 90 percent. In almost all regions, the net enrollment ratio in 2006 exceeded 90 percent, and many countries were close to achieving universal primary enrollment. In sub-Saharan Africa, however, the net enrollment ratio has only recently reached 71 percent, even after a significant jump in enrollment that began in 2000. Supra, The Millennium Development Goals Report 2008, available at <http://www.un.org/millenniumgoals/pdf/The%20Millennium%20Development%20Goals%20Report%202008.pdf>.

of the African Union recognizes that the “scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent and of the need to promote peace, security and stability as a prerequisite for the implementation of our development.”⁹⁰

Fifth, while recognizing the contribution of globalization, it is also important to use local, more familiar strategies—focusing on African solutions and best practices. As President Obama notes, “[t]here need not be contradictions between development and tradition. Countries like Japan and South Korea grew their economic enormously while maintaining distinct cultures.”⁹¹ The Constitutive Act of the African Union also binds the African Union to: “[r]espect for democratic principles, human rights, the rule of law and good governance” and the “[p]romotion of social justice to ensure balanced economic development.”⁹² These principles have begun to be lived out by the African Union and individual countries, which provides local best practices. Christianity and Islam can best solve tensions by each of them taking advantage of the best local practices: Africans solutions to African problems. This could be done by emphasizing best practices (beacons of hope) in countries with significant populations of Muslims, Christians, and other religions such as: Senegal, Tanzania, South Africa, and inviting others to follow suit.

⁹⁰ Constitutive Act of the African Union, Preamble, (OAU Doc. CAB/LEG/23.15, entered into force May 26, 2001).

⁹¹ *Supra*, President Barack Hussein Obama, *Remarks by the President on a New Beginning*, Cairo University, June 4, 2009, available at <http://i2.cdn.turner.com/cnn/2009/images/06/04/obama.anewbeginning.pdf> (last visited on June 6, 2009)

⁹² Constitutive Act of the African Union, Art. 4(m), (OAU Doc. CAB/LEG/23.15, entered into force May 26, 2001).

Sixth, religious actors could pursue joint efforts of engagement with international actors, such as IMF and World Bank. International actors, such as: the Catholic Church, World Conference of Churches, and Organization of Islamic Conference, could lead the way in engaging international actors, such as IMF and World Bank, changing the profound attitudes of developed countries regarding developing countries, especially those in Africa. After many years of struggling with IMF and World Bank policies, perhaps these institutions are ready to listen more than ever. The IMF Managing Director, Dominique Strauss-Kahn, recently said that “[w]e understand that we need to change the way we work with Africa.”⁹³ One area to target is the paradigm of development assistance, which has not developed Africa.

Seventh, while development assistance has made some dents in African poverty, it has not really led to real economic breakthrough. Development assistance has tended to discourage entrepreneurship, encourage corruption and cling to power (dictatorships), which only leads to violent internal or inter-state conflict and human rights violations. Trade and investment is the way to express respectful solidarity with Africa. It would be the solution for African development issues, and by extension, the antidote to human rights challenges. In addition, there is need to invest in education. As President Obama noted, “all of us must recognize that education and innovation will be the currency of the

⁹³ International Monetary Fund, Africa Conference Debates Way Forward Amid Crisis, <http://www.imf.org/external/pubs/ft/survey/so/2009/car031309a.htm>, (last visited March 13, 2009).

21st century.”⁹⁴ This education must include molding new attitudes or paradigms in the present and future generations of people toward coexistence and partnership based on common grounds and mutual interest. It means underscoring the contribution of social entrepreneurship and capital to the overall development of society.

CONCLUSION

It is important that Islam and the Catholic Church promote common understanding between them, as that is probably the best antidote to tendencies to manipulate religion for political ends, which has led to conflict and gross violation of human rights on the African continent. On the basis of that common understanding, they can collaborate on issues of common concern before national institutions, as well as, international and regional bodies, such as the United Nations and African Union in order to promote peace, human rights, and economic development, which are critically important to the African continent where both religions have the fastest growth rates.

⁹⁴ *Supra*, President Barack Hussein Obama, *Remarks by the President on a New Beginning*, Cairo University, June 4, 2009, available at <http://i2.cdn.turner.com/cnn/2009/images/06/04/obama.anewbeginning.pdf> (last visited on June 6, 2009)