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ETHICS, HUMAN RIGHTS AND DEVELOPMENT IN AFRICA

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A.T. DALFOVO

PART ONE: THE GENERAL APPROACH

THE BACKGROUND TO THIS PUBLICATION

The collection of papers published in this book is part of an endeavour initiated some ten years ago. At that time, the staff of the philosophy department of Makerere University embarked on a series of seminars on "Cultural Heritage and Contemporary Life."* The project had been launched worldwide by the Council for Research in Values and Philosophy (RVP), initiated and coordinated by Professor George F. McLean of the Catholic University of America in Washington, DC, founder and Director of the RVP. The Philosophy Department of Makerere University has succeeded in realizing three of these seminars in the past ten years.

The first seminar went through four stages. It began with the staff of the department choosing the general theme for discussion. Then each member picking, in agreement with the rest of the staff, picked a specific topic related to the general theme and, at the same time, to African thought and life within the context of Uganda. The African and Ugandan reference was naturally felt to be the essential contribution of any seminar in the department. Each staff member had about 6 weeks to prepare his paper, which was then circulated to the other colleagues for a critical analysis. Three months later, a series of staff seminars was scheduled at which each paper was presented by the author and extensively discussed by the participants. Following these encounters, each author revised his paper in the light of what had emerged from the seminar discussions. The papers were then assembled, edited, and finally submitted to Professor G. McLean who proceeded to their publication under the auspices of the RVP. The resulting volumes were *The Foundations of Social Life* in 1992 from the first seminar and *Social Reconstruction in Africa* in 1999 from the second seminar. The collection of papers being presented is from the third seminar.

The papers in this volume continue the tradition of the previous seminars but with a difference in scope. The previous seminarswere held among the members of the Philosophy Department of Makerere University, and the nature of the seminars was purely philosophical. However, the third seminar was opened to the input from other disciplines, although it was agreed that this third seminar was to remain basically philosophical. The contributors from other disciplines were made aware of this philosophical distinctiveness, and they were actually interested to offer their contribution in view of a final philosophical appraisal of the issues presented. This philosophical expectation on their part posed a challenge to the philosophy department to offer its specific contribution to the problems presented. Participants felt that the seminar succeeded to a considerable degree. Whether the final papers in this publication have attained this expectation, it will be for the reader to judge.

THE TOPIC OF THE SEMINAR

The choice of the general topic for this last seminar took quite sometime to be decided. It was finally agreed to have a topic combining three issues considered very crucial at the present moment for the life of the individual and of society in this part of the world. The topic was *Ethics, Human Right and Development.*

The issue of ethics was considered to be clearly emerging above any other philosophical challenge in Uganda and, in all probability, in the rest of Africa as well. Ethics continues to stand out as the basic and pervasive component among the multifaceted challenges that the Ugandan society and individuals are facing. The Ugandan government has instituted a Ministry of Ethics and Integrity. The department of philosophy in Makerere University has introduced a postgraduate programme on "Ethics and Public Management." At the moment of independence 40 years ago, the general agreement among Ugandans was that the political issue was paramount. As the nation developed, it became clear that in practice the economic problem underlay all others. Over the past few years, the general opinion seems to be that ethics is actually at the root of any problem, whether political, economic or otherwise.

An element that is becoming ever more associated with ethics is human rights. Human rights are seen practically as "applied ethics". Some thinkers see in human rights that core of basic principles and values around which there could grow the widely desired "world ethics" that should interest humanity beyond particular ethics. People increasingly perceive human rights as associated with every aspect of thought and life, to the point that such association is automatically extended to any problematic issue even when, upon a more considerate examination, such association may not be so relevant. This tendency nevertheless testifies to the importance attributed to human rights.

The third component of the seminar topic is development. Although some people are weary of the ubiquitous term "development," the concept of development cannot be sidelined in a country like Uganda which is so characterized. A thoughtful consideration of the issue of development cannot but lead any person "of good will" to be "convinced—as the Preamble of the African Charter on Human and Peoples' Rights states—that it is, henceforth, essential to pay particular attention to the right of development and that civil and political rights cannot be dissociated from economic, social,- and cultural rights in their conception and universality. The satisfaction of economic, social, and cultural rights is a guarantee for the enjoyment of civil and political rights."

THE TOPICS OF THE PAPERS

The participants contemplated the topic of the seminar from different perspectives. Some issues were typical of each paper while others occurred as significant themes in most of the papers. These latter issues can confidently be interpreted to represent characteristic aspects of African philosophy, like the contextualization of philosophy, applied philosophy and ethics, the holistic approach to issues, testing theory vis-a-vis practice. The following survey of the papers could probably help to discover what is common and what is specific in each contribution.

The paper of A.T. Dalfovo considers, first of all, applied ethics, a theme that occurs in most of the papers, highlighting a constant concern in African philosophy. Philosophy in Sub-Saharan Africa has many organisational paradigms inherited from colonial time namely from Western tradition. The legitimate reaction of African thinkers has been to engage African contours to their philosophy, which has meant applying philosophy to the African context. Such application has been not merely theoretical. Namely, it did not only consider the possible particularities in African mental paradigms vis-à-vis the claimed universality of Western paradigms. The application has

been brought to bear also on African life in its practical dimension. In other words, the holistic approach has characteristically marked African philosophising. Reality has been viewed and analysed comprehensively, namely in its totality. Dichotomising between mind and body, thinking and doing, spiritual and material, substantial and accidental, inner and outer, spiritual and material, has not been generally effected to the detriment of a comprehensive vision. A.T. Dalfovo notes this perspective in the second part of his paper dealing with the experiential dimension in African philosophy.

J.K. Kigongo goes to the core of applied and experiential philosophy in Africa highlighting the need to contextualize philosophical issues when such contextualization may appear to lead to contradictory situations. J.K. Kigongo points realistically to the fact that such contradictions, though obviously problematic, are nevertheless there to be faced and solved. Focussing on ethics, the topic of his paper, the author explains how such enigmatic challenges have arisen from the encounter of the African and the European traditions in ethics. The problematic outcome of such an encounter is presently compounded by the fact that it has to be managed within a context of intense change affecting cultures and societies. Such change is often interpreted as implying that the traditional is being phased out, supplanted by the modern. This interpretation leads, in most cases, to a depreciation of African traditional ethics. Such an outcome, the author cautions, should not be allowed to take its course because a neglect of traditional ethics would inevitably cause a vacuum resulting in the inability of contemporary society to manage the ethical challenges posed today. African educationalists should consider this dangerous possibility.

J. Kisekka picks up the above challenges in so far as they bear on the African individual faced with a life "below average world standards," yet having still "a ray of hope." This individual lives his/her daily life as "survival," while he/she should actually live it as a culturally fulfilling existence in which "Ethics, Human Rights and Development" make sense. To attain such existence, the African individual needs to break out of the enslaving mentality of necessary dependence. The individual must turn to himself/herself and free himself/herself of a culture of silence and self-censorship, recognising and asserting his/her selfhood and that of others as well. A necessary and effective instrument for the recognition and assertion of oneself is the culture and practice of narrative, which must be rediscovered. Narrative will allow symbolism to play its full role in one's existence. "Failure to symbolise—J. Kisekka underlines—means failure to synthesise, which in turn implies failure to sympathise with oneself and others." In all this, the author concludes, the individual needs to develop a critical mind. For this the help of philosophy is imperative as one moves from being dominated to dominating one's existence.

The contribution of G. Tusabe moves beyond the challenges faced by the individual as considered by the previous paper. G. Tusabe focuses on the social dimension of existence and specifically on social belonging. For several people, this belonging remains practically ethnic, prevailing over any other in their social life. Hence, ethnic belonging for them prevails over their national belonging, which in many cases, in Africa and elsewhere, extends beyond one's ethnicity. Consequently, when such people are faced with alternatives between ethnic or national allegiance, they obviously choose the former. Such choice undermines social cohesion which today generally refers to and tallies with the national community. G. Tusabe argues that the solution to the inevitable tension and serious danger that arise from the ethnic and national polarity lies in a more broad vision of social belonging. It is the vision of human belonging or the concept of humanity. The author links this concept of humanity to three ethical principles, namely respect for the person, solidarity and justice. Such an ethical perspective or reference, the author concludes, is probably the only way to ensure the social cohesion capable of resisting the danger of ethnic particularity

and of developing instead a sense and the vision of a more vast belonging that finds its ultimate motivation in universality or humanity.

E. Wamala tackles an enduring dilemma related to what appears to be the contrasting demands of development and human rights. The imperative of development, especially in its economic dimension, permeates individual and community life in Africa. At the same time, communities and individuals are now highly sensitised to the issue of human rights. The author analyses the dilemma that emerges from the dual imperative of human or, specifically, economic development and human rights, namely respecting human rights while pursuing economic interests. There are cases when genuine economic interests clash with equally genuine human rights. E. Wamala refers the present African experience to the historical Western experience on this contrasting issue, pointedly explaining how the two experiences differ and how the present African experience should not be assessed with reference to the European experience. The African condition is unprecedented and has to be considered as typical of the present time. A genuine solution to this African dilemma needs to be sought within the historical and geographical setting of the continent. This suggestion reiterates what has emerged in most contributions to the seminar, namely the need for contextuality.

R. Munyono focuses on a change of strategy that has set in nationally and internationally in recent years marking a major developmental turn since the early 1960s, since the time of political independence in most of Africa. The prevailing policies and the political movements of the 1960s generally were inspired by socialism. The independent nations and governments of that time needed to assert their national identity and solidarity, their social cohesion and unity. That assertion needed, it was thought, a strongly centralised government to coordinate development and to foster social services, particularly for the needier population. All that required the support of an appropriate way of thinking or clear ideology that had to be, it was believed, prevailingly socialist. Today that has changed. Socialism is seen by many peoples and governments as curtailing personal and private creativity and as encouraging parasitic reliance on the state and on others. Prompted by a global economic policy that past governments would have rejected as capitalist, present governments are bent on privatising almost any organism that finds a private person or institution ready to take it. For instance, while at independence parastatals were considered the economic pillars of the nation, today they are hurriedly shed as noneconomic. But here R. Munyonyo sounds a note of caution suggesting that privatisation needs demystification. Privatisation is not only failing to yield the benefits that it promises, but is actually causing the opposite. It is worsening the condition of the population at large, particularly of the poorer people. R. Munyono explains this point with compelling arguments supported by recent data. The author emphasises above all the ethical challenges posed by privatisation measures. The privatisation policy in Africa has failed to meet the required ethical standard, particularly vis-a-vis respect for the people. One must seriously think of alternatives to this unethical course that need addressing at all levels—local, continental, and global.

The paper of A.B. Rukooko develops a philosophical analysis of human rights in general. Human rights, also taken singly, are considered by the author as forming a kind of constellation, a unified set of various elements. For this reason, several disciplines or aspects of knowledge have a stake in all human rights. At the same time, the author tries to find the point of unity in this variety of elements suggesting that this unifying element needs to be sought within the concept of values. Such values need in turn to be referred to the field of epistemology. The author continues along this line developing it within the African perspective. This links up with the underlying trend in African philosophy of contextualizing the philosophical exercise and of making it

comprehensive of the whole reality in which one philosophises. Human rights need to be perceived, described, applied and lived within such a context as are the values that are presupposed by such rights. The present global trend highlighting what is homogeneous in humanity should not be allowed to overshadow the heterogeneity that enriches it and that characterises the various cultural aspects of humanity, including human rights.

A.B.T. Byaruhanga Akiiki highlights the contemporary paradox of so much concern for human rights and yet of so much disregard for them. The author has in mind Charles Dickens's remark about both the struggle and the disregard of the French Revolution for the rights of citizen. "It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredibility, it was the season of light, it was the season of darkness, it was the spring of hope, it was the winter of despair." (C. Dickens, *A Tale of Two Cities*). These words may be applied to the present paradox as well: in the past 20 years human rights have been inscribed in 30 democratic constitutions. Over the same period of time, 30 civil wars have erupted. According to A.B.T. Byaruhanga Akiiki, such a paradox could be avoided by a holistic approach to human rights. He specifically selects the religious dimension of African life to illustrate this. The African perspective of existence and life is holistic and the disregard for any aspect of it nullifies attempts at understanding the related problems, thus offers any valid solutions. The author places the issue of human rights within such a context insisting that Africans should not be misguided out of such an endogenous context while non-African should respect it on the same level as any other right.

The contribution of M. Mawa relates to a theme dear to any developing country, namely the right to development. Such right, in the case of Uganda, is enshrined in her constitution together with several other rights. The author turns to a critical analysis of what such constitutional sanctioning of human rights and, specifically, of the right to development means for the citizens. He concludes that the country's history testifies more to a disrespect than a respect of human rights. M. Mawa proposes ways and means for a culture that promotes the authentic development of the human person advocating that the human person be placed at the heart of the exercise related to human rights. There is a need to go beyond a mere enshrining of human rights in the constitution or their mere economic consideration. The entire dimension of the human existence needs consideration as does the cultural and the moral. It is once again the holistic and human-centred approach to issues related to development and human rights, an approach that has to be ethical.

PART TWO: THE PARTICULAR PAPERS

The following pages include a synopsis of each paper or chapter that should create a better understanding of the full paper and a grasp of the themes that run throughout the seminar.

APPLIED ETHICS AND EXPERIENTIAL PHILOSOPHY BY A. T. DALFOVO

The chapter sets out from what appears to be a diffused uneasiness over the gradual loss of the ethical or moral fibre in contemporary society. Beyond the various instances given to illustrate this point, a double issue seems to emerge, namely, the weakening of the communal (trends of individualism) and of the practical (difficulty in applied ethics) dimensions of ethics.

The answer to this ethical weakness seems to be in the code of ethics understood in its original and general sense as a set of ethical principles and rules that a society or culture has developed during its history. Every society and culture develops its conventional code of ethics, in the case of an ethical

crisis like the one being experienced now, a society needs to pass from the conventional to the intentional code. An intentional code facilitates the recovery of both the communal and the practical dimensions of ethics.

The chapter tries to go beyond the present challenge to ethics ensuing from contemporary society, arguing that the need of making ethics practical and applicable is not merely an occasional or temporary issue of this present moment. It is actually a need ensuing from African philosophy itself. This statement is explained by reference to two African philosophers, namely, the Kenyan Odera Oruka and the Togolese N'sougan Agblemagnon.

Twenty-seven years ago, the first issue of *Thought and Practice* (the first philosophical journal in East Africa) was published in Nairobi. Its editor was Henry Odera Oruka. In his first editorial, Odera Oruka delineated the policy of the new periodical "on philosophy in Africa," as he defined it. The editorial policy was condensed in the very title of the journal itself, namely *Thought and Practice.* Having specified authentic philosophy as a second order vis-à-vis first order activity, Odera Oruka proceeded to deal with the dualism of thought and practice. The second order activity of reflecting on African reality was not to be a mere "reflection on reflections." It was to be an activity mostly concerned "with life as it is lived in this part of the world and, of course, in other parts of the world." This explained the second component in the title of the journal, *Practice. Practice* was life as actually lived by human beings in this world, while *thought* (the first component in the title) was a reflection, a return to this same life.

The Togolese philosopher N'sougan Agblemagnon elaborates on the issue of theory and practice explaining that it is an essential aspect of the methodological approach to the study and understanding of African philosophy. "In Africa, more than anywhere else, philosophy cannot be restricted to theory alone; it is simultaneously theory and act." Accordingly, the problem of philosophy in Africa must be tackled with an open mind and with an intense eagerness to discover the characteristic approach of African experience on both a theoretical and a practical level. In Africa, Agblemagnon continues, being is linked to experience. From the moment of its inception, the African experience, even the simplest one, appears in all its complexity manifesting both its intensity and its global dimensions. This dimension of cosmic and total existential experience is the starting point that must be accepted and analysed. This approach does not envisage breaking away from the world or distancing oneself from it. On the contrary, it implies adhering to it, penetrating it and throbbing with it.

There is an intermingling of theoretical and practical levels; there is a unity between theory and practice. In the past, such theories were at the level of myth. They revealed limits but they provided, nevertheless, an encompassing theory of the world, a unitary vision of reality.

The present time questions this traditional approach. The traditional models have no longer the same stability as in the past.The time of stability has been followed by the time of discontinuity. Today is a time of change and rupture. The great difference between the traditional approach and the present-day approach is that, while the former gave access to a unified world where models of harmony were dominant, the latter opens on a deeply generalised crisis, on insecurity, rupture and anxiety.

The answer would seem to be in developing a culture of comprehensiveness that implies acquiring the facility to combine the multiplicity of existence into wholeness. The sequence of different and intensive changes call for a comprehensive view of life in order to find one's bearings in this fleeting situation. Lamenting the contemporary absence of a total concept of the world, Y. Tandon points out that even philosophy—that mother of sciences which in earlier epochs brought all learning into a totality and attempted to answer some basic questions of being, of the relationship between mind and matter, etc.—is now relegated to the realm of a "particular"

discipline whose concerns are limited either to "positivism," to "linguistic analysis" or to solving specific problems of "logic." This position must influence not only philosophy in general, but African philosophy and ethics in particular.

THE REALITY OF CONTRADICTORY PARADIGMS BY J.K. KIGONGO

As one grapples with issues of development, one needs to place them in the appropriate historical and social context. In the case of Africa, this context has been determined by the encounter of two cultural and ethical paradigms that to many observers and critics are inherently contradictory. The position of the chapter is that whereas one may perceive a contradiction in the conceptualisation of the paradigms, the social reality is that they do co-exist. This contradiction and co-existence calls for a critical inquiry out of which one discerns fundamental elements vital for development.

Anytime one analyses the human and social reality within the African context, one is challenged by the dual dimension of development, the ideal one that is ever attractive and imperative and the real one that is sometimes frustrating and doubtful. The ever pervasive and multifaceted issue of development continuously grapples with calls for its historical and social contextualisation. In the specific case of Africa, this context has been determined by the encounter of two cultural and ethical paradigms which, to many observers and critics, are inherently contradictory. The position of the author is that whereas one may perceive a contradiction in the conceptualisation of the paradigms, the social reality is that they do co-exist. This contradiction and co-existence calls for a critical inquiry out of which the fundamental elements vital for development eventually can be drawn.

J.K. Kigongo develops his argument in five points. The first point, *The Reality of a Synthesis,* focuses on the persistence of a strong ethical tradition inherited from the African traditional milieu existing together with the European ethical tradition historically related mostly to colonialism. The perceptual contradiction and the subsequent empirical experience manifesting the two is a reality that should not prevent the analyst drawing from both strands to enrich contemporary life, and its development.

The second point, *The Concept of 'African' in the Process of Change*, explains how "African" is a problematic notion to the point that, for some people, the idea of "African." let alone Africa, as a single entity is an illusion. If, however, the persistence of the traditional ethical strand into the contemporary milieu is accepted, then the concept of what is African becomes real rather than an illusion. As African identity continues to be cherished, it is clear that this identity cannot be given another cultural tag. In talking about the ethics of specific ethnic groups in Africa, one becomes aware that the different groups are described as African, namely they share commonalities (among them the ethical perspective) that allows giving them the collective identity of African.

In the third point, *Human Relationship in African Ethics*, the author presents briefly the substance of traditional African ethics. While the sense of relationship and community underlines these ethics, in contrast to the European sense of autonomy, the individual in Africa is not perceived as a mere presence in the community. As an individual, he or she is perceived both as the centre of the relationship and also as a contributor to its sustenance. He or she possesses an ethical status and plays a role in the ethical and entire social spectrum.

The next point in the chapter, *The Problematic of Social and Moral Change,* envisages the social paradigm that emerged subsequent to the cultural encounter. Such an encounter was the source of a dual social orientation which, though causing a destabilising social pluralism, was at the same time an enriching experience for African society. The new social and moral context of Africa consequent

to the intrusion of external cultures not only began the alienation of Africa from the traditional ethical orientation, but caused a destabilising social pluralism. Because the two trends were motivated by external coercion, they did not enable the internal dynamism in the African society to evolve an appropriate ethical consciousness. The personal morality that was the dominant strand of the external culture and, to a large extent, in its perverted form, became the dominant moral trend, perpetuated the perversion of the African ethical sense.

The final point, *The Problematic of the Old Moral Order*, focuses on a tendency that fails to appreciate the relevance of African traditional ethics in the contemporary African society. While Africans are conscious of the continuity of the African ethical tradition into the contemporary society, the significance of this old moral order to the contemporary society is not adequately appreciated. This creates an intellectual and moral vacuum in which the sense of individualism flourishes. One sees the vacuum emerging in the present discourse and pursuit of development and manifesting itself in the inability to harmonise the material and the moral interests of development. If the need for this harmony is appreciated, then the best place to root its underlying concepts and problematic would be the education system.

A CRITICAL DISCOURSE AGAINST A CULTURE OF SILENCE BY J. KISEKKA

The individual being discussed by J. Kisekka in this chapter is typified by the "lived experience" of Kayo Nesmo. The place of such "lived experience" is contemporary Africa, which is made up of many "Africas" that are extremely difficult to describe with a mere "catchword". Africa could perhaps be described as having almost everything below-average-world standards. Even then the individual who lives in such conditions can still influence his or her future simply because the contemporary gods the International Monetary Fund (IMF), World Bank, the United Nations (UN), the Organization of Petroleum Exporting Countries (OPEC) and the like, offer a ray of hope to him or her, contrary to the ancient Greco-Roman goddesses Clotho, Lachesis, and Atropos that fatalistically controlled human destiny. The crucial question is whether such an individual can find meaning and value in respect to "Ethics, Human Rights and Development" in such a place, condition ,and mentality called "contemporary Africa".

The challenging demand here is for a synthesis. The survival of the individual will actually depend, to a great extent, on how quickly and effectively such a synthesis is found. The challenge derives mainly from the lack of personal identity, which reduces the individual to simply "living" instead of "existing" historically, culturally, and socially. The effect of such condition is the creation of a mentality that someone else cares for you more than you care for yourself, the mentality of the chronic hierarchical dependence and of the unilateralization of life.

The cause or reason of such mentality is connected with the power of domination that is at the root of most evils in contemporary Africa. Most of the misery experienced in contemporary Africa like bad leadership, lacking the basics of life, and ecological degradation, J. Kisekka writes, is not God-sent but humanly invented. Mass poverty is as a result of the individual's lack of recognition of self-hood, both in oneself and others. Such a mentality ends up corrupting the whole fabric of society and fails to uphold human rights as a prerequisite for development.

Liberation here begins by breaking the culture of silence and self-censorship and by critically evolving a discourse upon the world that will remake the world. This entails consistent critical thinking that guides him or her, albeit with difficulties, to critical action. To arrive at the level of engagement, the individual needs to be aware of the fact that thinking is thanking for what is above, below and equal to the one who thinks and that it involves remembering pleasant and unpleasant

elements. If the individual in contemporary Africa wants to move beyond the hand-to-mouth stage, he or she needs to recreate the role of the hearth, namely of the narrative, because a narrative-less, written-less, memory-less culture ends up forgetting to employ the fireplace as the *locus* for symbolising, namely for putting the two faces of the coin together, like human rights violations vis-à-vis their ideal conditions, what divides the people vis-à-vis what unites them, genuine vis-à-vis sham leadership, mass poverty vis-à-vis mass abundance. Failure to symbolise means failure to synthesise which leads to failure to sympathise with oneself and with others, specifically on such issues as human rights violations and mass poverty.

> Narrative is a critical key to our identity for we all need a story to live by in order to make sense of the otherwise unrelated events of life to find sense of dignity. It is only by enabling alternative stories to be heard that an "elitist history" may be prised open to offer an entry point for the oppressed who have otherwise been excluded from public history (Sheldrake Philipp).

It will be the individual, assisted by a genuine philosopher who knows that "only for the sake of those without hope have we been given hope," and who practices philosophy not only as love of wisdom but also as wisdom of love, who will emerge from the ranks of the poor, and give voice to those alternative narratives.

The author concludes by recalling how Kayo's episode typifies the lives of many individuals in the villages of contemporary Africa. They are entangled in a vicious circle of poverty. To Kayos, ethics can no longer be a question of right or wrong but what sort of people they become as a result of their actions in the course of their struggle for survival. There is a need to go beyond the rhetoric of human rights and development as the weapon of a clientele-like politics characterising contemporary Africa and to safeguard the supreme value of the individual. The individual must be brought to understand that while life may depend ultimately on God, he or she has the power to influence destiny by the using his or her reason.

ETHNICITIES VERSUS COHESION BY G. TUSABE

In this chapter, G. Tusabe notes that one of the major challenges disturbing social cohesion in the world today in general, and in Africa in particular, are conflicts apparently deriving from ethnic differences. In many African countries there is a multiplicity of ethnic groupings where the different peoples find themselves having vast differences that sometimes stand in the way of inter-ethnic dialogue and understanding. With such experience, it has been difficult for multi-thnic societies to realise a nationwide cohesion. And without such cohesion on the national level, it has sometimes been difficult to realise the social stability and harmony essential if people are effectively to cooperate in realising the common good.

The chapter begins by giving a brief normative explanation of what is meant by social cohesion. It then highlights some of the mythical elements that are found in some ethnicities, which elements seem to be standing in the way to realising cohesion on the national level. The chapter goes on to explain the shortcomings of some normative recommendations that have been suggested as a help to promoting cohesion in multi-ethnic societies. Finally, the author suggests (tentatively) that people should socialise themselves to the stoic social ethical ideal of world citizenship. This ideal demands acknowledging that everyone is a member of two communities: one that is truly great and truly common in which people look neither to this corner nor to that but

measure the boundaries of their nation by the sun; and another to which everyone has been assigned by birth.

The chapter goes on to elaborate that such a philosophical position is a call to everyone (especially to those who live in multicultural environments) to appreciate that the accident of where one is born is just that, an accident. Any human being might have been born in any ethnic group. Following this, differences of nationality or class or ethnic membership should never be allowed to erect barriers between fellow human beings. People should recognise humanity wherever it occurs, and they should give to that community of humanity their allegiance if they are to effectively live in peace and have a better capacity to realise their existential requirements.

The idea of world citizenship is significant also because it promotes and cultivates three vital social ethical principles, namely, the principle of respect of persons, the principle of solidarity and the principle of justice.

Concerning the respect of persons, G. Tusabe explains that, once people appreciate the fact of their sharing a common humanity through the idea of world citizenship, it becomes imperative for them to hold a moral respect for the human person because such a person is the basic constituent of humanity. The principle of the respect of persons demands that one does not look down on another simply because the other is a member of another group to which one does not belong. The same principle cautions those who unite against others in pursuit of their egoistic group interests for others may also group against them with the inevitable result of conflict and discord.

Regarding solidarity, the chapter highlights that since the idea of world citizenship points to sharing a common humanity it bespeaks solidarity. It promotes moral sensibility that all human beings have human bonds not only with members of one's groups, but also with the "others." If the principle of solidarity is effectively lived up to, it can promote both creative transcultural and intercultural exchange.

On the principle of justice, the author argues that, as the idea of World Citizenship promotes the principle of respect for persons, it consequently points to the normative ideal that one ought to relate with others in the spirit of justice. Moreover, it leads also to designing structures motivated by the principle of justice free from all forms of unethical ethnic discriminations and from social-political and economic marginalizations.

Having highlighted the social and ethical worth of the principles that are promoted by the idea of World Citizenship, the paper concludes that the state system and, specifically, its educational dimension, needs to be tempered by such principles in order to realize a nationwide cohesion and to minimize interethnic conflicts.

ECONOMIC INTERESTS VIS-À-VIS HUMAN RIGHTS BY E. WAMALA

While on the one hand voices are heard urging Africa to develop and to modernize her economies, on the other equally loud voices urge the continent seriously to address the issues of human rights and personal freedoms.

These requests are not unique to Africa. They have been made in other countries now described as "developed." But whereas in the case of the now developed countries these demands were not made simultaneously, they are instead being made so at present in the developing countries of Sub-Saharan Africa.

Developed countries devoted long periods of time to developing their economies long before human rights issues emerged. The development of mercantilism and the related expansion

policies and practices of colonialism, whatever their other objectives, helped tremendously in the building and consolidation of the Western world's economic might. The negative side of mercantilism and colonialism is acknowledged now only when their positive economic effects are safely in hand.

The developing countries in Sub-Saharan Africa face a different and challenging situation: They have to develop their economies and, at the same time, develop their capacities and their records of human rights observance. The specific nature of the challenge consists in the fact that laying economic foundations very often compromises and conflicts with the theory and practice of human rights observance and protection.

Getting people to save and to build strong financial resource bases by—among other things heavy labour often endangering the lives of workers work under austere conditions unfit for humans—may be necessary steps in the initial stages of economic takeoff. Yet, these steps o against the observance and respect of basic human rights like the right to work in safe and healthy conditions, the right to leisure and the right to food (many people may not buy sufficient and proper food in their struggle to save). A vivid illustration of what is meant here comes from the international organizations that are helping the development of Sub-Saharan countries. These organizations have come up with structural adjustment programmes that imply downsizing the labour force in public enterprises, reducing subsidies for universities and hospitals and reducing the security forces—all in the name of economic development. Carrying out these recommended actions will impinge markedly on people's right to employment, to education and medical care, to security and protection of property.

The question for Sub-Saharan Africa in the present circumstances is: which way should it go? Should it go with development programmes designed to improve the continent's economic conditions, even though they may, at least in the short term, harm peoples' rights? Or should Africa reject such development programmes even if such programmes that would eventually make people economically better off? This Sub-Saharan dilemma is exacerbated by the fact that the choice (if there is one) is not between "something good" or "something bad." The choice is between two values, namely human development and human rights, attention to which all civilized nations have come to value passionately.

E. Wamala underlines that one needs solutions that are typically African in order to address the kind of challenges posed, not least because these challenges are themselves typically African and unprecedented. Specifically, there is need to draw on the African notion of balance where individual and social interests are not in a hostile relationship, as mercantilism and libertarianism unwittingly posed them. Rather, the need is for individual and social interests to form a continuum, in which individual well-being is only possible in a well-ordered society but at the same time where a well-ordered society can be made up only of happy and healthy individuals.

THE ETHICS OF PRIVATISATION BY R. MUNYONYO

The majority of African countries, including Uganda, are implementing economic reforms and restructuring programmes dictated by the International Monetary Fund (IMF), the World Bank and other multilateral agencies. These reforms have involved the liberalisation of the exchange rate and trade regimes, the liberalisation of pricing, of marketing agricultural products and the privatisation of state-owned enterprises. As these programmes are imposed from above, it comes as no surprise that what is conspicuously absent in them is the input of the people who are supposed to be the intended beneficiaries. The ethical implications of such reforms and,

specifically, of the privatisation process in Africa, are the issues R. Munyonyo discusses in this chapter. Privatisation is considered here vis-à-vis globalisation and development and in its effective impact.

Concerning globalisation, the author points out that privatisation is not uniquely African; it is largely part of the globalisation process. Although this is not entirely negative, nevertheless, as Africa remains mainly a source of raw materials for the West, the privatisation process in Africa remains largely exploitative. The United Nations Development Programme, in its annual Human Development Reports, has linked the growing inequality in the world to the effects of liberalisation, deregulation and privatisation, showing that globalisation, of which privatisation is a part, has proved a disaster for Africa both in human and natural environmental terms. The paradox here is that whereas globalisation has led Africa to more poverty and less development, it is at the same time suggested that globalisation is the miraculous solution to Africa's plight. The challenges posed by globalisation and privatisation unveil two important problems. The first relates to whether the people and communities can control their local resources and economies and are able to set their goals and priorities derived from their own values and aspirations. The second problem is whether the life-sustaining resources produced by the regenerative capacities of the earth's ecosystems can be equitably shared by everybody to provide for the material needs of all, both in the present and in the future.

With regard to development, it is widely recognised that any development policy that does not give to all the freedom and the opportunity to share in their society's development dialogue cannot fit into the current meaning of development and cannot be accepted as ethical. The example of Uganda proves that the implementation of privatisation did not meet the above standard. It did not involve the Ugandan people even when the political structures intended to allow their participation were established by the ruling National Resistance Movement (NRM) government. The present institutions of local councils (LCs), with their emphasis on a grass-roots approach to public policy did not result in a pro-people rational policy. The economic measures of privatisation were imposed from the above, namely by political policy makers on policy consumers.

In relation to the impact of privatisation, because the people of Africa were never involved in the strategy, it is not surprising to discover that privatisation has failed to affect the reality of the majority of Africans. The statistics presented by IMF, World Bank and similar bodies on the countries that embraced privatisation reforms give rosy results. But the hard facts are that, in African countries, the debt burden remains and continues to force governments to confront to IMF-World Bank conditions. Extended debt service has continued to siphon off the little resources that otherwise would have been used to finance human development through the provision of basic social services. What is being actually produced is generally luxury oriented, like beer, soft drinks, tobacco, perfumed soap and steel products mainly geared to the middle class market, rather than the necessities of the ordinary people. While privatisation has facilitated the private sector and growth in the fields of education and health, there has been no mobilising of the local population for its own development. The trend towards privatised social services, particularly in education, health, water, sanitation and nutrition, has resulted in reduced quality of public administration and services at a time when workers are being retrenched, the military demobilised and the real salaries are much lower. The constant outcries over delayed payments of retrenched workers are often heard and the loss of jobs in the privatised industry is now too common to be taken as a temporary phenomenon. On the surface, it seems that ordinary goods and services are available because of privatisation. Despite their availability, are these goods and services accessible and affordable to

the rural poor? The privatisation programmes have been urban-oriented, urban-based and a middle-class phenomenon.

In concluding his chapter, the author underlines once again that the major ethical challenge any development policy must face is that it must recognise the input of the people for which the policy is intended as well as guaranteeing the equality and protection of local cultures. Thus, one must think seriously of alternatives at the global, continental and national levels. Globally, the people of the world need to link together into a powerful political coalition aimed at political and economic reform to win the war that global capital is waging against them. Continentally, people must reject the continued Balkanisation of the African continent, and call for a continental, or at the very minimum a regional unity. Nationally, the people need a successful national democratic revolution to initiate a process of economic development in which the people benefit rather than economic growth.

EPISTEMOLOGICVAL FOUNDATION OF HUMAN RIGHTS BY A.B. RUKOOKO

The disciplinary locale of this chapter spans epistemology, ethics and human rights. It would seem that there has been complacency in tracing the development of knowledge on human rights to ethics, A.B. Rukooko tries instead to trace its source to epistemology. Accordingly, this chapter develops three assumptions. First, that the knowledge of human rights assumes unity, but has different aspects and emphases that allow it to be interdisciplinarity. This means that human rights are implied and, in turn, imply other sciences. This view appears to be more appealing because it treats the pursuit of human rights as interconnected. It is thus argued that nearly all academic endeavours including social sciences, humanities, law, and exact sciences have value attached to their pursuits. The end of these pursuits is not neutral because such knowledge itself is already valued depending upon human choices.

Following from the above, it is claimed also that the field of human rights is basically drawn from human values which, in turn, find their ultimate justification in the epistemological realm. Such a claim, however, does not exclude other manifestations of human rights. The meaning of "human values" here is generic: It includes not only the worth accorded to a human being, but also those things that people hold dear to themselves. This is a more effective category because, in the contemporary understanding of human rights, human needs (which relate closely to values) like food, shelter, housing, etc., form part of human rights.

Once this link to human values is demonstrated, an attempt is made to identify the source of these values, namely whether human or not. From Socrates and using the rationalist, empiricist, pragmatist, existentialist and African approaches, the origin of values is discussed. It is conceded that no single approach is sufficient to explain the source of values. Instead, all these approaches contribute to the explanation of the origin of values, which implies the need for a holistic approach in order to understand and confront human rights issues, even though they are part of human values.

The African society could have been organized on a communal basis, precisely to mobilize everybody in support of every member within the community. Nobody was excluded, whether children, elders or strangers. Every member was respected, welcomed and valued for the simple reason that he or she was a human being, which forms a wider basis for understanding and appreciating humanity. The African conception of a human being is that he or she is a sacred being whose needs ought to be respected, protected and fulfilled. Such a concept forms the basis of international human rights. What matters is not whether the concept 'human rights' was

articulated in Africa, but that it was present. In spite of its shortcomings, African society emphasized social responsibility (or duty) if only it would support the individual. Consequently, therefore, African traditional values are relevant in the contemporary understanding and practice of human rights. These positive values need to be harnessed for the greater service of mankind.

Ultimately then, human rights form part of the values cherished by all humankind, but these values derive from a knowledge of people and their destiny in a particular context. The various dimensions of knowledge accounts for the interdisciplinarity of human rights knowledge. This knowledge is explained not by one or two theories, but by every epistemological aspect asserting that human values find their origin in people's habitual way of acquiring knowledge. This serves to demonstrate that human rights knowledge is not only unfolding all the time, but that it also needs to be presented from various viewpoints and should be synthetically reconciled with people's infinite positive possibilities. Finally, all societies, including African ones, have a wealth of knowledge including human rights. All this knowledge should contribute to the world's stock of knowledge and development.

HOLISTIC APPROACH TO HUMAN RIGHTS BY A.B.T. BYARUHANGA AKIIKI

The chapter refers to the need of a holistic approach to human rights. With reference to some languages in Uganda, the author points out that the concept of human rights is neither alien nor borrowed in the country. At the same time, he distinguishes the African and the Western way of understanding such rights. While the Western legacy seems to have a prevailingly "secular" vision of human rights, the African vision extends to the religious dimension. The religious worldview in Africa points to a kind of mystery—that of the relationships between laws that govern people and all of creation morally, physically and spiritually. Hence, many people in Uganda continue to believe that their way of living needs to be in keeping with how the entire reality or world functions. They regard the world of nature as one of moral and spiritual value. Their ethical concerns extend to the entire creation.

This chapter employs a holistic approach to human rights in order to address both the philosophical and theological challenge related to human rights in Africa. The challenge to philosophy needs to evolve through right thinking, strategies towards the attainment of the necessary balance between all the different clusters of human rights, such as those which have to do with survival, participation and protection. The theological challenge lies in giving people holistic guidance towards the attainment of rights that promote holistic survival both in this and the other world. Hence the need to instil in people spiritual values that are essential for the individual and societal character.

The symbiotic relationships that human beings maintain with the whole of creation is what makes them human beings capable of practising, among other things, human rights. In such relationships, one's actions affect the rest of the members of society like when a cell in the body feels pain and the rest of the body feels the same. Human rights violations occur in society and disrupt or distort the peaceful coexistence of human beings and the whole creation as a universal community. Human dignity ultimately can be found only in relationships with fellow human beings, living and dead, and with the whole creation.

Although the African worldview has been depicted as differing in interpretation from the Western one, a good number of Western scientists are presently proposing to rebuild the bridge between the sacred and the secular dimensions of human existence. For example Professor Edward O. Wilson, an evolutionary biologist from Harvard University, maintains that science and the

humanities should come together and overcome the separation presently existing between the spiritual and the secular. His proposal is that people should develop ethical and social laws for society on the basis of what natural scientists like him have.

In concluding, the chapter indicates how the Ugandan and the African legacy have for centuries been teaching a dual perception of human rights. First, human rights are understood in relation to the rights of the whole of creation, and secondly in the context of human relationships. There is an essential interrelation that involves God, human beings living and dead, and the world at large. Consequently, in African history human rights cannot be understood apart from the rights of the whole of creation involving the physical and spiritual worlds. Africans are also convinced that also the dead have their own rights that have to be respected. The dignity of a son or daughter of the soil (*mutaka*) cannot be understood apart from the dignity of the whole of creation.

THE RIGHT TO DEVELOPMENT BY M. MAWA

In this chapter, M. Mawa argues that, although Uganda is signatory to a number of international human rights documents, it seems to have related to them more by violation than by respect and promotion. Ugandan history has been characterised mostly by brutality and deprivation of human life and property. One cannot ignore this history in the search for a culture that respects human dignity, value and worth and that promotes the authentic development of the human person.

Development has no doubt become an issue of great concern in the present world. In an attempt to address development issues, the Ugandan government has adopted Constitutional provisions declaring the right to development for all Ugandans. Moreover, the Constitution states clearly the role of the people and of the government in the development of the country.

The author reflects on the constitutional provisions of the right to development and some of the development programs so far adopted in the struggle to realize such a right. In so doing, attention is drawn to the principles contained in the United Nations Declaration on the Right to Development which takes a complete turn towards a new approach, namely, the holistic or integral approach. One of the strongholds and the real force of this declaration is the novel realization that the human person should be at the center of development. This conception of development is solely encompassed in the fact that development is only to be achieved with the human person as the central subject, active participant and beneficiary of the right to development.

Inspired by the vision and principles of the United Nations Declaration on the Right to Development and the constitutional provisions of this right, Uganda has embarked on a number of development programs such as the liberalisation of the economy, primary health care, universal primary education, decentralisation, agricultural modernisation, regional integration, and other projects. Notwithstanding these noble development programs, the right to development in Uganda is not yet reflected in the well-being of the majority of the ordinary people, many of whom are still excluded from the development process.

While it is true that the Uganda government, since the enactment of the 1995 Constitution, has encouraged different groups of people (women, youth, workers, elders, the army, etc.) to participate actively in the affairs of the country, it has nevertheless been reluctant to allow broad-based political participation. For instance, the people cannot organise and mobilise themselves under different political organisations.

The author also argues that international cooperation is vital in the realisation of the right to development and that Uganda's military involvement in the internal affairs of its neighbours (Sudan and Congo) has created conditions unfavourable for development. Moreover, the lack of peace in some northern and western parts of the country has prevented development there. The need for a peaceful resolution of international as well as national conflicts through dialogue is not only urgent but also an imperative for development.

The author goes on to assert that at the heart of international cooperation is the need for a balanced international economic order. With the huge amount of debt accumulated by many African states it is almost impossible to think of a balanced economic order based on the principles of equity between partners. The continued involvement of the World Bank and the International Monetary Fund (and their founding countries) in the social, economic and political policies of Uganda is a clear indication of this imbalance.

The existence of different forms of social injustices in Africa arising mainly from unequal treatment of people on the basis of their sex, religion, tribe, political affiliation, region, etc., has often denied people full enjoyment of their right to development. In Uganda, the gap between the rural and urban areas, northern and southern regions, and between women and men is still wide. Unfortunately, there has been limited intervention to redress these imbalances.

In conclusion therefore, Uganda needs to go beyond the constitutional provisions by translating these guidelines and the vision of development offered by the United Nation Declaration on the Right to Development into concrete human well-being. The approach most suitable for this process is the holistic and integral one that considers not only the economic well-being of the people but which also takes into account the social, political, cultural and moral dimensions of their lives. It needs to be an approach that considers the human person as the central subject, active participant and beneficiary of the right to development.

This holistic approach requires therefore, that the principles of a human-centred development, participation, democracy, self-determination, social justice and international cooperation be upheld. Hence, human rights and development must be supported by good governance.

CHAPTER I

APPLIED ETHICS AND THE EXPERIENTIAL DIMENSION IN AFRICAN PHILOSOPHY

A.T. DALFOVO

COMMUNAL AND PRACTICAL ETHICS

This paper sets out from what appears to be a diffused uneasiness over the gradual loss of the ethical or moral fiber in contemporary society.[i] Such loss seems to be felt particularly within the family and in the exercise of public office. It is viewed by many as the problem underlying most of the contemporary challenges presently faced by society. Beyond the various instances given to illustrate this ethical decline, a double issue seems to emerge, namely, the weakening of the communal and of the practical dimensions of ethics. This ethical weakness bearing on communal and practical ethics is deeply disturbing. It is actually felt by some as a contradiction in the sense that ethics is, by its very nature, social, such that an individualistic ethics cannot really exist. Moreover, ethics also, by its very nature, is a practical branch of philosophy and its inability to apply theory to practice runs counter to its nature.

INDIVIDUALISTIC TREND

Over 2000 years ago, Aristotle wrote in his *Politics* that one who does not need to live in society or who is unable to do so must be either a beast or a god.[ii] And yet, notwithstanding this obvious social condition of human beings, ethics has been extensively considered to be ultimately an individualistic affair. The history and culture of many societies testify to this perspective. For instance, the Western tradition has known individualistic ethics since the time immediately after the golden age of Greek thought in the ethical schools of Epicureanism, Hedonism, Scepticism, Stoicism, and Cynism.

African traditional culture has always had the communal dimension of life and ethics as a strong and healthy asset. Today, however, one needs to reckon with an intensive and relentless influence of individualism brought about by contemporary social change emerging, for instance, in urban life, job competition, economic management, and privatization policies. The ongoing process of acculturation made intensively pervasive by the present globalization, exposes the entire globe to the individualism that characterizes Western society and culture.[iii]

Individual tendencies restrict ethical and moral behaviour within the sphere of individual conscience. This is seen, for instance, in ordinary discussions relating to human behaviour that often run up against the wall of the undisputed authority of individual conscience considering ethics ultimately subjective, personal, and individual. For many people it has become an undisputed assumption that one's conduct and ethics are ultimately one's personal or private concern. Within such vision, social ethics is practically what overflows into society from one’s individual ethics as governed by personal expectations and interests. Hence, social ethics becomes a mere appendix of individual ethics. Such privatization of ethics and morality empties communal life of its moral fiber and undermines the very foundation of society. Individual ethics may help individuals somehow to survive, but it will not bring them together as a community. It may even be asked whether individual survival itself is not jeopardized by individualistic ethics because human beings can survive only in society. The answer can probably be found in the fact that, even

in the case of extreme individualism, human beings cannot altogether shed their social dimension. Namely, there always will remain a minimum of communal sensitivity to guarantee human survival, although it will be a survival more like an agglomeration of persons living on each other, rather than a community of persons living for each other.

People, in fact, seem to perceive, though sometimes vaguely, that ethics is not only needed to attain psychological fulfillment as individual or social beings. Ethics is felt to go beyond mere psychology and also beyond the need of the mind and heart of humans. It actually bears on the very existence of human beings and of their societies. In other words, neither individuals nor societies would be able to exist without the ethical dimension. Hence, the demand for ethics is not merely for a supplement to improve one's life. It is actually for the possibility to live one's life and to exist as human beings. It is important to notice here that such life and existence are communal and, therefore, ethics itself is communal. There cannot be an ethics that is merely personal, as already mentioned above.

The ethical component essential to society can be explained and provide motivation along the line of thought traced by P. Devlin. Both the political and the ethical dimensions of society are essential to its existence. The two aspects are actually to be considered as one entity. This oneness is explained as referring to the same set of fundamental ideas that a group of persons needs to share in order to be together as a community. This "ideological" set is the real "constitution constituting" a human group into being a given human community. A community is not merely a physical assembly of people. Before being that it has to be a community of ideas among its members. Such ideas are political in the sense that they concern the manner in which people want and need to organize themselves. But the political aspect is not enough. It is necessary to have shared ideas concerning mutual behaviour in the community, namely, to share a set of ethical or moral ideas. Hence, every society has a political and a moral structure. The two aspects, however, should not be considered as independent structures. They actually need to penetrate each other to form one system consisting of both the political and the moral dimensions.

> What makes a society of any sort is a community of ideas, not only political ideas but also ideas about the way its members should behave and govern their lives; these latter ideas are its morals. Every society has a moral structure as well as a political one: or rather, since that might suggest two independent systems, I should say that the structure of every society is made up both of politics and morals.[iv]

This emphasis on social ethics does not imply that the person's conscience, as the sanctuary of ethics, is ignored. Ethics stems from, and refers to, the human person. It bears on society because the latter consists of human beings, and not because it is an organism different from, and independent of, individual human beings. Stressing that the human being is essentially social does not entail refuting individuality, namely, the fact of existing as individuals, from which the human personality derives. It means simply opposing individualism, the self-centred attitude that neglects the others, from which isolationism derives.

Finally, individualistic tendencies in ethics and behaviour penetrate to the point of affecting human freedom itself which is the foundation of ethics, thus compounding the ethical issue being considered here. As a result of this, freedom itself becomes basically individualistic in the way it is understood and administered. Today it is widely believed that freedom concerns basically the individual, the social dimension is secondary. Yet a human being always has a neighbour and always is a neighbour. The values, the norms and the choices freedom deals with are essentially

intersubjective. The administration of freedom needs a basic orientation to others. At the same time such administration is not something that a person automatically knows how to manage. The person needs to be educated to it, implying that one needs to become aware of one's own potential, internal and external influences, limits and possibilities.[v] The ability to manage one's freedom has to be acquired in an educational exercise which itself is communal. Freedom has of course a personal dimension, but the challenge is in balancing this dimension with the social one. This is actually true of social ethics and of the entire social nature of a human being. Human beings need to be educated to become what they have been made to become by nature.

APPLIED ETHICS

Ethics is defined as a practical discipline and its history testifies to this aspect of its nature. The ancient philosophers in the Greek and Roman worlds were interested in the practical aspects of behaviour. They pondered the concrete issues and choices of life and also the challenge of death. The Platonic dialogues contain several instances of such practical concern and the *Crito* represents a typical example. In medieval times philosophers continued this tradition discussing, among others, the possibility of justifying war and the suppression of human life. In the modern era, David Hume wrote in defense of suicide, and Immanuel Kant tried to elaborate means to ensure permanent peace. Jeremy Bentham, John Stuart Mill and other Utilitarians wrote at length on applied ethics. This traditional interest in applied ethics suffered a jolt in the early part of the 20th century due to the influence of Logical Positivism, according to which ethical statements echoed emotive attitudes that could not be the subject matter of rational considerations. Within such perspective, the task of philosophy vis-a-vis ethics was simply to analyze the meaning of ethical terms. Hence philosophical ethics could only be meta-ethical.

During the second half of the 20th century, applied ethics regained momentum as quickly as it had lost it half a century earlier. This revival of interest was prompted by an upsurge of serious issues involving entire communities at both national and international levels and also the political and religious leadership. Such issues were found to be ultimately ethical, and the demand for ethical guidance or applied ethics became compelling. The issues concerned, among others, racial and sexual equality, human rights and justice, abortion and euthanasia, in vitro fertilization and gene manipulation, bioethics, conscientious objection to war, women's liberation, environmental ethics, business ethics, computer ethics, and similar instances..[vi] Scientific discoveries were moving ahead of ethics and human beings were loosing control over the products of their intelligence. Applied ethics was expected to restore their control of their destiny. For this reason, practical or applied ethics has become a major topic of teaching and research with a constant demand for ethical courses relevant to the great issues of the day.

Some philosophers, however, have reservations concerning the expectations in applied ethics.[vii] They point out that the very nature of ethics and the intensive change and progress of today require a continuous search into ethical matters which in turn postulates a constant reformulation of normative theories and a constant renewal of their application to the practical issues of life. Concerning the nature of ethics, one is dealing with the field of voluntary behaviour which is ever enigmatic and even contradictory, complex and elusive, polarized in determinism and indeterminism. It would be presumptuous to think that one can fix ethical theory and its precise application within the limits of one's mind and once and for all.[viii] With regard to the field of ethics, one faces a continuous change in the new facts that emerge, like birth control methods, propaganda techniques, control of the brain and genetic possibilities. Changes occur also in the new understanding of facts

like insanity, criminal responsibility, and environmental influences. Such novelty prompts new moral appraisals, new theories and new ways to apply them to practice.[ix]

The above difficulties from the nature and the field of ethics explain the ongoing challenge to mold ethical answers, but it does not dispense from trying to find such answers. In actual fact, the very challenges envisaged above render the need for answers more compelling, encouraged also by the increasing interest in applied ethics being experienced at present.[x]

PHILOSOPHICAL ETHICS

The issue now is to understand how the need for applied ethics is to be attended to in order to meet the ethical challenges mentioned at the beginning of this paper. A pointer in this direction considers what people generally understand by ethics, because one should discover what kind of ethics people have in mind when they request it as an answer to their problems. An answer can be gathered from the *Encyclopedia of Philosophy* that says, "The term 'ethics' is used in three different but related ways, signifying (1) a general pattern or 'way of life,' (2) a set of rules of conduct or 'moral code,' and (3) inquiry *about* ways of life and rules of conduct."[xi]

In a paper bearing on philosophy, the third meaning would seem to be the obvious choice, at least as a point of departure. This meaning, in fact, refers to the philosophical inquiry into ethics or to ethics as a branch of philosophy.[xii] In order to discern whether this third meaning of ethics provides the needed answer to the present ethical challenges, one needs to recall briefly what the "inquiry about ways of life and rules of conduct" entails generally within philosophy.

From an historical point of view, ethics is a term introduced into philosophical language by Aristotle. He was the first to use it, speaking of *ethike theoria* to indicate that part of philosophy that studies human conduct and specifically the criteria for evaluating behaviour and choices.[xiii] One finds here the two basic components of ethics, namely philosophy as its general objective ("ethics is a branch of philosophy") and conduct as its specific objective ("ethics assesses human conduct").

Ethics is within the field of philosophy and as such is studied rationally, critically and systematically. Rationality implies the discursive exercise of pure reason that proceeds from premises to conclusions, clearly and distinctly, deductively or inductively. Critique implies assessing every fact, idea, and assertion to ensure that their justification is rational and not derived, for instance, from public opinion, tradition or authority. Systematicity implies ordering the plurality of elements in their intrinsic and extrinsic relations.

Ethics deals with human conduct in connection with which one needs to clarify, first of all, that not all human conduct is the object of ethical study, but only free or voluntary conduct. Freedom here is usually meant to imply having alternatives and having the capacity to choose among them. One who has no alternatives or who is unable to choose among them is not free. Human conduct which is not free is amoral, or outside the field of morality. A second clarification related to human conduct is that ethics deals ultimately with ideal conduct. Ethics is not like history, sociology, or the other natural sciences which consider facts and conduct as they are. Also, ethics considers facts and conduct, but it does not stop at what they are. Ethics transcends the "reality" of facts and conduct, moving on to their "ideal." It does not consider simply what they "are," but it moves on to consider what they "ought" to be. Hence ethics is not only descriptive, but above all normative. It does not focus on the observed facts, which generally are taken for granted, but on the "required" standards by which such facts need to be assessed as being good or bad, right or wrong.

As already mentioned above, the first half of the 20th century witnessed a keen and almost exclusive interest in analytic ethics. It should, however, be added that analytic ethics has always been

part of the ethical inquiry. Normative and descriptive ethics need to have meta-ethics to study and to clarify the very terms used by ethics, like good and evil, right and wrong, and other terms used in ethical or moral discourse. However, such analysis should not become the only activity of ethics excluding the possibility of other approaches to the discipline, as happened some decades ago. The study of ethics needs to balance the normative, descriptive and analytic approaches.

Several philosophers consider ethics to be the central branch of philosophy. This has happened with Socrates, Confucius, Kant and others. It also inspired the ethical movements of Epicureanism, Hedonism, Stoicism, Skepticism, Eclecticism, and Cynism. Ethics is considered the climax of philosophy in the sense that it is seen as its supreme objective culmination, as it deals, with the human being or human life in a course that begins with metaphysical speculation and ends in ethical practice. Ethical knowledge becomes practical in the sense that it is addressed to attaining action, aimed at obtaining the supreme good of the person. Hence ethics crowns the philosophical activity of a person. But now it is this very ethical objective that poses the problem in that this objective does not seem to be presently achieved. Hence, the demand is to effect an efficient "applied" ethics. One does not query with the theoretical task of philosophy or of ethics; the problem is not with the theory, but with the practice.

Hence, with reference to the above mentioned three understandings of philosophy, it is not the third meaning that one seems to have in mind as an answer to the present ethical challenge. It seems to be rather the second meaning, namely ethics as "a set of rules of conduct or a 'moral code.'"

A CODE OF ETHICS

The demand for a set of rules of conduct or a "moral code" apears to be the usual answer expected of ethics whenever established ethical values and guidelines fade from public memory and lose authority in public life. Presently, the term "moral code" or "code of ethics" is generally taken to mean a specific set of behavioural guidelines, principles and rules bearing on some specific kind of activity or profession in society. This kind of ethics is accordingly specified as, for instance, medical ethics, nursing ethics, business ethics or, generally, professional ethics.

However, the term "codes of ethics" does not refer exclusively to professional codes. It is used also in a general sense as referring to the set of ethical principles and rules that a society in general has developed during its history.[xiv] "The earliest codes of ethics expressed the basic ethics and law of a culture. Ancient codes, such as the Code of Hammurabi, did not make a sharp distinction between the legal and the ethical. They presented in concise fashion the behavioural norms for the entire societies or for particular professions or occupations within them."[xv] This original and general understanding of "a code of ethics" appears to be the answer to the demand for concrete guidelines, specific principles and rules to help society out of the present ethical weakness referred to at the beginning of this chapter.

The focus on a code implies a request for concrete measures. The term "code" in fact recalls a systematic collection of rules, regulations and laws. The fundamental assumptions or ultimate vision that sustains such rules are not generally enunciated but simply assumed for a code needs to be specific.

> Conceptions of what is right and wrong, and valuations of what is desirable and what is not . . . are not normally apprehended as constituting parts of a moral code. They are generally perceived as constituting components of a broader viewpoint on the nature of things. . . . Institutionalized in the society at large, such ideas are

> mediated to the individual through his particular group-membership. The world so created is thus apprehended as objectively real. Its fundamental assumptions go normally unquestioned. . . . The need for its justification is perceived to exist but rarely.[xvi]

The moral code is separate from such worldviews. Such a code has a broadly interpretative function of making individual and social experiences meaningful by providing criteria for their discrimination and evaluation. A code serves also as a precise reference to live by, namely, it possesses a practical function as a guide to behaviour, again both for the individual and for others. Finally, a code draws attention to the fact that moralities consist normally of more or less integrated *systems* of precepts and values.

Concerning the self-consciousness with which the moral code is held and applied, one could refer to the analogy of one's use of language. Human beings are able to use language in speech and in writing correctly, but without being aware of the rules for its legitimate use. They have a natural propensity to the correct use of language. Likewise with the use of the moral code, human beings draw distinctions between right and wrong, good and bad without being *cognisant* of the criteria, however, conditions under which individuals become self-conscious of their moral tenets and attempt to justify them. Such conditions arise in a situation of crisis that elicits self-awareness about moral principles and rules and the need to justify them.[xvii] The following session considers this transition to moral self-awareness.

CONVENTIONAL AND INTENTIONAL CODES

Generally it is in the very nature of a code of ethics not to be queried, but rather to be adhered to. A code of ethics develops gradually fixing values that individuals and society have matured, acquired and relished. As people go through a series of individual and social experiences, these latter gradually settle in their memory and tradition constituting their cultural heritage. The elements of experience that bear on conduct settle in their moral or ethical code. Such a code preserves the achievements of experience, helping people to meet similar situations more easily and fruitfully. It constitutes a practical pattern of rules, a set of norms, to help both the group and the individual to behave according to the general expectations of their society. It would be practically impossible for single persons to work out what is expected of them every time anew. The moral code of a society provides a prompt and sure answer to such expectations or demands.

People are both producers of ethical codes and the products of them. The experience of people and their society builds up a code. At the same time, people born in a society are socialized and educated in the moral code of their respective society or culture. Hence, a fundamental tenet of a moral code is necessarily conformity to it. Conformity is the value that guarantees the efficaciousness of the moral code and the survival of society. As a result of such a value, persons tend to accept unquestionably the morality of their past and present society. This morality and the code enshrining it could thus be described as conventional. Persons are generally reared within such morality to have strong and clear moral convictions and to live up to them. The conventional moral code is not to be queried, but to be adhered to. People accept the traditional moral code convinced that their past experience can meet any challenge of their present and future life. People generally do not feel the need to develop the ability to support their conventional morality by rational argument. They rather develop a strong determination to continue in it.

A conventional code of ethics develops the ability to manage the normal changes society undergoes. If society were to experience some abnormal change, then the conventional code of ethics would face a crisis. Such a crisis refers to the circumstances in which the integrity, consistency or applicability of ethical standards is called into question. These circumstances may occur at the level of the individual or of the community.

When confronted with such challenging change, a society usually has three kinds of reactions. The first is that of people who resist any change and hold on to their conventional moral code. This fundamentalist attitude may result in the said persons being eventually marginalised as happened, for instance, to Okonkwo in Chinua Achebe's *Things Fall Apart*.

The second reaction is that of the person who, unable to justify either the conventional code or the incoming changes to it, simply drifts into disenchantment, indifference and skepticism concerning the moral code. Such a person may practically surrender any given moral principle and guideline and opt for a day-to-day behaviour according to what is generally acceptable at the moment. Hence, an unconditional surrender to change or the inability to manage it may lead a person from the firm stand of conventional morality to a kind of amoral indifference.[xviii]

The third reaction is that of the person who reflects or ponders over the conventional code vis-à-vis the challenges coming to it by change. Such reflection leads one to consider one's basic principles, that one considers constant and universal. Such principles previously were taken for granted or in the form of assumptions. Now, vis-à-vis change, they are examined and, if they stand the test of rationality, they become firm principles for that person, perhaps with some adaptations. It has been said earlier that a code -of ethics assumes rather than expresses its fundamental principles or vision. In the process of acquiring self-consciousness of one's code, it may obviously be necessary to ponder on such principles and vision as well.

Besides considering the principles, one examines also the rules that apply them to practice relating them to test their consistency (horizontally) and to establish their hierarchy (vertically). Such relation helps to grasp the various principles and rules as one whole or as a moral structure. Some persons may even be able to grasp, at this stage, the philosophical, legal and religious dimensions of their conventional code.

This critical or reflective exercise converts conventional morality into intentional morality. This change is said to occur when the critical exercise involves the greater part of the conventional moral code, either at the level of the individual person undertaking this exercise or at the level of society. Hence, the difference between conventional and intentional morality is not simply a matter of either assessing or not assessing a morality. A certain amount of reflection over morality is always present at both individual and social levels. It is the amount of reflection of the code involved and of the public concerned that determines whether one can speak of conventional or intentional morality. When reflection concerns the greater part of a code and of a people, and becomes systematic, habitual and fairly widespread, then one can say that a morality is generally reflective or intentional. Morality tends to assess behaviour in the light of the constant and universal principles one has discovered, and from inner conviction rather than from outer conformity. Where conformity is the general trend, then one can say a morality is conventional.

The stress on justification and the delineation of defensible moral principles is a characteristic of the present time. One evident reason is the diffusion of scientific reasoning together with the fact that technical advances have increasingly provided novel problems for which traditional rules are either inapplicable or in need of careful reinterpretation. Another set of reasons derives from the fact that modern societies tend to be pluralistic.[xix]

ODERA ORUKA: THOUGHT AND PRACTICE

At this point, one may conclude that what the present ethical challenge demands is to pass "reflexively" from a conventional to an intentional code of ethics that becomes, in turn, a qualified instrument for effecting applied ethics. Such passage, moreover, will not be confined to individuals because ethics is essentially communal. Hence, the ethical problem envisaged at the beginning of this paper would now seem to have an answer. However, at this juncture a further point needs to be made, namely, that the exercise of making ethics practical and applicable is not merely a demand from the challenges faced at the present moment. It is not a transitory need, but ensues from African philosophy itself, namely from the African mind and life. This point will now be briefly considered with reference to two African philosophers namely the Kenyan Odera Oruka and the Togolese N'sougan Agblemagnon.

In the year 1974, the first issue of the periodical *Thought and Practice* was published in Nairobi. Its editor was Henry Odera Oruka. It was the first philosophical journal in Eastern Africa joining other similar journals in the rest of Africa like *Second Order* from the University of Ife (Nigeria), *African Philosophical Journal* from the National University of Zaire (Lubumbashi) and *Consequence*, the journal of the "Inter-African Council for Philosophy." These publications indicated the expanding interest in African philosophy.

In his first editorial, Odera Oruka delineated the policy of the new periodical "on philosophy in Africa."[xx] This policy extended actually to be a vision of what philosophy in Africa was supposed to be and to do. The editorial policy was condensed in the very title of the journal itself, namely, *Thought and Practice,* which Odera Oruka explained as follows. "It seems that too often philosophical reflections have the tendency of getting lost in speculation only. It must be for that reason that many, even intelligent people, consider philosophy as a luxury, or as a kind of irrelevant and confusing intellectual gymnastic."

Odera Oruka went on to elaborate what was, in his opinion, authentic philosophy. It was a second activity, namely a "re-flection," emphasizing the initial "re" by relating the word to "re-turn." The contributors to the journal were expected to "return to the human experiences and practices in this part of the world, to work on them philosophically, to examine underlying values, to analyze implicit thought-patterns and to clarify issues that might be mystifying, alienating or confusing. We would like to assist in the systematic philosophical analysis of these realities and motivations and in the development of the "rationale" in life."

In this policy statement, Odera Oruka referred to philosophy as a second order activity implying a return to a first order activity. It was a distinction that concluded the discourse on the definition of African philosophy that occupied African philosophy in the early 1970s. The distinction between first and second order philosophy would become an undisputed acquisition at the 2nd Afro-Asian Philosophy Conference held in Nairobi in 1981 and chaired by Odera Oruka.[xxi]

Having specified authentic philosophy as second order vis-à-vis first order activity, Odera Oruka proceeded to deal with another dualism, the one that related to his editorial policy and, again, to his concept of philosophy. It was the dualism of thought and practice. The second order activity of reflecting on African reality was not to be a mere "reflection on reflections." It was to be an activity mostly concerned "with life as it is lived in this part of the world and, of course, in other parts of the world."[xxii] This explained the second component in the policy title of the journal, namely *practice*. Hence, *practice* was life as actually lived by human beings in this world of ours, while *thought* (the first component in the title) was a reflection, a return to this same life. Thought and theory had to return to the life it sprang from and it belonged to, completing their lifecycle.

The characteristic of life and of practical life in particular is its diversity in time and space, the diversity in time being seen in change, and that in space in the cultural context. Life is multifaceted; it needs to be seen from various angles.

Aware of this multiple diversity, Odera Oruka opened the new journal to inter-disciplinary contributions. He solicited the collaboration not only of established philosophers and learned colleagues in other branches of science, but also of other thinkers who had contributions to offer in the academic field and in the world of the common person.

The conclusive words of the editorial were a clear and firm reassertion of what Odera Oruka thought had to be the task of the journal and the role of philosophy in this part of the world. "This journal is not going to be a platform for some clique or group, it is not going to be a temple in which some philosophical high-priests are worshipping or worshipped. This journal will try to witness philosophical reflection and its application to the practical problems in life."

A significant comment on this practical dimension comes from Kwasi Wiredu's *Remembering Oruka* in which he recalls Odera Oruka's position,

> that the claim by some philosophers of social sciences that the strictly scientific results of social science were value-free was not only false but also constituted an abdication of social responsibility. . . . 'Value-free' preconceptions, he felt, did often determine the choice of topics in social science research. In Africa this was particularly reprehensible, since we are in an era of post-independence social reconstruction. What use, for example, was it to African society to research into the sociology of cosmetic fashions (my example) rather than, say corruption in contemporary Africa (his example)? Oruka's insistence on the practical responsibilities of scholarship was, in fact, not restricted to the social sciences. Philosophy too had an essential duty of social commitment. It is thus not surprising that one of this earliest books was on a subject like *Punishment and Terrorism in Africa*.[xxiii] This practical orientation did not imply any shying away from theoretical issues; what it meant was that the practical motivation was the ultimate motivation in philosophy, not that it was the only one. . . . This practical interest was not a latter accretion to his interests in philosophy. It was with him right from the beginning of his philosophical studies. His first degree, a B.Sc. (Fil. Kand.) at Uppsala University in Sweden in 1968, was in Philosophy and Earth Sciences with emphasis on practical philosophy, and his Ph.D. (Fil. Lic.), which he also took at Uppsala in 1970 after an M.A. from Wayne State University, Michigan (USA) in 1969, was in practical philosophy. . . . Actually, in the matter of the importance of the practical motivation in philosophy, Oruka and I were at one. I think also that we were, by and large, at one regarding the role of reason in both theoretical and practical thinking.[xxiv]

Kai Kresse, co-editor of *Sagacious Reasoning* "in memory of Henry Odera Oruka," adds:

> The 'three obstacles' to philosophy that Odera Oruka sees ("social-economic deprivation, cultural-racial mythology, and the illusion of appearance") are foremost of a practical nature. . . . He strenuously worked on his 'attempt to wage philosophic war with factors and values which promote social and economic disadvantage and oppression to people, and in particular, to African people,'[xxv]

The area of the "practical" in African philosophy is co-extensive with the entire field of African philosophy. The practical aspect should be part of its methodology: It should be the start and the conclusion of philosophical activity or endeavour. The first step, however, could still be ethics, "applied" ethics.

Odera Oruka lectured extensively on ethics and wrote a book, *Ethics. A Basic Course for Undergraduates* (Nairobi, University of Nairobi Press, 1990). Many of his articles bear on ethics. His posthumous publication has the significant title, *Practical Philosophy. In Search of an Ethical Minimum*.

Oruka's research on sagacity returns to the source, not only of ethical wisdom and of philosophy in general, but of the practical dimension of life and philosophy. That practical dimension of life meant above all behaviour or conduct bearing on ethics. Oruka was interested in the practical dimension of philosophy and specifically on applied ethics, an extremely relevant issue at the global level. Oruka could not have been more local, in one way, and more global in another. The sagacity Oruka sought was an ethical wisdom in many ways. It was the wisdom that had to help people live a wiser life.

N'SOUGAN AGBLEMAGNON: BEING AS EXPERIENCE

The Togolese philosopher N'sougan Agblemagnon elaborates on the issue of theory and practice explaining that it is an essential aspect of the methodological approach to the study and understanding of African philosophy. "In Africa, more than anywhere else, philosophy cannot be restricted to theory alone; it is simultaneously theory and act." Accordingly, the problem of philosophy in Africa must be tackled with an open mind and with an intense eagerness to discover the characteristic approach of African experience on both a theoretical and a practical level. It is essential to find the methods of research and reflection, of analysis and critique that reveal the specific approaches of African experience and the explication of their content. [xxvi]

In Africa, Agblemagnon continues studying being linked to experience. He perceives being in a global manner. It is first of all the being of the world. From the moment of its inception, the African experience, even the simplest one, appears in all its complexity, manifesting both its intensity and its global dimensions. The human being is not placed in opposition to the world. Neither is he or she put side by side with the world. Human beings are integrated into the world; they pulsate with it. This dimension of cosmic and total existential experience is the starting point that must be accepted and analyzed in order to understand the characteristic of the African philosophical approach in the past and in the present. This approach does not envisage breaking away from the world or distancing oneself from it. On the contrary, it implies adhering to it, penetrating it and throbbing with it. The human being is at the centre of the world as the vibrating and radiant point through which the world becomes explicit to itself and by which—and this is the ethical problem—its value is acquired and possessed. As the African attempts to master the world, he or she is prompted by the desire for a more intense presence and activity, for a greater fullness of being, for a more profound life. He or she appears to be aspiring for plenitude in the world. Human perfection and ethical progress depend on the degree of intimacy between the person and the world, on the capacity of resemblance and perhaps of identification, between the human being and the divine being.[xxvii]

> This constant intermingling of the theoretical and of the practical levels renders the African philosophical experience impervious to a definition made uniquely by one

pole: the theoretical, conceptual, purely ideal pole; its definition must comprehend a global approach which involves the totality of being.[xxviii]

The theoretical and practical levels intermingles; a unity exists between theory and practice and a dialectical and consequent link between theories and their practical realizations. In the past, such theories were at the level of myth. They were applied at the level of social practice with some adaptations and amendments. The passage from myth to reality, from the perfect form to its approximate realization, revealed limits, difficulties and contradictions. Notwithstanding such challenges, African theory seemed to apply and pervade the various levels of reality. Such an assumption is important to understanding the methodological approach of African thought to reality at three levels. At the first level is the concrete reality that surrounded and penetrated the person. One was bathed in it, carried away by it as in a stream; one was immersed in it. Such reality was made of contradictions and perceived in a discontinuous and painful way as rupture, anguish and even struggle between life and death. At a second level, one discovered points of reference or more stable models. One was able to perceive reality in a more organized manner with a greater unity of time and situation. One seemed to perceive the repetitions of past models that remained actual. One perceived a way to reconcile the past time of stability with the present time of discontinuity. When one reached the third level, the level of myth, one discovered central concepts encompassing a theory of the world. At this level, one found not only the intuition of central essentially philosophical concepts, but also a specific scenario accompanying or vesting these concepts and finally giving them particular connotation or connotations. [xxix]

The present time questions this traditional approach or, at any rate, has perturbed it seriously. A first sign is a serious social challenge. The traditional models, whether the great myths or simply the more concrete aspects of social reality, have no more the same stability, nor are they found or recovered in their traditional African cultures. The time of discontinuity, of conflicts, of crisis follows the time of stability. Development has had important repercussions upon culture, social models and upon the global African approach to the world. The most stable concepts of African society are themselves completely challenged within this new context. The time of myths is, for many African societies, a time of the past, or more and more peripheral. Today is a time of change and rupture. It is a time of juxtaposition, conflict, antagonism and incompatibility. The philosophical approach can no more be the existential experience transmitted by generations and supported by the authority of myths. Africans today are torn between their past and future, attempting to recapture a lost unity that would integrate their whole being and benefit to society in its entirety. It is, therefore, not surprising that in this situation of disorder and disarray, extremely diverse approaches are taken, but without any guarantee of their validity. Consequently, the great difference between the traditional approach and the present-day approach is that while the former gave access to a unified world where models of harmony were dominant, the latter opens on a deep generalized crisis, on insecurity, rupture and anxiety.[xxx]

CULTURE OF COMPREHENSIVENESS

The challenge today is that the past answers enshrined in myths no longer answer the present problems. New answers must be found. According to Aristotle, philosophy was born with the stance of reason against myth which repeated answers without questioning them. Aristotle was not against attempting answers but against repeating them from one generation to the next without reflection, passing them on as an unexamined narration.

The old myths have gone; today there are new answers. Some of these are believed so firmly as to render them immune to further questioning. They have become the new myths. The old myths have gone but changing reality is ever querying the new answers substituted for them, answers that, to be valid, need to encompass both theory and practice. The danger could be that, because present reality is so discordant with previous answers, one might withdraw into mere theory.

That is what Odera Oruka and the demand of practical ethics refute. The problems of life envisaged by Oruka and the present rupture envisaged by Agblemagnon are ultimately problems of change at all levels, technological, demographic, political, economic, sociological, ecological and others.

The crisis provoked by such change is not from change *qua* change: change is part of life and people and society have ever changed. Conventional morality itself envisaged change. It is the exceptional change that is critical and problematic, namely, that outside the envisaged paradigms. In other words, the crisis or problem arises when change occurs outside culture. When culture seems too narrow to accommodate a change that appears too vast. Change becomes disruptive to culture, and culture needs to develop ways and means to control change, to bring it into cultural paradigms so that it may become somewhat "natural" and "manageable" to its members.

As culture comes to terms with extraordinary change, it extends its frontiers to comprehend all that change represents. In fact, the answer to extraordinary change is in this comprehensiveness that includes every aspect of existence, combining opposites, harmonizing contrasts and dichotomies like theory and practice.

Change impinges on the cohesion and wholeness of the person and of society. At the personal level, fast and vast change carries away the once stable and basic terms of reference of one's life and behaviour. In philosophical terms, becoming is so fast as to undermine being. The person has serious difficulty unifying the multiple instances of a changing situation and feels psychologically atomized. This personal fragmentation overflows into one's social dimension and ultimately into society itself. The reaction to this disarray should be a reintegration of the person and society. Personal integration is obtained when the elements of human behaviour, and, particularly, human decisions, are in harmonic dependence on each other contributing to the fulfillment of the person as a whole. Social integration follows from a condition of cohesion derived from the consensus among community members and leading to the attainment of a common purpose. Cultural integration combines the wholeness of the person and the cohesion of the community.[xxxi]

This integration is facilitated by developing the ability and the inclination to transcend the consideration of single parts and to reach a vision of their whole. This propensity could be better described as comprehensiveness, which is more ample in scope than integration. Integration presupposes that the parts exist in view of the whole, nor apart. It is the whole that gives the parts a reason for existence. Hence, integration presupposes the existence of the whole into which its parts naturally convey. According to this understanding, personal, social and cultural integrations could be described, in Kantian terms, as categorical imperatives.

Comprehensiveness brings various elements into a single mental grasp and combines them into a consistent whole. This wholeness is not postulated *per se* by its parts that have their own autonomous existence. It is the ability of the person that blends them, prompted by a kind of Kantian hypothetical imperative arising from conditions extrinsic to the parts or their aggregation.

Developing a culture of comprehensiveness implies acquiring the facility to combine the multiplicity of existence into wholeness. The sequence of different and intensive changes call for a comprehensive view of life in order to find one's sense of bearing in this fleeting situation and to guarantee psychological survival. But this calling militates against the expanding situational mentality

of concentrating on each moment of existence as change provides it. The same calling counters also the scientific dimension of contemporary culture that fosters a deep but exclusive knowledge and competence in specialized areas, nurturing a fragmentary outlook. Hence, imbuing contemporary culture with a comprehensive vision needs determined and persistent effort.

Unfortunately, this effort is partly curtailed by educational structures based on the principle of specialization. The contemporary system of education is divided into self-contained disciplines with a view to create experts in chosen fields of study who may know little about other fields. This fragmentation permeates the entire society and its educational system. Knowledge is often presented in a disjointed and unrelated manner. The formation of total concepts from such fragmented data becomes difficult.

> Absent from such learning is a total concept of the world, a total world-view within which are located the different disciplines of learning. In this system even philosophy—that mother of sciences which in earlier epochs brought together all learning to a totality and attempted to answer some basic questions of being, of the relationship between mind and matter, etc.,—is now relegated to the realm of a "particular" discipline whose concerns are limited either to "positivism", to "linguistic analysis" or to solving specific problems of "logic."[xxxii]

At the XXth World Congress of Philosophy held in Boston in 1998, Professor Alan Olson of Boston University, executive director of the congress organizing committee, said philosophy had been dominated by dry analytical works that "are not really concerned with anything outside itself." As a result, philosophers were left on the sidelines of human history and life. Now an increasing number of philosophers are focusing on the issue of a greater relevance for philosophy. The theme of the World Congress was *Paideia: Philosophy Educating Humanity* that underlined the task of philosophy at the eve of the third millennium, namely, to foster knowledge related to truth, goodness and beauty. Robert Neville, dean of Boston University's School of Theology, said: "What are truth, goodness, and beauty? . . . Only philosophy can raise our children to address these crises of wisdom."[xxxiii] African philosophy and African ethics, existential and practical, can contribute a leadership role in fulfilling the expectations that emerged in the XXth World Congress of Philosophy and are raised in by the XXIst World Congress' theme, "Philosophy Facing World Problems."

NOTES

1 The Greek *ethos*, from which "ethics" derives, is rendered in Latin with *mores*, from which "morals" derives. The two terms "ethics" and "morals" are thus etymologically synonymous, and this paper treats them as such. It should be noted however that some philosophers consider each of these two terms as having different shade of meanings.

2 Aristotle, *Politics*, Bk 1, Ch. 2.

3 Acculturation is a process by which one's culture is inexorably interplaying with other cultures as a result of which it is influenced and modified beyond human control.

4 P. Devlin, *The Enforcement of Morals* (London, Oxford University Press, 1973), p. 9.

5 V. Eid, "Freedom", in B. Stoeckle (ed.), *Concise Dictionary of Christian Ethics* (London, Burns and Oates, 1979).

6 "Ethics," in *The New Encyclopedia Britannica* (Chicago), Vol. 4, 1992, p. 578.

7 P. Singer "Applied Ethics," in T. Honderich (ed.), *The Oxford Companion to Philosophy* (Oxford and New York, Oxford University Press, 1995), pp. 42-43.

8 After all, it is pointed out, ethics is not alone in such inability to reach a final answer once for all. "All the studies whose subject matter involves the voluntary behaviour of human beings are up against the problem of inconsistency and unpredictability, and ethics shares its difficulties with aesthetics, economics, psychology and sociology". M. Keeling, *Morals in a Free Society* (London, S.C.M. Press Ltd., 1970), p. 18

9 M. Keeling, *op.cit.*, p. 8.

10 At this point, some readers may expect that the individualistic trend in ethics and the need of applied ethics so far considered be brought to bear on some practical problems vexing present society. Although this expectation is both natural and legitimate, it needs nevertheless to be clarified that this paper is indeed trying to consider issues of contemporary relevance, but it is doing so within a general conceptual framework that would hopefully serve later as a basis for a specific analysis of particular cases. Entering into such detailed consideration of issues at this moment would require a reorientation of the paper with substantial additions to it that would alter and extend it beyond its present scope.

11 R. Abelson and K. Nielsen, "Ethics, History of," in P. Edwards (ed.), *The Encyclopedia of Philosophy* (New York, Macmillan Publishing Co., Inc. & The Free Press, London, Collier Macmillan Publishers, Vol. 3, 1967), p. 81.

12 The first meaning is so general as appearing to extend beyond philosophy itself and tallying with the meaning of culture. This meaning will not be considered in this paper. The second meaning instead deals specifically with the conduct of a limited group of people, the professionals, and will be referred to in the next section.

13 *Analitici Posteriori* 89b 9. G. Vattimo, "Etica," in *Enciclopedia Garzanti di Filosofia* (Milano, Garzanti Editore s.p.a., 1991), p. 279.

14 This comprehensive meaning of a code of ethics resembles the first of the three meanings given in the *Encyclopedia of Philosophy* and referred to above, namely ethics as "a general pattern or 'way of life.'" The difference between this general pattern (first meaning) and the moral code (second meaning) is in the specificity of the latter vis-a-vis the generality of the former. According to the *Encyclopedia of Philosophy*, the second meaning refers to professional codes, while the first one refers to a general way of life. For the purpose of this paper, the second meaning is too restricted and a wider understanding of the code of ethics will be adopted here. The first meaning is too general to the point that it seems to tally with that of culture and thus it would not be able to offer the practical and specific solution to the ethical problem being considered in this paper. This first meaning will not be considered in this paper.

15 R.M. Veatch, "Codes of Ethics," in J. Macquarrie and J. Childress (eds.), *A New Dictionary of Christian Ethics* (London: SCM Press Ltd., 1986), p. 97.

16 J.H. Barnsley, *The Social Reality of Ethic* (London and Boston: Routledge & Kegan Paul, 1972), pp. 7-8.

17 J.H. Barnsley, *op. cit.*, pp. 8-11.

18 P.W. Taylor, *Principles of Ethics* (Encino, California: Dickenson, 1975), p. 8.

19 J.H. Barnsley, *op. cit.*, pp. 8-11.

20 Africa, *Thought and Practice* (Nairobi, East African Literature Bureau, 1974), Vol. 1, No. 1, 1974.

21 "Any group of human beings will have to have some world outlook, that is, some general conceptions about the world in which they live and about themselves both as individuals and members

of society. Implied here is a contrast between two senses of the word 'philosophy,' one narrow and the other broad. In the first sense, philosophy is a technical discipline in which the human world outlook is subjected to systematic scrutiny by rigorous ratiocinative methods (at least ideally). In the second sense, philosophy is that way of viewing man and the world that results in a world outlook in the first place. It might be said, then, that philosophy in the first sense is a second order enterprise, for it is a reflection on philosophy in the second sense. If so, philosophy in the first sense is of a doubly second order character. For that on which it reflects, namely, our world outlook, is itself a reflection on the more particularistic, more episodic judgments of ordinary, day-to-day, living." (K. Wiredu, "Philosophy in Africa Today," March, 1981 (mimeo), quoted by L. Outlaw, "Philosophy and Culture: Critical Hermeneutics and Social Transformation," in H.O. Oruka and D.A. Masolo (eds.), *Philosophy and Cultures* (Nairobi, Bookwise Limited, 1983), p. 28. The proceedings of the 2nd Afro-Asian Philosophy Conference are in this publication *Philosophy and Cultures.*

22 A point to be noticed here is Odera Oruka's specification of life "in this part of the world and in other parts of the world" which implies attention to both "localization" and "globalization." As the philosopher is concerned with the multifaceted aspects of life lived by the ordinary person in ordinary life, the philosopher extends the same concern to the multifaceted aspects of life as lived by the entire humanity.

23 H. Odera Oruka, *Punishment and Terrorism in Africa* (Nairobi, East Africa Literature Bureau, 1976), 2nd Edition, 1985.

24 K. Wiredu, "Remembering Oruka," in A. Graness and K. Kresse (eds.), *Sagacious Reasoning* (Frankfurt am Main, Peter Lang, 1997), pp. 141-142. The quotation is long but it seems to be penetratingly significant to motivate it in full.

25 K. Kresse, "Sagacious Reasoning. A Prologue," in A. Graness and K. Kresse (eds.), *Sagacious Reasoning* (Frankfurt am Main, Peter Lang, 1997), pp. 17-18-142. Reference to H. Odera Oruka, "My Strange Way to Philosophy" in "International Institute of Philosophy" (ed.), *Philosophers on Their Own Works,* Vol. 14 (Frankfurt am Main, Peter Lang, 1990), pp. 174-176, 179.

26 N. Agblemagnon "Philosophy in the Past and in the Present," in *Journal of African Religion and Philosophy,* Vol. 1, No. 2, 1990, p. 27

27 N. Agblemagnon, *op. cit.,* p. 28. Here the issue of unity touches on the transcendental. This topic needs a separate consideration as there are African thinkers who argue for a vision of reality and of ethics that is not so obviously theocentric. They suggest caution in generalizing to the whole of Africa the findings of a specific African people.

28 N. Agblemagnon, *op. cit.,* p. 27.

29 N. Agblemagnon, *op. cit.,* p. 28.

30 N. Agblemagnon, *op. cit.,* p. 29.

31 According to T. Parsons cultural integration is given by the consistency of norms. This is a narrower meaning than the one I have adopted in this paper.

32 Y. Tandon, *Militarism and Peace Education in Africa* (Nairobi, African Association for Literacy and Adul Education, 1989), p. 59.

33 A. Scott, "For Philosophers, Criticism and a Call to Service," in *The Bostom Globe,* August 11, 1998, p. A 28.

CHAPTER II

THE RELEVANCE OF AFRICAN ETHICS TO CONTEMPORARY AFRICAN SOCIETY

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As we grapple with issues of development, we need to place them in the appropriate historical and social context. In the case of Africa, this context has been determined by the encounter of two cultural and ethical paradigms that many observers and critics are inherently contradictory. The position of the paper is that whereas we may perceive a contradiction in the conceptualization of the paradigms, the social reality is that they do co-exist. This contradiction and co-existence calls for a critical inquiry from which we can discern fundamental elements vital for development.

First co-existence is stressed in the section, "The reality of a synthesis." Second, "African" is seen as problematic in the process of change" to some the idea of African, let alone Africa as a single entity, is an illusion. Third, Human relationship in African ethics attempts to present the substance of African traditional ethics. Fourth, "The problematic of social and moral change," discusses the social paradigm that emerged subsequent to the cultural encounter, which was both a destabilising social pluralism and an enriching experience. Finally, "The problematic of the old moral order," speaks of the tendency to fail to appreciate the relevance of African traditional ethics for contemporary African society.1

THE REALITY OF A SYNTHESIS

We need to recognize first of all the meeting of the African ethical tradition and the European ethical tradition when we conceive ethics in the contemporary African context, for this meeting causes conflict in our ethical conception and empirical experience. African colonial experience shook the traditional conceptual paradigms and institutions bringing into question the African cultural foundation. Despite the conflict, there tends to be a synthesis between the two traditions. Indeed, historically contemporary Africa in most of its social domains is to a large extent a combination of the European and African cultural dynamics. In fact, what is happening in the moral sphere of contemporary African society is a manifestation of the convergence of European ethics and traditional African ethics, and, subsequently, a synthesis between the two emerges.

From the African experience, however, one notices the problematic identity. Whereas on the one hand, some people conceive and suggest a heightened awareness and strong attachment to African cultural values (including the ethical values) that underlie Africa's socio-cultural change, on the other hand, some incline towards alien values as more relevant to the modernization entailed in the change. In the former position, there is a perception and concern for the relevance and continuity of African cultural values; hence a manifestation of the perception of continuity of African identity. This position, however, does not deny the importance of European values. While the African values are seen as more fundamental to the change, that is, as having primary importance, the European values are considered secondary. According to the second position, the African values are of secondary relevance to the new socio-cultural reality, for as modernity continues to gain a dominating impact on our life, there is a corresponding decline of the influence of the tradition and, therefore, a decline in its relevance to contemporary realities.

It is in light of this dichotomous position that "the reality of a synthesis" is suggested. This gives us a third position.2The African and the alien are perceived as having equal importance in affecting the process of change because they are historical and contemporary realities. That is to say, they are embedded in our history since the emergence of colonialism and thus significantly affect our contemporary perceptions. We notice here a desire to be what we were originally yet, at the same time, a desire to embrace change, that is an identification with two contrasting realities. We can notice a possibility here of deriving what is positive in the traditional African ethics and in the European ethics, thus a possibility of each enriching the other. The aesthetic and moral richness of human relationships in the African culture would be some of the elements contributed by the traditional African ethics. From European ethics, the emphasis of the autonomy and freedom of the individual, subsequently a person's critical inclination, would be significant elements.

Some would argue that you cannot have such a synthesis in reality, that it would be a mere mental abstraction in a situation of the cultural tendencies of one tradition to dominate the other. The argument is drawn out of the colonial experience of Africa in which colonialism began a process of uprooting African culture from its "natural habitat," and infusing its own. This put in question the African cultural foundation, manifesting what Serequeberhan aptly refers to as "the historical-political-existential crisis of an African saddled with a broken and ambiguous heritage."3 My conception of synthesis here is the possibility of the cultural or ethical traditions enriching each other when they exist in a single social context. In fact, when we have the strong attachment to what is traditional or African (hence African identity) despite, at the same time, the conspicuous existence of the alien, it seems that our perception of the dominating influence is rather more imagination than actually reality. Though colonialism strongly impinged on the African traditions and cultural consciousness and indeed shook the African cultural foundation, much of African cultural dynamism persisted. Whereas the European cultural and intellectual colonization is a historical reality for Africa, it did not completely erode the sense of Africanity that was, in fact, the fundamental motivating factor of the independence struggle. We may note here that the two traditions (African and European) do not only exist in a single social unity, but were fundamental opposites. The sense of Africanity continues to have a strong impact on the African psyche and is bound to continue into the future through generational inheritance, though there is need for sensitization to it through education, both formal and informal, as explained towards the conclusion of this paper.

The synthesis is an enriching experience in the mind of the individual, enabling critical appreciation of the cultural and intellectual wealth of each of the two cultural traditions and an appreciation that we belong to both intellectual traditions. Nevertheless, what probably emerges clearly in view of the conflicting cultural and ethical traditions is a sense of doubt as to how we can proceed out of the apparent conflict, whether to give primary importance to what is African or to what is alien and how to merge the two. While it may not be possible to resolve this skepticism, it could itself be a positive disposition because it could continue to sensitize us to the importance of both traditions. It is the sensitivity rather than the resolution that is more crucial, given that we cannot foresee with certainty the historical trends of the two traditions though we can be sure of their continued existence in the social context.

In short, the main idea in this section is to draw our attention to the persistence of a strong ethical tradition inherited from the African traditional milieu. This exists together with the European ethical tradition, notwithstanding the colonial impingement. The perceptual contradiction and the subsequent empirical experience though real, should not keep us from drawing on both strands to enrich our contemporary life and development.

THE CONCEPT OF 'AFRICAN' IN THE PROCESS OF CHANGE

In view of the doubt noted in the previous section, the mention of "African society" tends to raise skepticism among some people, especially with regard to the concept of "African" in contemporary times. The issue here is whether we can justifiably talk about "African society," and hence "African culture" and "African ethics" in the context of contemporary changes. The underlying idea is that as a result of the cultural change in Africa, especially during the last 100 years, Africanity is undergoing a process of erosion. An extreme position is that we cannot have a viable existence of the "African" given the overwhelming impact of alien elements, leading to what is perceived as a collapse of traditional culture and of traditional ethics. The impact of globalization whose propelling cultural and economic elements are predominantly alien (especially European) and tend to be hegemonic enhances this skepticism.

The viability of the African, however, can be justified in the sense that we can still talk of a continuity of the African cultural content despite the change, though the essence and intensity of this content cannot be established with certainty. In fact, African culture and ethics did not collapse. Instead they lost their intrinsic importance in people's thinking and assumed a peripheral role in the event of colonization and its attendant cultural impingement. Culture was viewed as the source which nourished all human activity in traditional society. At the same time all human activity in the social context was viewed as having an ethical end, namely, that it would not only be good in itself but beneficial to the community as a whole, in the sense of enhancing the community's well-being, such as cohesion and prosperity. Today, as we realize the gaps of modernization, especially its de-emphasis of the traditional (in fact, traditional and modernity are perceived as contradictory terms, and culture as inimical to modernization), we revisit the past in order to develop new conceptual paradigms and find for modernization a strong ethical content. Hence, the contemporary critical investigation of values and culture, a kind of cultural renaissance, is a question for cultural and ethical renewal.4

The contemporary debate is a recognition not only of the persistence and relevance of traditional thought and values to the contemporary milieu, but also of the importance of a critical study and evaluation of the concepts and values. There are central to traditional thought as they underlie human culture and play a significant role in influencing change and thought in contemporary African society. The influence, nevertheless, quite often tends to be subtle and not easily noticeable. Indeed, such concepts and values constitute the background to the whole spectrum of human experience, not only the African. Thisrenaissance, however, is not only an academic appreciation. One notices also a call for a cultural renewal in the general society, which reflects an apparent doubt regarding the capacity of modernization without a culture enhancing human well-being. It is, indeed, this society's perception of the continuity and relevance of culture that nourishes the scholars' perception of the persistence and relevance of traditional thought in the contemporary milieu, placing particular interest on ethical concerns.

We may call this continuity the traditional identity.5 The empirical aspect of human social relations in the traditional African society has an abstract or conceptual form that underlies it and gives meaning and sense to the relations. This mental or spiritual heritage in which the community is rooted, Evandro Agazzi refers to as an implicit ethics.6 It is implicit because it is not expressed and formulated in definitive form. But it has considerable influence on the people who belong to the culture, guiding and giving sense to the human social relations. As people undergo change in the different aspects of their life certain basic conceptions which persist and these constitute their heritage.7 It is in this sense that we can talk of an African ethical heritage in contemporary

times. However, when we try to understand this ethical heritage, it is important to distinguish it from custom, especially given the tendency to view African ethics and African custom as synonymous. Whereas custom may be defined as the cultural norms of the society, ethics is the human social relations to which the cultural norms make a contribution. The idea of "ethics in traditional Africa society" may be obvious, the same clarity may not obtain with regard to "ethics in the contemporary African society."

Some, however, would object to the idea of African ethics in a generalized sense, referring to Africa as a single entity encompassing the whole ethnic range of the traditional African society. Wiredu, Gyekye and others have written extensively about the reality of common features across the ethnic diversity and, in the perspective of ethics, stressed the sense of communalism and its pervasiveness in each of the ethnic entities and in the different aspects of the African society such as religion, art, and music. But K. A. Appiah, P. Hountondji, and D.A. Masolo would deny this unity and its implied conceptual commonality.8 The denial of universals or commonalities across the ethnic diversity is a relativistic view of human society

Probably they would deny the notion of "African religion" in the singular sense rather than African religions, African art, etc., and by implication the notion of (traditional) "African society." In fact, Masolo suggests that "this generalization of an African identity, like most universals, is not real because it does not reflect the social experience of single subjects."9 I assume that by subjects he refers to individual human beings. If used of individual ethnic groups, the generalization would not reflect the social experience of such groups.

Of course, the individual human beings in the traditional society may not have significantly appreciated their belonging to a larger entity, beyond the ethnic. But we cannot rule out any appreciation of it at all. To them the ethnic was more primary than the larger one because it was closer in the person's social milieu and level of mental abstraction. The universal is more a conceptualisation of the philosopher(s) than of the individual in traditional society. But this is in line with the professional philosopher's task of conceptualization and abstraction of objective entities, notwithstanding the subjective awareness of the members of society, and in our case of traditional African society?

On the whole, if we accept the persistence of the traditional ethical strand in the contemporary milieu, the concept of what is African becomes real rather than an illusion. We continue to cherish African identity, which cannot be given another cultural tag. Whereas we can talk of the ethics of a specific ethnic group in Africa, there are different ethnic groups in Africa that are described as African, for they share commonalities (among then ethical) that gives them the collective identity of African.

HUMAN RELATIONSHIP IN AFRICAN ETHICS

A fundamental unity between the different human beings in the community, i.e., a unity of human relationship, underlies traditional African ethics. African ethics places considerable value on conformity of the individual to the social group in order to preserve the unity of human relationship. It could be said that in a way African thought is, indeed, more concerned with the relationship than with the different entities which constitute the relationship. All human behaviour is expected to conform to this value to ensure social harmony. Human relationship and social harmony are vital elements in the African sense of moral aesthetics.10

According to John S. Mbiti, it is only in terms of other people that the individual himself is conscious of his own being, his own duties, his privileges and responsibilities towards himself and

towards other people: "I am because we are, and since we are, therefore I am."11 This is "a morality of `conduct' rather than a morality of 'being,'"12 or of personal morality. It is a morality of conduct in the sense that it is one's relationships and, therefore, conduct in the social sphere that dictates one's sense of morality. This morality occurs in contrast to emphasizing an individual's sense of self, autonomy or being, that is, of the self which does not place much value on the social relationships. The former was a strong awareness of one's existence and relationship with others in the community, a strong sense of "social self." The support of others was more important than one's capacities to achieve one's existential ends—hence the value of corporate existence.

Corporate existence signified a responsibility of many for one. First, the others had to look after the well-being of the individual, i.e., the responsibility of many for one. Second, the individual had to look after the well-being of others. The latter was motivated by the former. Here we note a collaborative relationship between the individual and society that helped to build and sustain a moral character in a person and moral order (social harmony) in the society. These two elements helped build a strong sense of belonging and identity in the society.

However, the fact that African ethics emphasizes human relationship shows the significance attached to the individual human being. The human being is perceived as the centre of the relationship, and as an active agent and participant in the relationship. The emphasis is not on the autonomy, freedom, and critical inclination of the individual in the sense of Socratic ethics, but on an appreciation of the status and role of the individual in the ethical and socio-economic pattern, which entails the individuals' active agency and participation. One could thus say that whereas European ethics conceives the individual as an intellectual being, emphasizing the faculty of reason as the basic tenet in moral conduct, African ethics conceives the individual as an ethical entity. It is, indeed, this ethical perception that makes the relationship human. Quite often, however, Africans fail to appreciate the ethical individuality of the human being in African ethics because most of the authors have concentrated on the element of African communalism and given an impression that the human individuality is swallowed up by the sense of communalism and not so predominant.13 Mbiti probably is the most outstanding culprit here. Some perceive an authoritarian strand built in the communalistic culture almost as the sole determinant of African ethics.

The perception of the authoritarian strand is drawn from the education system in the traditional society that emphasized socialization of the individual into the established knowledge already created by former generations.14 Much of this knowledge was custom, which carried with it a very strong communal content. Moreover, as Njoroge and Bennaars observe, education was socially controlled and in its different forms was consciously and deliberately practiced to cultivate ethical values.15 Thus, a tendency emerges to view traditional ethics and custom as synonymous. Thus, the authoritarian strand is perceived because of the conventional and authoritarian nature of custom, which is supposed to be respected and obeyed uncritically or without question. It arises also out of African ethics placing considerable value on the conformity of the individual to the social group which sinks deep into the African social consciousness.

Briefly, while the sense of relationship and community underlies African traditional ethics, in contrast to the European sense of autonomy, the individual is not perceived as just a mere presence in the community. As an individual, he is perceived both as the centre of the relationship and also as contributing to its sustenance. Hence, he possesses an ethical status and contributes a role in the ethical and entire social spectrum.

THE PROBLEMATIC OF SOCIAL AND MORAL CHANGE

The intrusion of external culture in Africa was such that it did not allow a reciprocation between the two cultures so that both would benefit from each other. Instead, Europe began a process of uprooting the African culture from its "natural habitat," and infusing its own culture, hence, beginning a problematic social change. The process was problematic in the sense that it favoured the colonizer and set a trend towards marginalization of what was African, both by the colonizer and the colonized. Hence, the re is now a skepticism about the viability of what is African exists. The change also involves an increasing tendency towards social pluralism in the ethnic, cultural, religious, political, and economic areas of the society.

With this dual social orientation, morality in the African society is changing from inclination to the collective good—the communalistic characteristic of traditional society—to personal morality. This, however, tends to be perverted, rather than to be based on personal autonomy and inner conviction. From this follows a perversion of the sense of moral value, leading to its increasing deficiency. Whereas any all societies normally are characterized by some degree of limitation in morality, the perverted personal morality has been so fundamental a factor in African society's historical evolution, that it has caused a cultural disruption in moral perception, and hence a problematic moral change. This became the source of the perceptual instability manifested in the conflict of the African ethical tradition and the European ethical tradition.

We may speak of a moral consensus in the ethnic community as part of the community's cultural evolution. Such evolution was not ensured in the new heterogeneous national society that emerged out of a revolutionary change. The radical departure did not enable the people to grasp and adopt the new social milieu with its new moral orientation and its moral implications. There was a fundamental moral challenge in synthesizing the two conflicting moral tendencies of individuality and the collective good, let alone the need to identify oneself with the common good as entailed by the diversity. As a consequence, appropriate moral values could not evolve. Such deficiency in moral development entailed a potential for the development of individualism.16

In the contemporary society, the increasing consciousness of personal freedom and personal interests, coupled with the increasing social pluralism and increasing diversity of individually-oriented interests, without a corresponding increase in appreciation of social obligation, makes the fundamental moral challenge still more problematic. The individuality of the person and the diversity of interests in themselves do not hinder the development of a moral unity of individual interests within the universalizable common good. Rather, it is the failure of the mental orientation of the individual to appreciate the moral question and its ramifications. The sense of self and personal interests (the negative sense of individuality) tends to override the sense of a social being to pursue one's interests while at the same time being attentive to the interests of the others—those interests that are universal.

With the tendency towards individualism, a person's sense of moral value tends to incline more to what benefits him, his family or his ethnic group, which entails a narrow or restricted sense of moral value. In the family and ethnic group, one anticipates some immediate gain because these are closer to him in his social perspective and relationships. One perceives in them a sense of identity and belonging. Within the context of the nation and the contemporary urbanized society generally, which is increasingly becoming pluralistic and materialistic, a sense of identity and belonging is present but not adequate. The materialistic inclination that makes our conception of value more utilitarian, thus undermining the conception of moral value, manifests itself in the increasing practice of corruption and generally in the pursuit of life in the society as an economic activity. Primarily, economics is pursued without due regard to the rights and interests of other persons, except where they add to one's economic advantages. We see an increasing trend towards materialization and commercialization of human and social life, though at the same time this is provoking great ethical concern and, in many

instances, a public call to return to traditional ethics. This legitimises the relevance of African ethics to contemporary African society.

In short, the new social and moral context of Africa consequent to the intrusion of external culture not only began the alienation of African from the traditional ethical orientation but also caused a social pluralism. Because external coercion motivated the two trends, they did not enable an internal dynamism in the African society to evolve an appropriate ethical consciousness. The personal morality that was the dominant strand in the external culture—and to large extent in its perverted individualistic form—became the dominant moral trend, hence perpetuating the perversion of the African ethical sense.

THE PROBLEMATIC OF THE OLD MORAL ORDER

With regard to the question of identifying with the common good, though we see continuity in the sense of humanity and its derivative sense of corporate existence, both deriving their roots from traditional morality, society tends to fail to appreciate the meaning and relevance of the "old moral order" for the new and complex moral order. Thus, many people take the new moral milieu for granted. This uncritical response to the contemporary moral predicament for some points to the "collapse" of the traditional ethics.

Such intellectual inability to grasp the meaning of the old moral order and its relevance in the contemporary moral situation means that we are not only unable to comprehend the fundamental nature of this order, but also to comprehend a fundamental solution to the moral conflict. One fundamental practical consequence of the moral deficiency, besides the intellectual inability to grasp its nature, let alone its solution, is the increasing polarization between individualism and the common good. This dichotomization is compounded by the lack of a conscious institutionalized effort by the society to grasp the problem and seek a solution.

However, whereas the problem of ethics has not received a serious critical discussion by African scholars, the relevance of African ethics to contemporary African society has manifested itself in the theorization by African scholars of the relevant political and economic theory for contemporary development. In particular, they theorize on what the nature of the African state should be and the course of the socio-economic development Africa ought to pursue.

The relevance of African ethics in this theorization can be discerned in terms of the theme of the African sense of communalism. Contemporary African scholars have, indeed, reminded us that this communalism was not only a matter of social cooperation, but also of the inherent relationship of all human beings in the society, besides a perception of the centrality of the individual person in this relationship and its socio-economic configuration. Interpreting communalism in the present context, they have conceived the nation-state as a moral community where human relationships and the good of the individual are viewed as more important in motivating development than material considerations. This humanistic consideration thus became the central idea in African socialism. Where academicians such as Wiredu and Gyekye recognize the continued existence of this sense of humanism in the contemporary African society in their numerous discourses on the African society, political leaders like Kwame Nkrumah, Julius Nyerere, Kenneth Kaunda, and Leopold Sedar Senghor have placed considerable significance on it in their socio-political theories.

Nevertheless, some like Ruch and Anyanwu have argued that Nkrumah contradicted himself in his advocacy of African communalism in his philosophical consciencism when he places so much emphasis on the material aspect of development.17This is exactly the source of the ethical dilemma in Africa today, that is, the failure to perceive the possibility of the co-existence of the material and

the moral with the former strongly motivated by the sense of individualism inherent in European ethics. They are always perceived as contradictory, opposed to each other, with no mutuality between them. It is in view of this possibility that I propose the possibility of a synthesis between the African and European ethical traditions.

Thus, we have the African ethical heritage persisting to the present, but its meaning, let alone coexistence with and contribution to the materially motivated sense of development, cannot be sufficiently appreciated and some are skeptical about a synthesis. This presents a fundamental challenge to contemporary African society and particularly to education. Whereas the critical investigation of values and culture noted in the first section of this paper would contribute to sensitizing the African intelligentia to the appreciation of the synthesis, a broader approach would be required to sensitize this society in this regard. Curriculum development in the entire education system needs to be more conscious of the problematic of the old moral order and give more attention to the paradigms of the ethical dilemma. The consciousness of the relevance of African cultural and ethical heritage to the contemporary society needs strong development in the educational system. At the same time, education needs to evolve a concept of development that is not biased in favor of material orientation or motivated by the sense of individualism. Education must synthesize the individual and human relationships. The "third way" can most effectively be presented by a conscious and deliberate orientation of education. African scholars would be needed to guide this orientation, but can do so only after they have given focused and sufficient critical attention to the problem of ethics.

However, the presence of the African and European ethical tradition would not in itself be an absolute condition for realizing synthesis, which would enhance society's well-being. Whereas the material orientation and sense of individuality when perverted hinder the realization of the sense of community, the communalistic character of the traditional society and its attendant social obligation impinges on the sense of individuality and the motivation for self-realization. Thus, another fundamental challenge is posed to education, namely, to guide the individuals between what would be positive and rational, on one hand, and negative and irrational, on the other, to an appropriate synthesis fostering the well-being of society. But this could not be adequately discussed in this paper.

On the whole, while Africans are conscious of the continuity of the African ethical tradition in contemporary society, the significance of this old moral order for contemporary society is not adequately appreciated. This lack creates an intellectual and moral vacuum in which individualism flourishes. The vacuum is manifest in our discourse and pursuit of development, endangering our inability to harmonize the material and the moral interests of development. But if we did appreciate the need for this harmony, the best place to root out its underlying concepts and problematic would be the education system.

NOTES

1 The subject of this paper was first presented by the author and discussed at seminars involving students and lecturers at the Universities of Witwatersrand, Durban-Westville, and Zululand in South Africa in April 2000. The author is grateful to the Department of Philosophy at each of these universities for their invitation.

2 The author subscribes to this position.

3 Tsenay Serequeberhan in the "Introduction to his book *African Philosophy: The Essential Readings* (St. Paul, Minnesota, Paragon House, 1996), p.9.

4 Whereas the European *renaissance* signifies 'rebirth of knowledge' and the African 'a cultural renewal,' an element of rebirth of knowledge can be discerned in the latter in the sense that the African perception of the intrinsic value of culture was an important epistemological aspect which the African renaissance wanted to restore, hence to this extent it was a rebirth of knowledge. When this cultural renewal is viewed in the specific ethical sense, we see the concern for renewal focused on the African sense of community, which is basic to the traditional ethics. This sense of community manifested itself in, and motivated, the different aspects of the traditional society such as economics and politics. At the same time it was expressed in traditional religion, music, art, etc., and this is an underlying element of culture.

5 'Traditional' here refers to long-established elements that are indigenous, i.e., originate from within the culture, are integrated in the way of life of the people and are passed on to succeeding generations. Some of these elements persist and continue to change.

6 Here I borrow Agazzi's idea of an implicit philosophy, which underlies the way of life of all human communities, characterizes every culture, and gives it a typical character distinct from others. See Evandro Agazzi "Philosophies as Self-consciousness of Cultures," in H. Odera Oruka and D.A. Masolo, *Philosophy and Culture* (Nairobi, Bookwise Ltd., 1983), pp.1-5. The concept of African (traditional) ethics is not a body of knowledge in the sense of a moral philosophy, but an ethical orientation, or a morality. This is not to suggest that a body of knowledge on African ethics cannot be developed, for we can distinguish some conceptual knowledge related to ethics that used to guide human conduct and social relations. In fact, the theory of European ethics was developed as an interpretation of certain ethical conceptions and practices in the European society.

7 Zubairi 'b. Nasseem talks about the African heritage and its continuity and contribution in contemporary times, in "African Heritage and Contemporary Life: An Experience of Epistemological Change", in A.T. Dalfovo, *The Foundations of Social Life: Ugandan Philosophical Studies 1* (Washington, D.C: The Council for Research in Values and Philosophy, 1992), pp. 17-36.

8 This can be inferred from their denial of African philosophy in the generalized sense of Africa as a single entity. See Chyme Anthony Appiah, *In My Father's House: Africa in the Philosophy of Culture* (Oxford: Oxford University Press, 1992), pp. 73-84; Paulin J. Hountondji, *African Philosophy: Myth and Reality*, Trans. Henri Evans (London: Hutchinson University Library for Africa, 1983), pp. 60-62; and D.A. Masolo, "African Philosophy and the Postcolonial: Some Misleading Abstractions about Identity," in Emmanuel Chukwudi Eze, *Postcolonial African Philosophy: A Critical Reader* (Cambridge, Massachusetts: Blackwell Publishers, 1997), p. 291.

9 *Ibid*., p.291.

10 In many societies this value tends to persist in time despite the impact of pluralistic and individualistic tendencies

11 John S. Mbiti, *African Religions and Philosophy* (Nairobi: East African Educational Publishers Ltd., 1969), pp.108-109.

12 *Ibid*., p. 214. Refer also to Gyekye Chyme, *African Cultural Values: An Introduction* (Philadelphia: Sankofa Publishing Company, 1996), pp.58-62.

13 Gyekye elaborates on this appreciation of the status and role of the individual in society, in *African Cultural Values*, p. 50, and in *An Essay on African Philosophical Thought: The Akan Conceptual Scheme*, rev. ed (London: Cambridge University Press, 1987), pp. 154-168. We need to note that the emphasis on the intellectual and on the ethical by European and African ethics respectively does not mean that the other element is not important in the other ethical traditions. Traditional African education recognized the individual's intellectual individuality by its practice of imparting ideas (especially to the young) in the form of riddles and proverbs, because the

learner was thought to have critical and rational capacity to interpret and appreciate the moral message involved and, thus, to choose the right course of action. This method of education was an instrument for building moral character on the basis of independent thinking. At the stage of adulthood there was the practice of reaching crucial decisions in the community by consensus after weighing various individual statements of the issue.

14 See R.J. Njoroge and G.A. Bennaars, *Philosophy and Education in Africa* (Nairobi: Transafrica Press, 1986), p. 145; D.A. Masolo, "Philosophy and Culture: A Critique," in H. Odera-Oruka and D.A. Masolo, i*bid*., p.48; and Asavia Wandira,*Indigenous Education in Uganda* (Kampala: Department of Education Makerere University, 1972), p. 225

15 *Ibid*., p.145

16 We need here to establish a distinction between the notion of 'individuality' and 'individualism.' Individuality is an expression of one's being and the source of one's freedom, which certainly are two positive elements. In its practical manifestation, it is the pursuance of goals that are self-oriented, i.e., they have the individual as the centre of interest. However, such self-centred or self-oriented goals can, and sometimes, do have a moral worth or value which can be a source of the common good which is universalizable. If the fostering of my self-interests is negative, that is, harms the good of others or obstructs or is likely to obstruct its realization, then individuality becomes individualism.

17 E.A. Ruch and K.C. Anyanwu, *African Philosophy: An Introduction to the Main Philosophical Trends in Contemporary Africa* (Rome: Catholic Book Agency, 1981), pp. 324-340.

CHAPTER III

THE DESTINY OF THE INDIVIDUAL IN CONTEMPORARY AFRICA

J. KISEKKA

POSITION OF THE QUESTION

The individual I am to discuss and to write about belongs to the political category of "the people"1 and is the average single human sexual person who, generally speaking, is born, lives and dies in contemporary Africa.

In particular, this is an individual named Kayo Nesmo who was born in a village in Uganda. He spent most of his infancy in poverty. His mother did not have enough breast-milk to feed him; the family could not afford supplementary foods. Even the staple food that could be procured from the small shamba that Kayo's father had inherited from his grandfather was insufficient to feed the family of ten. So they had to supplement it by working for food from neighbours. Often times this meant trekking long distances to find one in need of their services. Kayo's father was a charcoal burner. No sooner had Kayo mastered the rudiments of reading, writing, and addition, than his father advised him to fend for himself as he, too, had done. Kayo Nesmo, who had by then been confirmed in his church, began his long journey of survival by burning charcoal. The owners, because of the trespass on private property or forest reserve, always harassed him. If they agreed on the mode of sharing, he always felt cheated. Whenever he took a sack of charcoal for sale, he hated to pay the market tax, so he resorted to traveling late at the night. Yet he had to pay the owner of the bicycle he used. Tired of this trade, he was attracted to the nearby town where he did a porter's job for a few coins per day. But as he could not afford to pay, as was needed, for each thing, Kayo went back to the village to resume his trade. He got a woman and rented a two-chambered grass-thatched house. With one mouth more to feed, Kayo worked harder cultivating other people's gardens. Thus he gained enough money to buy a piece of land and a radio. In due course, the woman gave birth to twins. He liked developmental ideas and was in a sense "development prostitute" in that he has tried almost whatever one government proposed through radio programmes. Despite all this, he has been unfortunate because any time he begins a new project, he is disappointed at the time of sales. The prices of his products are set by forces beyond his control: they talk of the dollar effect, which he vaguely grasps.

The prices of the necessities of life are always rising compared to his meager income. He is compelled to buy second-hand. Meanwhile his family grows, they talk to him of family planning, which he does not comprehend, but he entrusts these worries to God alone. Now in his forties he begins to question the name of Onesimo; he queries the so-called obligations to the church and the state. As I write, Kayo is on his deathbed surrounded by his six malnourished children of tender age. He is languishing longing to get Medicare which if found he could not afford.

Once individuals are "thrown-into-contemporary Africa," they struggle and hope amidst death, suffering, injustices, miseries, wars, and joys to survive or want to dominate the world and long not to be taken away from the world they did not choose. With time, individuals come to understand themselves as *Homo Viator*, a pilgrim, a traveler, who has to discover their 'where from' and 'where to' so as to install meaning in their being as sojourners in the world in general and in contemporary Africa in particular.

Death is the fate which awaits rich and poor, powerful and weak, atheists and theists alike. But such factors can become the occasion for thinking of a beyond and trying to find a remedy for those evils. Alternately, one can resign oneself and turn toward indifference to the beyond and to evil.

History as well as our times bears palpable testimony of the need to harmonize these seemingly contradictory positions. The contemporary period is characterized among other things by the eclipse of the beyond. This is true both in the most and the least industrialized countries alike. In the former the advanced successes attained in technology and in the latter the failure to satisfy one's basic needs both leave a life of perpetual craving and generate a tendency for the individual to forget to fix one's eyes to the heavens. In the former world, people become disillusioned with achievements that become more autonomous and dominating via the mass media. This tendency in the least developed areas of contemporary Africa as the same ambition to satisfy basic needs by working more fixes one's eyes on earth without recourse to any power other than the human.

But man as an individual in contemporary Africa is destined to live in two different orders: existence, which is personal and full of super-personal values, and the objective world, which is impersonal and bluntly indifferent to personal values.2 Hence, the crucial question becomes: can such an individual find meaning, sense, and value in respect to ethics, human rights and development the situation, condition and mentality called contemporary Africa? The ultimate outcome in any case will be between a conscious and unconscious attempt at forging a splendid though troubled synthesis akin to that of my colleague Manuel John Kamugisha Muranga,3 and the Hegelian "simply looking on," between invocation and refusal, or between despair and optimism. What is at stake, however, above everything else is the personal identity of the individual who, due to the primacy of mass poverty, is robbed of his or her dignity (which depends on active participation in the life of society in which the individual works) and is confined to what Freire Paulo calls "simply living" instead of "existing historically, culturally and socially."4+5

One sees, therefore, the use of maintaining a combination of the idea of fatality—where the existence of a people is in a way predetermined and the individuals are powerless—and the concept of a characteristic tension between freedom and necessity, of "the already-there" and "the not-yet," of the given of the past and the task of the future. Greek and Roman mythology had three goddesses: Clotho who spins thread of life, Lachesis who determines its length, and Atropos who cuts it off. These control human destiny and life, which are fixed in such a way that no effort of people can alter it. In contrast, contemporary Africa rotates on three or four corresponding gods, the International Monetary Fund (IMF), the World Bank, the United Nations and the Organisation of Petroleum Exporting Countries. Her future is a result of human action.

Is life worthy living in contemporary Africa? One view accepts the collaboration of God and people as a source of meaning. Another is that it is worthwhile so long as it is lived by an individual who does not have any strings which tie him to a personal God. In any case, human action is a ray of hope that all is not lost for the individual in contemporary Africa.

GENESIS AND CHARACTERISTICS

Despite her natural richness, Africa south of the Sahara is among the least developed areas and can, therefore, be described in all its aspects as being below average world standards. A glance at the geographical, economic and political map is sufficient to show her diversity in size, in ethnicity, in richness. Thus, it is difficult to describe Africa by a "catchword" and impossible to develop her by a "patent prescription." In fact, there are many Africas where the political and judicial Africa often do not coincide with the cultural or historical.[5]

Before Africa south of the Sahara came into contact with the outside world, especially with Europe, she was known as the dark continent. But she did not lack different forms of organisations. Political organisations oscillated between the highly centralized authority of the Ganda and the "organized anarchy of the Nuer," at the time of the Berlin conference.

With the partition of Africa and, hence, the beginning of her "condominiumization," came the establishment of borders and a relatively uniform socio-political model and economic apparatus administered through "indirect and direct" rule under the political principles of "divide rule" and assimilation. In most cases the new African elite acted as agents of colonialism, a legacy maintained today.

Contemporary Africa, which is not an isolated fact, is a product of a relatively short course of development,6 marked by a relatively slow series of changes in the mode of production, trade, governance and philosophy. In a sentence, it is a combination of several motives, ancient and modern.

Because of those two seemingly contrasting forces, contemporary Africa is at the cross-roads of internal and external influences7 whose combination results in the main characteristic of contemporary Africa being a challenge, which consists of a search for a splendid synthesis. The survival of societies and, indeed, of individuals will depend on how quickly such a synthesis is forged. Thus, from the "political interaction point of view,"8 contemporary Africa is globally characterized by a common natural and historical heritage, but there are many factors.

Climate: Variations in Sub-Saharan climate are unpredictable. The predominance of a humid climate encourages the survival of pests and diseases at the expense of plants, animals and human beings.

Ecology: Tropical top soil too poor to sustain permanent agriculture as the living organisms that provide humus are killed by the sun. The heavy rains destroy and erode the particulate structure of the top soil, which is eroded by strong winds. Poverty and a high population growth compel the individual to overuse the land. The individual consciously or unconsciously rapes the environment by over-grazing, over-cutting the forest for fuel, construction and settlement, and by soil mining for building and agricultural purposes. The harmony that existed between the individual and environment is disrupted. Both the raper and the raped are accursed.

Economy: For the average individual, the standard of living, per capital income and the growth of domestic products are very low. The individual, who is caught up in a vicious circle of misery, becomes desperate, and his or her work ethic and morale tend to suffer. 70 percent of productivity is dictated by the contemporary economic gods of the IMF, the World Bank and dependence on a mono crop, external capital and technological expertise.

Capitalism with its bourgeois interests is easily seen even in the countryside. Here the cash-money nexus is little by little replacing the traditional dictum: "I am because we are."

Politics: From the political point of view, contemporary Africa is characterized by the absence of a shared political culture. Most governments remain authoritarian, non-participatory and "decreetive." It is a "clientele" type of politics, which concentrates more on strategies for retaining power than on nation building. It extends privileges to a political clique along ethnic, regional, ideological or religious divisions to ensure political power.9 Such a state is, therefore, weak and in search of its identity. This lack of identity is partly explained by the "indigenous" element, whereby the structures of the colonial state superseded but did not displace the complex social, cultural and political institutions of indigenous Africa. Hence there have been many experiments, with a wide array of regimes from personal dictatorship and bureaucratic regimes to

Marxist-Leninist parties and populist governments. Among those experiments, "the idealized traditional" society has no counterpart in contemporary African.10

No wonder then that, in most cases, one finds a military dictator become civilian in the service of development. In a "clientele" type politics he inevitably ends up corrupt, which like cancer corrodes the whole fabric of society.

The weakness of contemporary African states is further worsened by the artificiality and porosity of most African borders where groups with no history of mutual relations were forced to coexist as a nation. One traditional African sage describes this a situation by the "dangerous analogy" of confining "a dog and a leopard in a box." The artificiality and porosity of the borders maintain the potential for conflict. In most cases, the conflict creates a high number of refugees, loss of lives and resources and the destruction of the environment and property. However, it must be emphasized that apart from the political power, control of economic resources along sectarian lines is the main motive behind Africa's conflicts (Biafrasaga, the Great Lakes Region conflicts, the Sudan civil war, etc.). Contemporary Africa is politically volatile.

EFFECTS

The elements described above have deep and sharp consequences for the character of the individual and society as a whole. A mentality of dependency will continue so long as social and political life are the result of a clientele type of politics; of hierarchical arrangements in terms of dependence permeated by a dose of bourgeois-like logic and where all relationships are mediated by the exchange of goods, possession and domination. Little by little these determine all aspects of lived experience: language, thought and all aspects of culture. Consequently, traditional terms change meaning, while freedom has another connotation. Economic freedom means freedom of the people from controlling economic forces and relations. Political freedom stands for the liberation of the people from a politics on which they have no effective control. Intellectual freedom means a restoration of individual thought now absorbed by indoctrination through state-controlled mass media and the abolition of public opinion. The more one talks the more one falls under sectarianism, nepotism, tribalism, village school and region under the slogans of structural adjustment, privatization and decentralization. The more these cancers take root and the more they erode African society and facilitates its destruction.

Some of the effects of the illusions of following a clientele-like politics have become more prominent today than ever. They are the symptoms of a decaying society. Clothing is an increasingly unaffordable. Secondhand passes as the best. This symptom has found a home even in the spiritual forms of society. Even a short telephone call in African towns has been privatized and decentralized. The technocrats forget that this is first of all a -violation of the human rights to be at ease with oneself. Such are the symptoms of the erosion and collapse of so-called public utilities.

Under the guise of retrenchment and structural adjustment meant more than this. In fact, rather than a check against corruption, it became first and foremost to represent nepotism, tribalism and religionism.

Apart from increasing the number of names for corruption, it enriched the vocabulary of languages. For example, here in Uganda, there was the government's official way and the private-unofficial—the quick way, "window two." Instead of using an allusive language to denote corruption, like "coughing," "tea," envelope, "what do you part with?" "Enjawulo" the word for commission, "*Ka* commission,"is in common usage. At worst, this sort of practice has been institutionalized, even in the fabric of society. If one lost one's way up-country, the little child at the

age of understanding would first ask "how much?" before giving directions. It is to this that the bourgeois mentality reduces people.

Driven by such mentality to steal or mishandle is synonymous with working. Prostitution becomes a bad word, sex-working sounds better because it gives a sense of contributing to the Gross Domestic Product of a country, and at the same time, silences the sense of shame.

The paradox persists, freedom promised becomes freedom betrayed, richness enjoyable turns to poverty embraced, the more foreign investors are lured to the continent the more idlers are created. The would-be decentralization and privatization meant to distribute resources equally, becomes the *Philosophy of Eating*. And the paradox continues where those whose needs are already satisfied continue to have too much, and those who are not ensured their daily bread continue to grow in number and to live longing for a decent life beyond survival. In the process, the individual losses his or her autonomy.

The interior dimension or "the inner liberty," which is the private space in which an individual becomes and remains oneself, diminishes, which means that even the "critical power of reason" is silenced and easily becomes passive reconciliation with the opposition. The consequences of the loss of this critical power inevitably ends in the most terrible alienation—a self-identification of the individual with the imposed ideology as reality—resulting in bad conscience.

Bad conscience turns out to be the reality, where the individual survives on handouts in the form of empty promises and services offered by the incumbent leadership which he or she genuinely or ingenuously supports. It becomes a way of life through the distribution of propaganda that offers more theater than bread to a growing number of individuals. In such a way, forms of thought and behaviour become one dimensional and the ideas and objectives that go beyond such a way of life are either pulverized or completely discarded.

CAUSES

Marx identified the causes of such alienation as the exploitation of workers by the owners of capital, who deprive them of the plus-value of the products. By neglecting the influence of other factors in society, he enhanced the economic factor as determinant of the course of history. Can the primacy of the economy be the defining element of the human situation for all times? I answer negatively and consider the power of domination to be the root of most evils in contemporary Africa.

Only through the rationality of the individual can responsibility be restored; repressive society cannot be the last word. If man is the origin of certain historical situations that resulted from pursuing the logic of domination, then the same man retains the possibility for changing this. Hence, the individual in contemporary Africa must realize that most of the misery and poverty he or she experiences is not god sent but man invented; therefore, it is the person who has the key to one's destiny. Bad leadership, the lack of the basics of life—including reading, writing and addition, the elements of hygiene, good eating habits and the ecological degradation—in a word, mass poverty—is caused by the individual's lack of recognition of self-hood in oneself and in the other. The result is perpetuation of the Hegelian dialectic of recognition in its negative stance.

Such a mentality, corroborated by a clientele-type politics, that willy-nilly ends up corrupting the whole fabric of society, and the upholding of human rights as a prerequisite for development fails. In other words, the desire to consume, destroy or appropriate blinds rationality and dominates the other. When the leadership in vogue fails to control and harness nature, they pour their rage on

the governed. The degree of suffering, at least of material suffering, is proportional to the distance one is, in terms of socio-political classes, from the center of political and economic power.

The individual I am discussing, the one who does not ask who the people are, is at the most remote distance from the hub of any type of power. The moment such individuals despair will be their end. Fortunately, they still possesses the instinct of survival reflected in some of the ways they envisage liberation, which must be a combination of internal and external factors. In this struggle, they must not lose sight of the fact that "a nonhumanity is found in the very formation and development of civilization, states and empires, tribes and nations, revolutions and reactions, wars and industrial capitalistic progress."11

WAYS OF LIBERATION

"When a people works for liberation, its struggle is ultimately a spiritual one, even though it is necessarily carried out at the political, economic and cultural levels."12 What emerges from the above discussion is the fact that for the most part the totalitarianism, domination and alienation in contemporary Africa is a product of human beings who are beings responsible for their history. Hence, the real question is how is the individual to overcome such a state?

Logically, determinists would opt for total resignation. Nevertheless and incoherently, men like Karl Marx envisaged an armed struggle against the bourgeoisie; revolution was Marx's answer, and the proletariat was destined to win. Facts, however, have proven that in contemporary Africa revolutions devour their children and the individual is used as a stepping stone later only to be discarded.

Liberation is possible and the nature of liberation required by the individual in contemporary Africa is not the fatalistic, but one which the individual has to create or else it will not come not evolve positively as desired.13 It will come to this desired form only if the individual begins to break the "culture of silence" and "self-censorship" and critically discourses upon the world, remaking his or her world by "learning to read the word through a reading of the world."14 In this way, one will be able to pursue truth by calling things by their proper names and by learning to recognize facts as they are without overrating them.

This, however, entails that the individual laboriously goes through the whole process, not merely of thinking, but of consistent critical thinking, which albeit with difficulties guides one to critical action. To arrive at that level of engagement, where word becomes testimony, the individual ought to be aware of the fact that thinking is thanking (for) what is above, below and equal to one who thinks. It invokes pleasant and unpleasant elements by reflecting critically on the instant, "memory-less" culture that is common in contemporary Africa as promoted by the dominating bourgeois culture through mass media and the advertisement industry.

A "memory-historical-less culture" is the fruit of the individual cherishing oral tradition, rumour gossiping at the expense of written tradition. The dominance of a culture tends to culminate in a hearing but not a listening, follows the decline in the development of ideas, concepts, skills and, hence, the up-rootedness of the individual.

Only by remembering what happened yesterday that can one return in one's historical awareness and to relocate oneself in the world. Such historical consciousness opens the individual to possible action instead of a passive acceptance of the way things are.

For the individual in contemporary Africa, the aim should be to create a memory filled multi-dimensional culture through a combination of the "horizontal and vertical eye approach," which

encourages individuals to "think together" aloud15 to counteract the opportunities denied him or her by authoritarian rule.

The fragile authoritarian condition of the African state, which tends to inculcate in the individual a "culture of silence" and the "I do not care attitude" or the "everything goes mentality" so long as one inhabits and enjoys the thrill of the moment, has to be overcome by remembering and rediscovering the role of the hearth of the fireplace. This provides, first of all, a place of focus for the family, light, a convenient atmosphere for the exchange of ideas with the elders and a place to impart wise ways from older generations to younger ones.

One of the main characteristics of hearth was that it was a center of warmth for the whole family, a center of plenty as people used to get their fire for pipe smoking and used it for roasting edibles of every sort. It was a center of dreaming and planning. Today that reality is no more. Families no longer have the time and space to converge at the fireplace. The so-called modern type of education has created a big gap especially in terms of values between the younger and older generation. If the individual in contemporary Africa is to survive beyond subsisting from hand to mouth, then they ought to recreate the fireplace. The consequences of a "narrativeless, written-less and memory-less" culture is forgetting the hearth as a locus of symbolizing or putting the two faces of the coin together: 'human rights' violations on the ground and ideal conditions, what divides people and what unites them, genuine and sham leadership, mass poverty and mass abundance, the condition of the ruler and the ruled, *historie and geschichte*, past and present, future and past, master and slave . . . so as to be able to forge that longed-for synthesis. Failure to symbolize naturally means failure to synthesize, which leads to failure to sympathize (feel, suffer-with), with the victims of human rights violations and mass poverty. Because to symbolize is to synthesize and to synthesize is to sympathize, the whole circle would end in a lack of solidarity, where the individual despairs of oneself, of one's equals, of one's superiors and inferiors because one no longer dares to take any initiative as an individual.

> Narrative is a critical key to our identity for we all need a story to live by in order to make sense of the otherwise unrelated events of life to find a sense of dignity. It is only by enabling alternative stories to be heard that an "elitist history" may be pried open to offer an entry point for the oppressed who have otherwise been excluded from public history.16

Certainly it will not be the authoritarian, clientele-like leader who will allow those alternative story narratives. It will be the individual aided by a genuine philosopher. In this case, a genuine or committed philosopher is one who knows that "only for the sake of those without hope have we been given hope" (Walter Benjamin). The philosopher is one who understands and practices philosophy not only as love of wisdom (theoretical) but also as "wisdom of love" (practical engagement), which synthesis gives him or her the courage "to shed the pretences of always wanting to assume the ideologically neutral positions adored by bourgeois academicians" (Nkuhukhire-Owa-Mataze). Such a philosopher will be the product of a combination of various motives and will have to emerge from the ranks of the poor akin to people like Nelson Mandele, Mahtama Gandhi and Kaguta Museveni. The philosopher's role in this noble duty, to borrow Paulo Freire's term, is that of *conscientization*, or helping the individual to come back home from a long journey. He or she needs this help simply because, as Carbine Deirdre and Martin O' Reilly rightly assert, that public action is often constrained by the shame of poverty, and often it is others who champion his or her cause.

This is done with a conviction that, "without a narrative, a person's life is merely a random sequence of unrelated events; birth and death are inscrutable, temporality is a terror and burden, suffering and loss remain mute and unintelligible."17 What stories must be told then; and to whom? First and foremost, individuals must loudly narrate their own stories and events as really experienced. *Soliloquy* as a category of philosophical thinking and the formation of ideas for further action of liberation must be revisited and reactivated. The philosopher ought to relate it to one's generation, to one's social class and must go further in telling it to other classes, too. The stories the individual has to tell are not only of "historie,"—written history in which corrupt leadership often dominates, but also of "Geschichte" as acted history, which is full of the intricate motives of the individual in relation to others in one's own and other classes.

Narratives ought to take the individual back to one's foundations and to the roots of one's social, political, economic, cultural, environmental, and gnoseological woes. This appeals to the comprehension of the past and to the individual's limits. Going back to foundations always saves the individual from forgetfulness of the meaningful events of their culture, but also from the "everything goes, and you and I feel comfortable by enjoying the thrill of the moment mentality." In the long run, this is the culture of consumerism, which, as Sheldrake Philip right asserts, "tends to encourage a memory-less culture without a sense of historical identity."18 Apart from "learning to read the word through a reading of the world," the individual must little by little learn to write the word through a writing of the word.

One of the roles of the philosopher-educator would, therefore, be to educate and to be educated by, emphasizing the fact that every instance is meaningful and bears interpretable signs. To interpret, however, is to commit oneself to a history which implies continuities, and which leads further to responsibility. In the end commitment and responsibility mean that history includes the past, the present and the future. For the individual, such a historical consciousness opens upon the category of "trust" as the way of living with uncertainty (political, social, economical, environmental) as daily preoccupations.

Yet another role of the philosopher-educator is to awaken the individual to the fact that liberation is a continual task of engagement and that "every liberation depends on the awareness of servitude." Often times, ignorance is the common element shared by both the individuals of the lumpen proletariat and the bourgeoisie.

This is exactly as depicted in the Hegelian dialectic of recognition. Self-criticism rather than self-censorship becomes indispensable in which reason reflects on its faults which are evident on the social, political and cultural levels.

Last, but not least, the philosopher-educator as the conscience of society has to bring home to the individual the lesson that each discourse has to contribute, to consolidating the prospect either of being which measures people in general or of the protagorian man who makes himself the measure of all things.

CONCLUSION

Throughout this paper I have tried in implicit and explicit ways to depict mass poverty (domination) as the highest form of human rights violation. This emerges as a complex human phenomenon in below-average-world standards indicated in income and employment, health and food, access to services, shelter and clothing, education, self-respect and dignity, fear and insecurity, participation in the lifestyles of a community and personal abilities to use resources and power.19

Such a presentation, however, is inspired by Dall' Asta's division of human rights into three fundamental categories: personal rights to freedom, the rights to political participation and to social and cultural rights. These last, on which I have based my discussion, guarantee the realization of a quality of life conforming to those other rights.20

Kayo's story typified the lives of many individuals in the villages of contemporary Africa. They are entangled in a vicious circle of mass poverty. To such Kayos, ethics can no longer be a question of right or wrong but of what sort of people they become as a result of their actions in the course of their struggle for survival. We have, therefore, to go beyond the rhetoric of human rights and development as a weapon of the clientele-like politics that characterizes contemporary Africa in order to safeguard the supreme value of the individual. Kayo must be brought to understand that while his fate lies within the hands of gods, he has the power to influence his destiny by exploring the use of reason.

NOTES

1 "Who are the people? Those who do not ask who the people are." Cfr. Freire Paulo, *Pedagogy of Hope* (New York: Continuum, 1994), p. 89. Positively, I should say those who belong to the petty bourgeoisie include the proletarians, the peasants and the *lumpen proletariat*. Cfr. Chazan Naomi, et al., *Politics and Society in Contemporary Africa* (Colorado: Lynn Reinner Publishers, 1999), p. 22.

2 Cfr. Bardjaev Nicolas, *The Fate of Man in the Modern World* (New York: Ann Arbor, 1961), p. 10.

3 Cfr. Manuel Muranga, "Reflection on a name", in P. Godfrey Okoth, et al., *Uganda a Century of Existence*(Kampala: Fountain Publishers, 1995), p. 120.

4 Freire Paulo, *op.cit*, p. 97

5 Cfr. Schliephake Konrad, "Naturraum, Klima und natuerliche Ressourcen", in Juergen Faulenbach, *Informationen Zur Politischen Bildung* (No. 264, 1999), p. 3 and Chazan Naomi, et al., *op.cit*., p. 491.

6 Considering that Ghana, the first independent African country in modern times, got her "freedom" in 1957.

7 Cfr. Chazan Naomi, et al., *op.cit.* p. 493: Ayittey B.N. George, *Africa Betrayed* (New York: St. Martin Press, 1992), p. XV, enumerates the crucial external influences as Western slavery, colonialism, American imperialism, exploitative international economic systems, and such internal factors as defective and incompetent political leadership, economic mismanagement, corruption and political repression as equally determinant of the situation in Africa. In any case, both create an atmosphere where it is impossible to uphold the human rights of the individual and hence the conditions for a fruitful development.

8 Cfr. Chazan Naomi, et al., *op. cit.*, pp. 1-40.

9 Mair Stefan, "Politische Entwichlungen", in Juergen Faulenbach, *Information Zur Politischen Bildung* (No. 264, 1999), p. 33

10 Cfr. Chazan Naomi, et al., *op. cit.*, p. 493.

11 Cfr. Bardjaev Nicolas, *op. cit.*, p. 11.

12 Dorr Donal, "The poor as agents of their own liberation", in Deirdre Carabine, Martin O' Reilly. *The Challenge of Eradicating Poverty in the World: An African Response* (Kampala: Uganda Martyrs University Press, 1998), p. 211.

13 Cfr.Freire Paulo, *op. cit.*, p. 101.

14 *Ibid*, pp. 37-38.

15 Cfr.Kaoru Ishikawa, *Nation Building and Development Assistance in Africa* (London: Macmillan, 1999), pp. 45-50.

16 Sheldrake Philip, "The wisdom of history", in Michael Barnes, *The Way Supplement 1999/96* (No. 96, 1996), p. 20.

17 Wallace Mark, *Introduction to P. Ricoeur--Figuring the Sacred, Religions, Narrative and Imagination*(Minneapolis: Fortress Press, 1995), p. 11.

18 Sheldrake Philip, *op. cit.*, p. 21.

19 Hennie Loetter, "Philosophical Perspectives on Poverty and Riches", in Deirdre Carabine, Martin O' Reilly, *op. cit.*, pp. 16-25. Also "Universal Declaration of Human Rights", New York, 10/12/1948, articles 25 sec I, 26, 27, 28.

20 Giuseppe Dall'Asta, "Appunti di diritti" in P. Danuvola, *I Diritti Umani* (Brescia: Editrice La Scuola, 1989), pp. 56-60.

CHAPTER IV

ETHNICITIES AND THE CHALLENGE OF SOCIAL COHESION IN CONTEMPORARY AFRICA

G. TUSABE

INTRODUCTION

Some of the major disturbing challenges to social cohesion in the world today are the conflicts deriving from ethnic differences. When it comes to Africa one cannot fail to observe that the continent is multi-ethnic with a plurality of ethnic groups, each with its own distinct cultural identity. In almost every African country, it is not difficult to identify a complex presence of a multitude of ethnic communities.

In a place like Uganda, Ladefoged and Cripper list of 63 languages and dialects, an ethnicity generally is identified with each of these languages. The presence of such a multiplicity of ethnicities in the same countries means that Africans from the same country inevitably find themselves with vast differences in languages, customs and cultures. Indeed, as Waruta observes, these differences

> concern not merely tribal matters of life, but some have to do with moral [codes] considered central in the cultural fabric of various peoples. Some practice circumcision, while others consider the custom barbaric. . . . Some of the things eaten by certain people are considered taboo to others. [And] what is most significant in the variation of the African people is the fact that some of the languages they speak, even when at times they happen to be neighbours, have no affinity whatsoever.1

Some scholars such as Mary Getui conceive of this ethnic diversity to be a blessing because each ethnic group can benefit from the unique endowments of other ethnic groups. We need to note, however, that the facts on the ground do not reflect Getui's optimism. In many African countries, it has been very difficult to develop nationwide social cohesion, as opposed to ethnic cohesion. Such development has, to a large extent, been circumscribed by cultural boundaries because many people in the same countries have apparently failed effectively to communicate/dialogue with each other due to their marked differences. Without social cohesion on the national level, it has been difficult to realize the social ideals of stability and harmony, social ideals which are essential to a people if they are effectively to realize their existential needs.

The purpose of this paper is first to give a brief normative explanation of what is meant by social cohesion; second, to identify the elements in the various ethnicities that have stood in the way of realizing such social cohesion on the national level; third, to expose and highlight the shortcomings of what some social scholars have advanced as the appropriate means to social cohesion; and finally, to suggest, though tentatively, the social and ethical ideals and principles that ought to temper our cultural situations and consequently lead to a lively atmosphere of social cohesion on the national level.

THE NORMATIVE MEANING OF SOCIAL COHESION

In the context of this paper, social cohesion is conceived as group solidarity. It is the tendency of the persons of a given society to identify with their society, that is, to feel that they are to society

as parts to the whole. "Social cohesion," as Robert Olson observes, "is closely related to patriotism."2 Sometimes on the national level social cohesion, as the tendency of persons to identify with their nation as parts to the whole, is referred to as nationhood. It is the communitarian-like spirit that animates the people of a given country to appreciate the need for mutual togetherness. It is the consciousness (though most often unconscious) of a desire by a particular people to belong together and affirm their condition of mutual dependence. Social cohesion, as manifest in the spirit of nationhood, promotes solidarity and subsidiary relations among the peoples who have it and has the merit of promoting creative harmony even in complex areas of social differentiations. Social cohesion, as manifest in the spirit of nationhood, neutralizes negative divisions and carries with it the bridging idea which echoes in the hearts of men and women: "we belong together," or "they are like us." When realized, it endows the individual person with the ability to see beyond differences, not only of ethnicity, but even of religion and political thought. One of the most desirable fruits of a people who live by the spirit of group solidarity or nationhood is that they identify that which is human in others, hence, giving them the capacity to dialogue with the others and to be enriched by their good qualities. With the spirit of cohesion, the people feel implicitly bound together to cooperate realizing common ends by the use of common means, each person guaranteeing his or her cooperation so that all can depend on each other.

Having highlighted what is meant by social cohesion, it is likely that any social ethicist would desire that all multi-ethnic countries socialize their people to developing and living by that spirit of national group solidarity to secure greater social harmony on the national level. But desirable as this may be, many parts of the world, and many African countries in particular, lack social cohesion, as is manifest in the internal conflicts most often deriving from ethnic clashes, misunderstandings and hatreds. What is it about with these ethnicities that has stood in the way of realizing cohesion on the national level?

ETHNICITY AND ITS PROBLEMATIC

Meaning of Ethnicity

According to J.M. Thompson, ethnicity is a subjective conviction of commonality. An ethnic group is a psychological community whose members share a persisting sense of common interest and identity based on some combination of shared valued cultural traits. Its members distinguish themselves from other groups by such characteristics as language, social customs, physical appearance, and region of residence, or by a combination of these features.3

Perhaps A.R. Byaruhanga highlights it better when he tells us that an ethnic group is the initial psycho-social network we enter and acquire at birth; and that it is "so fundamental that it later determines our values and goal priorities, our beliefs, perceptions, conduct and consciousness."4

The Problem with Ethnicities

In his article, "Ethnicity, Culture and Social Reconstruction", Byaruhanga observes that ethnic groups have a belief in the intrinsic superiority of their own groups over others.

> It is assumed by the members that their values, achievements, goals or even their physical features are better, while at the same time holding others' ethnic qualities including their

> beliefs, values and organisation to be inferior and not to be preferred. This involves dislike and contempt for other groups.5

With the above observation made by Byaruhanga, one cannot fail to deduce that in ethnic groups are found beliefs that can act as bases for conflict and ethnic hostilities which are never conducive to promoting cohesion in multi-ethnic African nation-states. Indeed, if one examines the various ethnic groups, one cannot fail to identify some core narratives held by each of the different ethnic groups which have contributed to sustaining inter-ethnic conflicts and ethnic marginalizations, and have often culminate in violent ethnic clashes. For instance, Mary Getui presents us with a Maasai narrative which if not dropped by them can never allow meaningful co-existence between them and the Dorobo.

Getui writes:

> [Among] the Maasai there is a legend on the origin of cattle which indicates that when God gave cattle to Maasinta the first Maasai, all was going on well, and cattle were descending from heaven because Maasinta obeyed God's instruction not to make any move or sound. The Dorobo who was Maasinta's housemate, however, disobeyed and exclaimed. This upset Maasinta who in turn cursed the Dorobo: '. . . you are the one who cut God's thong. May you remain as poor as you have always been. You and your offsprings will forever remain my servants. Let it be that you will live off animals in the wild. May the milk of my cattle be poison if you ever taste it. 'This is why up to this day the Dorobo . . . are never given milk.'6

Another example is sited from Rwanda (a country composed of three ethnic groups—the Bahutu, Batutsi and Batwa), where before colonialism there was a narrative which held that the King (who was always a Mututsi) is

> the father and the patriarch of his people, given to them by God. He is the providence of Rwanda. . . .When he exercises his authority, he is impeccable, infallible. His decisions cannot be questioned. The parents of a victim he has unjustly struck [should] bring him presents so that he does not resent them for having been forced to cause them affliction. They still [should] trust him because his judgements are always just. Whatever happens, he remains . . . the only Lord.7

The above examples serve to testify to the fact that there are some inter-ethnic marginalizations in many parts of Africa, which inter-ethnic marginalizations derive their formal causes from the very core narratives that act as the nonmaterial structure that distinguishes each ethnic group from the others. Such narratives have for many years sustained ethnic prejudices, hatreds and ethnocentrism which have stood in the way to realizing social cohesion on the level of nation-states in contemporary Africa.

European colonization made matters worse. Through their policy of divide and rule to fight one ethnic group against the other, the colonialists exploited the differences that existed between the ethnic groups. Albert de Jong, observes

> During the colonial rule the well known principle of *divide et impera* was used by the colonists to play off one ethnic group against another [a feature which was to result] in innumerable conflicts and strifes which still haunt many independent African nations.8

Perhaps Uganda's and Rwanda's experience of colonial education can help illustrate Jong's observation. By 1920 in Uganda, following the British colonial education policy, the region of Buganda, which by then was 25 percent of the population, had 368 schools. The eastern, western and northern regions with 75 percent of the population had 19 schools all in the eastern and western regions; indeed the northern region virtually possessed none. To make matters worse:

> Baganda over-representation at Makerere University College, the only university in East Africa during the colonial period [was to cause social problems that were to hinge on ethnicity]. Considering that university degrees were the gate way to the most powerful opportunities and the fact that 40 percent of the 1,698 persons who entered Makerere before 1954 from all parts of East Africa were Baganda [the Baganda came to be looked upon with envy by the other ethnic groups].9

The Baganda continued all throughout the colonial period to get the higher paying jobs in the colonial setting because they were better educated by colonial standards. Their ethnic neighbours resented the fact that the Baganda consolidated their population advantage by becoming the educational and economic elites. By demanding an equal share of the benefits of development—which was not forthcoming—the marginalized ethnic groups developed an antagonistic dislike for the Baganda.

But there was something more in Uganda's colonial education stood in the way of promoting cohesion among Uganda's various ethnic groups than just the disproportionate distribution of formal educational facilities. The content of colonial education in the field of the humanities contributed to strengthening and even widening ethnic cleavages. Colonial education was designed in such a way that students developed a mentality that some ethnic groups are superior to others. The Northern Uganda ethnic groups were portrayed as inferior and the southern groups, under the lead of the Baganda, were portrayed as superior. As Gingyera Pinchwa observes

> One of the contributions towards differentiation between the North and South came from the spate of scholarship in the field of social anthropology that swept through the country particularly after World War II. This development served to categorize the people of the country into various ethnic racial/linguistic groups. Terms like Bantu, Nilotics, Nilo-Hamites, Sudanics . . . began to crop up in school classrooms. People were systematically made aware of their differences. . . . On the basis of political organization, social anthropologists pumped into these categories notions of cultural superiority and inferiority. Those with large state organisations were seen as culturally superior, and those without were culturally inferior. Thus, here was another important line of [negative] differentiation between the people of the North and the South.10

On the part of Rwanda, colonial educationists and writers perpetrated and strengthened the myth that the Batutsi are by nature superior to the Bahutu and Batwa. In the words of Jean-Paul Harroy, the myth went like this:

> The Mututsi . . . has nothing of the negro [Muhutu and Mutwa] apart from his colour. . . . Gifted with a vivacious intelligence, the Mututsi displays a refinement of feelings which is rare among primitive people. He is a natural-born leader.11

Or in the words of Pierre Ryckmans:

> The Batutsi were meant to reign. Their fine presence is in itself enough to give them a great prestige vis-a-vis the inferior races which surround them. . . . It is not surprising then that the . . . Bahutu, less intelligent, more simple, more spontaneous, . . . have to let themselves be enslaved without ever daring to revolt.12

Now, such education as illustrated above could hardly promote cohesion at the level of the nation-state. In terms of ethics, such education could be described as evil because it deliberately cultivated the belief that some people were by nature of inferior status, with slow-footed intelligence and abilities, or downright stupidity.

With the above illustrations, it is not difficult to note that some of the multi-ethnic nation-states in Africa can claim little, if any, loyalty and nation-wide solidarity from its many ethnic communities because their historical colonial experiences impressed on them more or less indelible distortions in the way some ethnic groups conceive of themselves in relation to the "others." Matters have even been worsened when political power in some of these countries is concentrated in the hands of one or two ethnic groups.13 Such experience has contributed, in some areas, to serious ethnic marginalizations because some communities hold the belief that it is they who are "human" and other ethnic groups are less "human," a feature that has led to the abuse of the humane principles of human dignity, human equality and the mutual respect of persons. This stands out as one of the major sources of the most gross violations of human rights, and may be the most serious barrier to peace in contemporary Africa.

Africa has witnessed many ethnic conflicts and violent clashes deriving from such situations. One vivid outstanding example is the Rwandese and Burundian experiences.

> In 1994, Rwanda's Hutu government unleashed the bloodiest 100 days in the second half of the twentieth century. At least 500,000 Tutsi (and their sympathizers) were slaughtered, mostly with machetes. The world was aghast when a river of their bloated bodies emptied into Lake Victoria. [Also] nearly 100,000 Hutu and Tutsi have been killed in neighbouring Burundi. [And] there are well over 1 million refugees from this ethnic conflict in central Africa, who spilled over into the Democratic Republic of the Congo (Zaire) late in 1996.14

We should also not overlook the experience in the Sudan of the divide between the Islamic Arab north who disrespect the person of the Christian and animistic black people of the south, who have been subjected to the evil of slavery. Nor should we forget those in Somalia who are divided along clan lines and have ferociously fought each other since the late 1980s.

Whenever and wherever ethnic conflicts have become violent, struggles have often been protracted and brutal. The ethnic groups in control of power have never easily acceded to the demands of the oppressed groups. Fighting has often continued for decades as has been the case in Sudan and Somalia. And the greatest problem in all such experiences is that atrocities by one group provoke atrocities by the other group, thereby unleashing a spiral of violence.

THE QUEST FOR A BASE ON WHICH TO FOUND SOCIAL COHESION ON THE NATIONAL LEVEL

Although ethnic conflicts are more or less common in Africa, they are not biologically determined. We need to appreciate that such ethnic conflicts are not inevitable. Human beings have the capacity to go beyond the social psychology of in-group/out-group violence. Belonging to a community of like-minded persons is important for healthy human development (that is, for purposes of identity and relationships), but it does not follow that the other communities must be hated, discriminated against or marginalised. In this realization, we need to resolve the challenges posed by ethnicity before it is too late. Otherwise we are doomed to perpetual social disorder and abuse of our own humanity.

Among the most popular suggestions for cultivating social cohesion are the materialistic prescriptions. The main ingredient of such prescriptions is the imperative to promote economic growth and progress. Such growth, the argument goes, will make the people of the concerned nation-state cooperate in order to ensure their material well-being. We need to observe, however, that the economistic prescription has some fatal weaknesses in relation to promoting social cohesion. As Olson notes, economic interests, often times divide people along class and regional lines with conflicting economic interests. And besides, economic transactions are always cold and impersonal15 because founded on the principle of competition that engenders in individuals and groups the spirit of mutual struggle rather than of mutual aid, of aggressiveness instead of love. Indeed, economic transactions have the capacity to pit individual against individual and group against group.16 Thus, we need to avoid any dogmatic stress on the economic argument as fundamental in promoting cohesion because an economic life lacks the emotional quality of our involvement with our country.

The other generally held belief is that religion, more than the economistic prescription, can act as the foundation of social cohesion in society. For instance, in accord with the universal commandment of love (which is the core of the Christian religion), hatred, antagonism and injustice should be eliminated and abiding harmony and group solidarity should prevail throughout the entire human universe.17 It is, however, naive to assume that religion can act as the fundamental instrument in promoting social cohesion.

Our contemporary societies have many religions, each providing a moral code for its members. The moral codes they propound differ from group to group and if we remained on the religious level, there is no way to determine which one is right or best, or proper for the whole society.

On the other hand, many of the religious practices and rituals performed in the various religions are claimed to have been prescribed by God or the gods. There is a general belief that since these practices were prescribed by God or the gods, then they are ethically acceptable. But a critical assessment of these practices reveals that some of these practices can hardly promote a sense of fellow-feeling with those of the other religions. For instance, a claim that God commanded that a people of one religious group should eliminate the people of a particular region and then occupy their land can hardly promote the desired social cohesion.

A religion that makes its adherents to believe that they are the "holy ones" who ought not to distort their "holiness" by coming into touch with the "unholy," or with a religion that commands the "holy ones" to force the "unholy" into becoming "holy" can hardly promote cohesion in our multicultural societies.

It is significant to note, however, that the above critique of religion does not imply that cohesion cannot be founded on religion. It is indeed an obvious fact that religions are essential in ensuring cohesion, but in their own groups. What we need to appreciate is that social cohesion on the national level cannot easily be founded on religion, most especially in our contemporary and pluralistic societies. It is indeed too narrow to assume that religion can act as the foundation for social cohesion

in a world that has both a plethora of religions and a great many people who hold no religious beliefs at all.

THE IDEA OF WORLD CITIZENSHIP: THE PREREQUISITE TO COHESION

If we wish to minimize or even neutralize ethnic conflicts and cultivate group solidarity on the national level, we must reconstruct our cultural narratives and revisit our socialization processes. We must socialize ourselves and transform our entire cultures (in all their main compartments, including religion, ethics and politics) toward a creatively altruistic direction manifest through relations of solidarity and subsidiary. This task calls us to weed out of our cultural situations those elements that breed ethnic hatred, war, and all those forms of ethnic marginalizations that often culminate in suicidal tendencies. Because we have found flaws in economic and religious foundations on which to build cohesion on the national level, we should move on to the philosophical position. This paper contends that this position can neutralize ethnic conflicts and cultivate a group solidarity that can cut across ethnicity, religion and any other types of human differences. However, what is suggested here is not a new philosophy but one that has been in place for over 2000 years, but which unfortunately seems to have eluded the minds of many social ethical theorists. This philosophy is the Stoic social, ethical philosophy of "World Citizenship," as voiced by Seneca, and revealed to us by Martha Nussbaum. It states:

> each of us is a member of two communities: one that is truly great and truly common . . . in which we look neither to this corner nor to that, but measure the boundaries of our nation by the sun; and the other is the one to which we have been assigned by birth.18

As Nussbaum points out, Seneca's philosophical belief is a call to all humanity and, most especially, to those in multicultural environments, to acknowledge that:

> The accident of where one is born is just that, an accident; any human being might have been born in any [ethnic group] . . . we should thus not allow differences of nationality or class or ethnic membership . . . (to) erect barriers between us and our fellow human beings. We should recognize humanity . . . wherever it occurs and give that community of humanity our first allegiance.19

This idea of world citizenship should not be confused by associating it with something like a temporal form of world government. Stoic World Citizenship is a normative projection, it is more like the Kantian idea of the "Kingdom of ends"—a moral community that calls upon all of us to treat with respect the humanity of all human beings.

One major fascinating and desirable element about the idea of World Citizenship is that being a citizen of the world does not require one to give up local affiliations whether national, ethnic or religious. Rather we should work to make all human beings part of our community of dialogue and concern, showing respect for the humans wherever they appear.20 This idea empowers us to scrutinize our cultural narratives, to discard all that is in our cultural traditions which, if not eliminated, stands in our way to creative dialogue with the others. This idea endows us with the capability of "recognizing that there is something more fundamental about us than the [ethnicities] where we happen to find ourselves, and that this more fundamental basis of citizenship is shared across all divisions."21 It is the idea which invites us to appreciate and acknowledge that we all share a

common humanity—a common denominator that constitutes the inner cohesion of any human society, and upon which we can found a moral consensus at ever wider levels of human co-existence because each one of us is human before being a member of this or the other ethnic group.22

WORLD CITIZENSHIP AND THE PRINCIPLES OF RESPECT OF PERSONS, SOLIDARITY, AND JUSTICE

The idea of World Citizenship acts as an idea that can promote at least three interpenetrating principles, which, if lived, have the capacity of promoting and nurturing mutual co-existence not only between individuals but even more between the diverse groupings that find themselves living together.

The first principle is that of respect of persons. This is a principle born out of the fact that since the idea of World Citizenship points to our sharing in a common humanity then it is imperative for all of us to have a moral respect for the human person since he/she is the basic constituent of humanity. Respect for the human person is that act of regarding and treating each human person fully as a person in his/her own right. It demands not looking down on his/her being simply because he/she is a member of this or the other group to which you do not belong. Such respect of person shuns chauvinism that regards oneself as superior to others. It is one that makes one appreciate that even though X is a member of community A, Y a member of community B, and Z a member of community C, such does not make any of them less a person to merit maltreatment or disrespect from the others.

> As person each human being deserves to be respected as fully a person. [And] those who clique against others in pursuance of their egoistic group interests should understand that if others also group up against them there will be nothing but war, conflicts and discord in society.23

The second principle is that of solidarity. World Citizenship and its pointer to our sharing in a common humanity bespeaks solidarity. It promotes the moral sensibility that each one of us possesses human bonds not only with members of one's group but also with persons of other ethnicities, religions etc. Such bonds, if properly appreciated, can be extended to encompass all of humanity. A lived experience of solidarity founded on the idea of World Citizenship has, thus, the capacity of promoting creative transcultural and intercultural interchange in which values are lived not only with others who share them, but with others whose value pattern differs. Such solidary interchange between groups promotes not only the spirit of tolerance but also the caring practice manifest through subsidiary relations in which the divergent groups find themselves living lives of mutual supplementation other than suicidal conflicts.

The third is the principle of justice. We have already observed that the idea of World Citizenship calls upon us to treat with respect the human wherever it occurs. This is a normative ideal states that we should relate with others in the spirit of justice and that we should create social structures that are responsive to the principle of justice. Living with others and designing social structures governed by the principle of justice demands that we guard against all forms of unethical discriminations of the others, which often manifest themselves in ethnic discriminations and social-political and economic marginalizations. The sense of justice, founded in the idea of world citizenship in a multi-ethnic and multicultural society, emphasizes two major aspects of justice, that is, distributive and social justice.

In the context of this paper, distributive justice is that type of justice that regulates the administration of goods and common services in a country. It is the justice of the whole to the parts,

the justice of the society to individuals and groups. While social justice is one that calls upon all persons to exercise their obligations as active and productive participants in the life of society, but only after society has fulfilled its duty to enable these persons to participate in this way.

> When the social distribution machinery is unfairly balanced, when it favours some while excluding or giving others a minimal place . . . [such social order inevitably] leads to upheavals, wars and revolutions.24

If justice is to be done, and if we are to minimize suicidal conflicts that stand in our way to realizing peace and mutual co-existence, it is imperative that we take heed of the idea of World Citizenship that demands that we socialize ourselves into recognizing humanity wherever it occurs and giving that community of humanity our first allegiance.

SOCIAL ETHICAL EDUCATION: THE CORE OF THE SOCIALIZATION PROCESS FOR NATIONAL COHESION

Having identified the significance of the Stoic social ethical philosophy of World Citizenship as essential to cultivating inter-ethnic solidarity, there is a need then for us to socialize our people and ourselves to appreciate and acknowledge its relevance and to live our lives under its guidance. Such socialization ought to manifest itself in a critical social-ethical education, a type of liberal education that can equip the person with a critical disposition, one that can liberate the mind from the bondage of custom and tradition, to produce a people who can function with sensitivity as citizens of the world. Such a liberal education is important because as Edward Wamala observes

> [engaging in such] critical and intellectual examination is in effect to discard the negative cultural trait of slavish acceptance of whatever is offered [in our ethnic narratives].25

This type of critical social-ethical education advocated here is more in line with what Nussbaum expounds. It opens a person to recognise the worth of human life wherever it occurs. It is an education that allows the person to acknowledge oneself as bound to the "others." Such education helps develop in human persons three major, but interrelated capabilities:

1. The capacity for critical examination of oneself and one's traditions, i.e., living the examined life. Such a capacity liberates one from accepting no belief as authoritative simply because it has been handed down by tradition—it is the capacity that questions all beliefs and accepts only those that survive moral reason's demand for humane co-existence with others.26 It is the capacity that liberate the person from what Francis Bacon did identified as idols of the theatre.27

2. The capacity is to rationally and emotionally conceive of oneself not only as a member of some local ethnic community, but also and above all as a human being bound to all other human beings by ties of recognition and concern. Such capacity is important because it helps the individual person develop moral sensibilities that venture beyond narrow group or ethnic loyalties and to consider the reality of the lives of others. Being socialized to develop such a capacity can liberate us from thinking of ourselves in parochial group terms. It liberates us by opening us to linking ourselves to fellow human beings whom are different from ourselves. It enlightens us to appreciating fellowship with the "others" and to the moral responsibilities we have to them.

3. The third capacity is what Nussbaum calls narrative imagination. This is the ability for one to think what it might be like to be in the shoes of a person different from oneself—to try to understand

the emotions, wishes and desires that someone so placed might have. This capacity also calls one to think twice about the decisions one makes that affect the other. This takes into consideration the Kantian categorical imperative that calls upon us to act only after having wished that our action would become a universal law.

THE ETHIC OF WORLD CITIZENSHIP AND THE NORMATIVE DEMANDS IT PUTS ON THE STATE

In most multi-ethnic African countries ridden with inter-ethnic conflicts, one finds that their state machines often function in such a way that they offer privileges to specific ethnic groups. These states seem to be designed first of all for defensive and offensive warfare with the ethnic groups that have been marginalized. States in some of these countries have proved cruel and tyrannical, sometimes ordering thousands or even millions to kill or be killed, in consequence generating inter-ethnic clashes in their bloodiest and most inhumane forms. Perhaps the best example of where the state motivated ethnic massacres on a large scale is that of Rwanda in the 1990s. Gerard Prunier tells us that:

> A common feature of all the massacres [carried out in Rwanda in the 1990s] is that they were preceded by political meetings during which a 'sensibilisation' process was carried out. These were designed to put the local peasant Bahutus in the mood, to drum into them that the people they were soon to kill were . . . (the) arch-enemy. These meetings were always presided over and attended by the local authorities with whom the local peasants were familiar; but they also usually featured the presence of an 'important person' who would come from Kigali to lend the event an aura of added respectability and of official sanction. After the 'sensibilisation' process had been carried out, the order would come sooner or later . . . directly from the Ministry of the Interior in Kigali. . . .

With the above example from Rwanda, it is no surprise then that some African states have probably slain more people in engineered inter-ethnic clashes than in any inter-state wars. Following such observation, it is hardly possible that inter-ethnic harmony shall ever be realized in such environments unless the concerned governments choose to run their countries motivated by the ethical principles we have already seen that derive their meaning from the idea of World Citizenship. Any governments that claim to be cultivating peace and promoting cohesion must avowedly come to terms with the ethical principles of respect for all persons and justice. Only thus can governments cease being the principal efficient causes that generate forces of strife and enmity. If inter-ethnic solidarity and co-existence are to be realized and maintained in multi-ethnic countries, governments must focus their attention on questions of the equitable distribution of resources and equal treatment and fair representation of the various ethnic groups that they are morally obliged to serve. In order to counteract ethnic-related inequalities more or less created by historical distortions, it may be justifiable to exercise a modest notion of affirmative action in favour of the hitherto underprivileged ethnic groups. The question of equal treatment and fair representation of the various ethnic groups also demands a strong and living commitment to securing and safeguarding civil and political rights. This commitment is necessary because if a minority or formerly marginalized people truly participate in government and society, their grievances are much more likely to be addressed without violence and strife.

CONCLUSION

We need to appreciate that many African nation-states are such more in theory than in fact. Their citizens maintain much stronger cohesion with their ethnicities than with the nation. This fact has often generated ethnic conflicts that seem to derive their roots from the very core narratives that motivate their cultural behaviour. To resolve many such elements that may stand in our way to cohesion on the national level, this paper has suggested the Stoic social , ethical philosophy of World Citizenship. We ought to be socialized by this with a view to imbuing moral notions that can cultivate, or strengthen in us respect for human personality, love of peace, hatred of narrow parochialism and of disrespect for the person of others. In conclusion, for any multicultural and multiethnic society (as are many African countries), the most reliable path to peaceful, co-existence and creative cooperation must start from the people's appreciation of the idea of World Citizenship. This idea points to our common humanity as a common denominator that lies infinitely deeper than our ethnic differences, convictions, antipathies, or sympathies. This common denominator invites us to exercise a horizontal self-transcendence, that is, a hand of caring concern and consideration stretched out not only to those in our own group, but also to the "others"; a deeply and joyously experienced need to be in harmony even with what we ourselves are not; and a deeply lived respect for the person of every human being wherever he or he appears.

NOTES

1 Mary N. Getui, "At Variance But in Harmony", in Albert de Jong (ed.), *Ethnicity: Blessing or Curse* (Nairobi: Paulines Publications, 1999), p.12.

2 Robert Olson, *Ethics: A Short Introduction*,(New York: Random House, Inc., 1978), p. 35

3 J. Milburn Thompson, *Justice and Peace: A Christian Primer* (New York: 1997,) p.115.

4 A. R. Byaruhanga, "Ethnicity, Culture and Social Reconstruction," in Edward Wamala (et. al.), *Social Reconstruction in Africa* (Washington, DC: The Council for Research in Values and Philosophy, 1999), p. 56.

5 *Ibid*., p.58.

6 Mary N. Getui, o*p. cit.*, p.13.

7 Gerard Prunier, *The Rwanda Crisis 1959-1994: History of a Genocide* (Kampala: Fountain Publishers, 1995), p.10.

8 Albert de Jong, *Ethnicity: Blessing or Curse* (Nairobi: Paulines Publications, 1999,) p. 5.

9 M.N. Kasfir, *Controlling Ethnicity in Uganda Politics*, A Thesis Presented to the Department of Government in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy (Harvard University, 1972), p. 117.

10 Gingyera Pinchwa, "Is There a Northern Question?", in *Conflict Resolution in Uganda*, edited by K. Rupesinghe (Oslo: International Peace Research Institute, 1989), p..49.

11 Gerard Prunier, *op. cit*, p.6.

12 *Ibid*., p.11.

13 Albert de Jong, o*p. cit.*

14 J. Milburn Thompson, *op. cit*., p.113.

15 Robert Olson, o*p. cit.*

16 Pitirim A. Sorokin, *The Reconstruction of Humanity* (New York: Kraus Reprint Co., 1971), p. 28.

17 *Ibid*., p. 42.

18 Martha C. Nussbaum, *Cultivating Humanity: A Classical Defense of Reform in Liberal Education* (Cambridge, Harvard University Press, 1997), p. 58.

19 *Ibid*., pp. 58 - 59.

20 *Ibid*., pp. 60 - 61.

21 *Ibid*., p.61.

22 A.T. Dalfovo, "Cultural Heritage and Contemporary Life: The Moral Continuum", in A. T. Dalfovo (et. al.), *The Foundations of Social Life* (Washington, DC: The Council For Research in Values and Philosophy, 1992), p. 89.

23 Pantaleon Iroegbu, *Kpim of Personality: Treatise on the Human Person* (Nekede Owerri: Eustel Publications, 2000), p. 33.

24 *Ibid*., p.153.

25 E. Wamala, "Cultural Elements in Social Reconstruction in Africa,." in E. Wamala (et. al.), *Social Reconstruction in Africa* (Washington, DC: The Council For Research in Values and Philosophy, 1999), p. 77.

26 Martha C. Nussbaum, *op. cit*., p. 9.

27 In his philosophy, Francis Bacon, identified four obstacles that we human beings encounter in our thinking, which hinder our critical attitude. He called these obstacles idols of the mind, that is, revered falsehoods that take deep root in our minds and strongly resist our efforts to study reality impartially; they are prejudices that must be eliminated. He enumerated four types of these idols and the fourth in his enumeration was the idols of the theatre, namely, those irrationally revered beliefs or fictions thrust upon us and allowing us no room for questioning. See Martin J. Walsh, *A History of Philosophy* (London: Geoffrey Chapman, 1985), p. 205.

CHAPTER V

FREEDOM AND HUMAN RIGHTS: THE DEVELOPMENT DILEMMA IN SUB-SAHARAN AFRICA

E. WAMALA

We open up our discussion of Freedom and Development with a quotation from the Human Development Report 1992 which stated that:

> Human development is a process of enlarging people's choices. In principle, these choices can be infinite and can change over time. But at all levels of development, the three essential ones are for people to lead a long and healthy life, to acquire knowledge and to have access to the resources needed for a decent standard of living. If these essential choices are not available, many other opportunities remain inaccessible.1

This paper seeks to explore the issue of how and to what extent personal freedoms enjoyed by individuals and social freedoms enjoyed by communities can be tempered for the sake of development and modernization. This issue is particularly pertinent at this point in time because we are witnessing two major social movements, somewhat intersecting. Some shrill voices argue that communities must develop and modernize, while equally shrill voices from individuals and communities argue for more freedoms and rights to act in a manner deemed fit by different actors.

These kinds of movements are not entirely new in society, nor are they unique to Sub-Saharan Africa, they have been experienced elsewhere in the world since early historical times. But whereas such movements, for example, were experienced in the Western world slow by and in sequence, these same movements appeared in sub-Saharan Africa as a thunder-bolt and simultaneously, raising serious social questions of the internalization of values and realignment of priorities.

We note for example that whereas developed Western societies conclusively secured the economic foundations of their societies long before they had to contend with demands of their citizens for personal and social rights and freedoms, developing communities are in a somewhat different, if more complex, position, trying to secure their economic and development foundations at the same time as their populations clamour for their social and personal rights and freedoms.

The theoretical problem in the circumstances is whether it is possible to lay foundations for social/economic development at the same time that we lay the foundations for the realisations of social and personal rights and freedoms?

At first, the question appears pointless because from a common, everyday standpoint the relationship between freedom and development seems clear enough to warrant no serious critical discourse. Politically, free people are those who can enthusiastically and effectively participate at all levels of their society and in so doing release their creative energies and entrepreneurial talents, which can be harnessed for the development of society. It is also true that a prospering and dynamic economy would require a spirited population, courageous, not fearful of self-expression, and open to debate and discourse. A population in which a people were allowed free reign and competition for their ideas would, following this same argument, be the kind of population where the competition of ideas in areas of economic and development realms would be possible and would engender the advancement of society.

From these two considerations it would appear that freedom in all its generic meanings is a necessary prerequisite for development as pointed out by the world report quoted in the introduction of this paper. However, an historical-empirical study of the relationship between freedom and development reveals that in the name of development, personal as well societal freedoms have been curtailed—not only in the historical past, but even in the contemporary period—all in the name of socio-economic development.

For our historical-empirical study, we shall go to Great Britain in the early days of its industrial development. Historically, at the time Britain was at the threshold of her glory as an industrial as well as a colonial power. There was an internal burst of technological and industrial advance. Rural folks migrated to towns to take part in the technological advancements, leaving the rural areas empty and ready for land consolidation. Merchants moved far and wide looking for raw materials for their industries and markets for their finished products, giving rise to the period's colonial expansion. This historical period was known as the Mercantilist period.

MERCANTALIST IDEOLOGY AND SOCIAL ECONOMIC DEVELOPMENT

One key aspect of Mercantilist ideology of great importance to the issue under discussion here was the theory of nationalism, a theory which was in many respects against what we would today call the spirit of individual freedom and human rights.

Whereas the spirit of individualism frees the individual from the shackles of social and central government and whereas public institutions are simply aids or means to the attainment of individual ends; in contrast, the spirit of nationalism posited the nation as the major point of consideration. Individual persons were only constituent parts and were treated as subordinate to it in every aspect. Individual human beings could be compared to the limbs of the body in their relation to the whole person. These limbs had their being and meaning only in relation to the whole body.

The subordination of personal rights and individual freedoms had no better expression than the one we find in the Mercantilist theory of wages. We are informed that:

> Low wages were thought desirable because they diminished costs of production, made possible underselling of foreigners in their own markets, and this contributed towards the enlargement of the volume of exports. The fact that they would lower the well being of the masses, thwart their like purposes, and prevent their making the most of themselves did not seem to be a matter of great concern. To be sure it was recognised that there was a limit below which wages should not be pushed, namely that which was essential to healthy, vigorous animal life, but this limitation was recommended not in the interest of individuals but because a healthy vigorous population was necessary for the maintenance of armies and navies.2

But some thinkers were even more cynical. John Carry is quoted to have said that "while a good diet was essential to health, health was not specifically described as being a source of increased productivity."3

In Mercantilist philosophy, we encounter not only what we would ordinarily consider abuse of individual worker's rights, but also wanton disregard of individual property rights especially, as enshrined in what we may call the Mercantilist entrepreneurial theory. According to that theory, the sovereign (the King or Emperor) was seen as a great landlord or today's chief executive of a corporation. The sovereign saw it as his duty to develop resources to "to the extent required by the needs of the state."4 Accordingly, there was nothing that the sovereign could not undertake directly

for or on behalf of the state. Interference with private property was justified if the realisation of state policy was at stake. Men and property were simply tools to be used as needed by the larger demands of the state.

Infringement a personal rights was not confined only to economic matters. Even educational theory was similarly tailored not to advance the well-being of the individual learner, but the demands of society. We note for example that while poor labourers who lived on bare subsistence had "charity schools" built for them, these were challenged by mainstream Mercantilist Ideologues who argued that "the education provided might make the lower order dissatisfied with their station in life and deplete their ranks."5

MERCANTALIST THINKING IN ASIA

Mercantilist Europe was not unique in its repressive tendencies. Japan, under the Tokugawa reign (17th century) had developed equally repressive practices which overflowed into the subsequent Meiji period. We note for example that in the period under discussion here, Japan developed a repressive exclusive policy (1616) intended to insulate the Japanese from external, notably from Christian, influences. The anti-foreign legislation (1636) and the overall Tokugawa ruling class philosophy was basically designed to "keep people steeped in ignorance."6

The subsequent Maiji dynasty, although purportedly enlightened, was in many ways a continuation of the Tokugawa philosophy. The Meiji rulers, very much like the Mercantilist thinkers of Europe, also attempted to "expand national power as the end of state policy, while keeping a firm grip themselves on the levers of control."7 Although the Tokugawa rulers before them had tried to control education by denying it to the majority of labourers lest it makes them dissatisfied with their lot in life, the Meiji rulers by allowed many people access to education, but even then, "subservience to the state was to be made part of the curriculum."8 Alluding to the long tradition of using education as a way to control society, Marion J. Levy has observed:

> The Japanese are not the only people to use state education to enforce social discipline within the established order but they were pioneers in the more modern techniques of this form of regimentation.9

Over all we note that whether in Europe or Japan, the builders of today's 'developed' countries regarded the pursuit of wealth and centralised power as coordinate objectives each reenforcing the other. There was the feeling that a strong economy, characterised by manufacturing and internal and foreign trade would reinforce the state; but a strong state was itself conceived as a *sine qua non* for a strong economy.

Given those state objectives vis-a-vis the rights and freedoms of the individual, for an overall evaluation of Mercantilist ideology in respect to those values. We refer to the apt and insightful assessment of Arnold Scot:

> Criticism of the Mercantile system . . . would be easy but useless. Its defects as an economic policy of universal application or as a body of doctrine to guide statesmen and economists are obvious to present day students. When considered with reference to the problems of the time in which it flourished, however, it is difficult if not impossible to find fault with the system. It certainly played an important role in the history of European civilisation. It helped to build

up the great states of England, France and Germany and was a most efficient means of economic progress in the sixteenth and seventeenth century.10

The point is well made. Mercantilism both as a theory and practice might have been repugnant, but that repugnancy is only visible if seen from a historical perspective. When the theory and practice was applied, it was a positive ideology that achieved the economic development of what later in the 20th century were to be considered developed countries.

Mercantilist thinkers must have had at the back of their minds the question Jesus asked his followers at Emmaus: "Was it not necessary that the Messiah should suffer these things to enter into his glory?"11

DEVELOPMENT OF LIBERTARIAN IDEAS

The physiocratic reaction to Mercantilism, the economic ideas of Adam Smith, the socio-political ideas of J. S. Mill, John Lock and other libertarian thinkers all swayed thinking away from the Mercantilist "ideals" of state control and supplanted them with the ideals of individual freedom and human rights.

The physiocrats who were the first to react to Mercantilism, opined that "commerce should be entirely freed and untrammeled by obstruction of any kind on the grounds that free competition between free merchants was essential to the maintenance of proper prices."12 The state, according to these thinkers, was assigned the more modest duty of educating the public so that they could understand the working of the natural order of things and also of providing and maintaining public such works as roads, bridges, harbours, etc.

Adam Smith, a close follower of the physiocrats, would normally have agreed with the mercantilist ideology concerning human nature. Considering that man was by nature selfish and egoistic, it would make perfectly good sense for him to be under the strict tutelage of state control for the proper harmonisation of his selfish impulses with the needs and interests of society. Smith's libertarian impulse, however, led him to develop an entirely different thesis. Instead of seeing selfish men as something evil and therefore to be suppressed, he rationalised selfishness in his theory of the invisible hand. He argued that by pursuing one's own personal (and often selfish motives), individuals unwittingly promoted social well-being. "By pursuing his own interest, he frequently promotes that of society more effectually than when he really intends to promote it."13 Following that line of argument, society needs to allow individual social actors maximum freedoms to do what they like, with a view to ultimately and maximally benefiting society.

J. S. Mill similarly saw in libertarian philosophy the key to human advancement. He was for the removal of all sorts of impediments that stand in the way of people's attempts at self-advancement. He was particularly irked by self-imposed customs which he saw as hindrances to advancement.

For J. S. Mill, economic progress depended, as did the augmentation of human welfare, "upon two types of improvements—upon the extension of man's knowledge of the laws of nature and his capacity to remove both barriers imposed by an unbeneficient nature and barriers imposed by men on themselves in the form of beliefs, customs, opinions and habits of thought."14

Anticipating what was later to be known as human resources management, J.S. Mill was of the view that "successful production . . . depends more on the qualities of the human agents than in the circumstances in which they work. There is hardly any source from which a more definite amount of improvement may be looked for in productive power, than by endowing with brains those who now

only have hands."15 Note that whereas Mill was at the forefront popularising education, at the same, he minimised the role of government in economic affairs in part because the concentration of many economic functions in the hands of government would destroy person's individuality and liberty.16

THIRD WORLD ECONOMIC DEVELOPMENT AND RESPECT OF HUMAN RIGHTS

Developed countries received libertarian ideas concerning personal freedoms and human rights at a time when their economic foundations had been secured. The ideas of Adam Smith, J.S. Mill and John Locke all emerged in a society which regrettably or thankfully had passed through the Mercantilist period and had experienced certain concrete economic achievements, which the subsequent libertarian ideas could not undo. It was one thing to look back regrettably at what had happened during the period of economic ascending; it was another to realise that history could not be undone. Moreover, it could be argued that the libertarian ideals themselves had been conceptualised against a background by provided mercantilism—however painfully—and that without it, possibly, those ideals would not have been concretised, let alone been conceived.

Third world economic development is in a somewhat different situation. No sooner had Africa entered her "Mercantile period" than we started to hear clarion calls for respect for personal freedoms and human rights. Whereas Western Europe passed through clearly differentiated historical epochs with each epoch narrowly focused on a certain ideological preoccupation, we are witnessing a Third World grappling with laying foundations for economic benefits, but at the same time contending with voices clamour for respect of personal freedoms and human rights.

Note for example, that in its efforts to resuscitate its ailing economies, sub-Saharan Africa has been advised to undertake structural adjustment programmes. These programmes have come with whole packages of conditions that entail, among other things, a reduction of the labour force (thereby forcing many otherwise able-bodied people into unemployment or unwanted and often degrading forms of employment), then cutting down on educational and medical subsidies thereby denying many brilliant but poor students chances to access higher education and denying many poor people badly needed medical care. All these are advanced in the name of economic development.

The same quarters recommending structural adjustment programmes at the same time call upon African countries to speedily democratise, to open political space and the put human rights issues high on the political agenda. Among the human rights that must speedly be attended to are the right to work, the right to medical care, the right to food, etc.

The challenge facing African theorists and political actors is: How to reconcile the demands of mercantilist-like structural adjustment programmes with libertarian ideals that uncompromisingly call for respect for human rights and personal freedoms? How, for example, reconcile the libertarian demand for the right to work or the right to medical care with the demands of a mercantilist ideology that preaches restructuring economies and tightening individual and social expenditures?

Before we reflect further on these questions, we need to revisit the two ideologies under discussion here to look at the philosophical underpinnings that informed them. Mercantilism, we recall, was informed by the philosophy that economic development requires discipline and that discipline can be ensured only when and where there is control and restriction. Curtailing freedom, so this line of thinking goes, ensures stability which in turn enables government to plan and execute agreed upon plans.

At the other end of the scale are the libertarians whose central thesis is that development can take place only when and where free individuals participate in the different kinds of endeavour in their society. By freely participating in matters affecting their communities, individuals release their

creative potential not only for their own benefit but also, and ultimately, for the larger society to which they belong. According to this school of thought, only individuals who are free (as opposed to slaves) can meaningfully and productively take part in the development of their communities.

Given the diametrically opposed rationalies for the two ideological positions, the challenge facing theorists in the circumstances is: what new paradigms to develop that will make sense of the now contemporaneous mercantilist and libertarian realities? What new paradigms do we evolve that will take cognizance of the fact that the realities of mercantilism and libertarianism are real and contemporaneous, not following one upon the other successively as happened in Europe or Japan.

The challenge facing African theorists is to develop theoretical paradigms that can focus and ultimately illuminate the ideological constellation obtaining in the region. This time round, Africa may not have to appropriate foreign-conceived theoretical frameworks as has traditionally been done because the realities here are peculiarly African.17

In this matter we shall have to look for typically African solutions. Hence we turn to African traditional sources to explore how individual and social interests were mediated.

MAN AND SOCIETY IN TRADITIONAL AFRICA

The conflictual ideological situation raised in our discussion ought to be appreciated against a background where external actors have wittingly or unwittingly tried to impose externally conceived theoretical and conceptual frameworks upon African reality. We note as our starting point that the kind of cleavages between man and society that informed mercantilist and libertaranian philosophy were not only unknown in Africa, but were also incongruous with the African psyche. People in Africa saw themselves in a symbiotic relationship with society, a point well made by a renown African scholar, J. S. Mbiti, "I am because we are, and since we are therefore I am."18

In that conception of man and society, we have a relationship such that whatever is injurious to society is injurious to the individual; similarly whatever is injurious to an individual is injurious to society. Accordingly, suppression of individual rights and personal freedoms as experienced during the mercantile period, ostensibly for economic development, was not only injurious to the individual but to society as well. Similarly the libertarian elevation of the individual at the expense of society, ostensibly to highlight and concretise man's freedom and rights, was not only likely to compromise society but would in the short and long run also compromise the individual who would end up with no rights after all.

The traditional African perspective sketched here has been incorporated in international development philosophy. For example, according to the Cocoyac declaration adopted in October 1974 by a symposium convened by UNEP and UNCTAD on patterns of resource environment and development strategies, it was explicitly stated that "the goal of development should be not to develop things, but to develop man."19 That same declaration goes on to state that "Development must be aimed at the spiritual, moral and material advancement of the whole human being, both as a member of society and from the point of view of individual fulfillment."20 The point is well made: people should not be seen or conceived as the Kierkegardian solitary individual, rather they should be seen in the sense elucidated by Mbiti.

Already we can see that both mercantilist and libertarian conceptions of peoplen vis-a-vis the state missed some very important insights about people in society. New paradigms of the individual and society need to show that for the well-being of the individual in society, we need a new conceptualisation that emphasizes that happy, healthy individuals, enjoying personal freedoms and

human rights can exist only in happy and healthy societies where the ethos of the community is conducive to the protection of rights and freedoms.

In a nutshell, we can already see that our new paradigm calls for mechanisms that strengthen not only the well-being of individuals but of society as well. Both ideologies were individually lop-sided because they failed to see the continuum between individual and society and vice versa—a point aptly made by Arthur Koestler:

> No man is an island; he is a "holon." Like Janus, the two faced Roman god, holons have a dual tendency to behave as quasi-independent wholes, asserting their individuality, but at the same time as integrated parts of longer wholes in the multileveled hierarchies of existence. Thus a man is both a unique individual and a part of a social group, which itself is a part of a larger group, and so on . . . thus polarity between the self assertive and integrative tendencies is a universal characteristic of life. Order and stability can prevail only when the two tendencies are in equilibrium. If one of them dominates the other, this delicate balance is disturbed and pathological conditions of various types make their appearance.21

Applying these reflections to contemporary African realities, we note that while cleavages could have been sharp in the course of European civilisation, on the one hand, a firm foundation for economic development, while on the other hand, it buttressed individual human rights and personal freedom. Though these cleavages overflowed to Africa, nevertheless, the overall tendency in Africa has been more towards social integration than towards the assertion of individuality—for whatever reasons.

If one person is because we are, and if we are because one person is, and if we deeply believe in the value of an integrating African philosophy, then neither the individualism associated with libertarianism nor the nationalism espoused in the name of economic development à la marcantilism is an appropriate paradigm for Africa. The paradigm workable here would be one that recognises that the well-being of the individual overflows to the well-being of society and, conversely, the well-being of society can be meaningful only if experienced in individual people's lives.

If we grant that the quest for freedom and the enjoyment of human rights means no more than the gradual and progressive removal of all restrictions on the unfolding of human potentialities, this unfolding of human potentialities, in addition to being conceived in individual terms, should be seen in terms of the family, the village, the tribe, the nation and the entire world. Removing restrictions, therefore, will be removing those restrictions that impinge not only on the individual, but on entire societies.

As we reflect on impediments that stand in the way of the unfolding of society we can begin to gain some insights into the kind of programme envisaged here. Sub-Saharan Africa has repeatedly complained about unfair trading practices, where we, for example, buy indiscriminately from the developed world, but where our products never access fully the markets of the developed markets world. What if Africa accessed developed markets for her agro-products where she has a comparative advantage? Then sub-Saharan Africa would address: (1) The problem of economic underdevelopment that has bedeviled the continent for millennia; (2) the problem of human rights and personal freedoms, because greater numbers of people would be employed, in turn meeting many of their basic requirements for access to jobs, and, generally the reduction of many problems caused by poverty?

In the same vein, if we grant that a strong nation is necessary for economic well-being, our conception of a strong nation should start and should ultimately consist of strong individuals. Indeed today, we see the emergence of a new image of the individual who is cosmopolitan in outlook and

increasingly, for example, speaking an international lingua franca, interested in exploiting whatever opportunities there may be anywhere in the world, even if exploiting those opportunities could occasionally lead to a compromise of personal freedoms and human rights. We are witnessing a new type of individual, geared to living in a borderless world where the former borders along rivers and mountain ridges are dissolved thanks to new information technologies. People are attempting to impose their individuality, and doing so in a society that is itself highly democratic and appreciative of this individual efforts.

CONCLUSION

In Africa we experience enormous problems of underdevelopment, illiteracy, massive internal and external debts, population explosion, high mortality rates, etc. All these and similar problems have been known for a long time and need no restatement. What needs to be stated is that while the larger society to which one belongs is wreathing under the afore-mentioned problems. There is no way enjoyment of individual freedom and human rights will lead to self-fulfillment, to full self-realisation, to a life of dignity and self-respect, in short, to economic development. It will be no value to anyone in a society to get a Ph.D. in heart surgery when neighbours cannot control diarrhoea. There will be no point in individual families practising family planning when the larger society is untouched by similar concerns. There will be no way a libertarian will realise his cherished values in a deprived society. Similarly, there will be no way nationalist tendencies can succeed when individual men and women are disenfranchised and weakened. Development in Africa will have to be based on a collective effort, David Kaulem has very aptly gotten the point, "The only thing that can further true development in Africa is unity, true common spirit; Africa will not be able to base their struggle on individual effort".22

NOTES

1 *Human Development Report 1995,* UNDP (New York: Oxford University Press, 1995), p. 11.

2 William A. Scott, *The Development of Economies,* (New York: The Century Co., 1933), p. 18.

3 Bert F. Hoselitz (ed.), *Theories of Economic Growth* (Glence, Illinois: The Free Press, 1960), p. 49.

4 William A. Scott, *op. cit.,* p. 20.

5 Bert F. Hoselitz (ed.), *op. cit.,* p. 49.

6 Marion J. Levy, "Contrasting Factors in Modernization of China and Japan." In Sunion Kuznets, Wilbert Moore and Joseph J. Spengler, *Economic Growth: Brazil, India and Japan* (Durham, N.C., Duke University Press, 1955), p. 544.

7 *Ibid.,* p. 539.

8 *Ibid.,* p. 544.

9 *Ibid.,* p. 544.

10 William A. Scott, *op. cit.,* p. 51.

11 Luke, 24:26.

12 William A. Scott, *op. cit.,* p. 61.

13 *Ibid.,* p. 86.

14 Bert F. Hoselitz (ed.), *op. cit.,* p. 121.

15 *Ibid.,* p. 138.

16 *Ibid.,* p. 143.

17 These matters are peculiarly African because as we have argued above, Sub-Saharan Africa finds herself in a situation where her population is subjected to mercantilist-like treatment under structural adjustment programmes. But at the same time, she is being bombarded by human rights advocates calling for ever more freedoms in an ever-increasing number of areas. Many developed countries have not faced a similar problem having attended to their economic matters long before they had to contend with the libertarian ideals of human rights and personal freedoms.

18 J.S. Mbiti, *African Religion and Philosophy* (London: Heineman Educational Books, 1969), p. 24.

19 Paul Harrison, *The Third World Tomorrow: A Report from the Battle Front in the War against Poverty*(Harmondsworth: Penguin Books, 1983), p. 41.

20 *Ibid.*, p. 41.

21 Arthur Koestler, *Janus, A Summing Up* (New York: Random House, 1978), in inner cover flap.

22 David Kaulem, "The Conception of Freedom in Contemporary Africa." In A.T. Dalfovo, *Reading in African Philosophy* (Kampala: Department of Philosophy, Makerere University, 1990), p. 108.

CHAPTER VI

THE PRIVATISATION PROCESS IN AFRICA: ETHICAL IMPLICATIONS

R. MUNYONYO

INTRODUCTION

In the last 20 years, a majority of Sub-Saharan Africa (SSA) countries have implemented comprehensive economic reforms and restructuring programmes dictated by the World Bank, International Monetary Fund (IMF), and other multilateral agencies. For countries like Uganda and Ghana, these reforms and structural adjustments programmes (SAPs) are so successful that their economies have been hailed by the World Bank, IMF, and other multilateral agencies as the most liberal economies in Sub-Sahara Africa.1 These comprehensive economic reforms have involved the liberalization of the exchange and trade regimes, the abolition of the Industries Licensing Act, the promulgation of new Investment Codes, the liberalization of pricing and marketing agricultural products, and above all, the privatization of state-owned enterprises ranging from small-scale commercial to large—scale industrial establishments.2

In all these programmes, the input of the people is conspicuously absent. Even in those governments which came to power singing the power of the people, when it came to the implementation of these economic reforms they followed Aidan Southall's advice that Africa must pursue capitalism under duress because it is powerless to implement any other option,3 even when supported by the people. The case of Uganda clearly illustrates this argument. Prior to 1986, before the National Resistance Movement (NRM) came to power, the Obote II government had implemented these economic reforms. The NRM had fought the Obote II government, to a large extent for the latter's economic policies, which the NRM had labelled "contortions of people like Obote with the advice from the top brass of the IMF."4 To most of the NRM radicals, the IMF/World Bank programmes were simply imperialistic. Point No. 5 of the NRM's Ten-Point Programme was categorical in its definition of what "an independent, integrated and self-sustaining national economy" was. It involved the structural reconstruction of the asymmetrical economy, and turning it away from dependence on one or two exports (coffee or cotton) and the import largely of luxurious and expensive manufactured goods.5 Point No. 5, then concludes:

> Without an independent, integrated and self-sustaining national economy, Uganda will never stabilise. Much of the present turmoil is as much due to political mismanagement as it is to a narrow economy that cannot accommodate the aspiration of the many groups within our society.6

What obtains from the above arguments is the central argument we want to defend in this paper, that many African governments after taking leadership roles soon shade their revolutionary appearances and embrace capitalism en-masse seeing it as inevitable. The problem is that the people of the continent or country are hardly given the right freely to choose their economic and social system without outside interference or constraint of any kind, and to determine, with equal freedom, their model of development.

This is true of the privatization process in Africa. This process which did not pose fundamental ethical questions such as: What and who is defining privatization? Who participates in the

privatization process? Who benefits from it? What are the actual effects on the poor Africans and the environment?

The paper addresses these contradictory trends in the privatization process. It attempts to locate the ethical implications that may have propelled the trend toward comprehensive privatization programme and a private investment strategy. Given the emphasis of many African governments on providing conditions to facilitate a reasonable standard of living for all people as a condition for the enjoyment of the social benefits accruing from a democratic and just society, to what extent has the privatization strategy laid the foundation for such a system of production, distribution and consumption?

The purpose of this discussion is not to condemn or credit the privatization process in Africa. Rather, it is an attempt at presenting the realities both of the few rich and of the poor majority Africans in the context of this process. If by so doing criticism is extended to the process of privatization, this will provide a way of opening up closed composite of challenges that sometimes is felt through the weight it can impose on those who are holding it in their hands, namely, the majority of poor Africans. It will be to their benefit and, hopefully, to the benefit of the few rich who are contracting the process. Either they will make a U-turn and initiate programmes that are ethical, i.e, pro-people, less profit-driven and inevitably anti-imprerialist, or at least they will initiate the reforms necessary to save the poor Africans from the evil of market-driven economic programmes.

PRIVATISATION AND GLOBALISATION

The privatization process in Africa is not peculiarly African. To a large extent, it is part of the globlisation process. Yash Tandon defines globalisation as "The final conquest of capital over the rest of the world."7 However, he credits globlisation with "the spread of cultural pluralism, the development of technology and productive forces, the global awareness of the underlying unity of humankind, and more recently the (partial) return to nature as an inherent part of life in all its many forms."8 Despite the positive impact of globalization at the economic level, Africa remains a source of raw materials for the West; hence, the privatization process in Africa remains largely exploitative. Such a process, in our view, creates a fertile ground for foreign and capitalist alliances aimed at maximizing profits through the exploitative relationship between Third World countries and developed capitalist countries. Thus, it is undesirable.

The growing inequality in the world is linked to the effects of liberalization, deregulation and privatization, in a word, to globalisation.9 The United Nations Development Programme (UNDP) in its annual Human Development Reports has urged action to monitor and control the globalization process. In 1996, UNDP's Human Development Report showed that "the gap in per capita income between the industrial and developing worlds tripled, from US $5,700 in 1960 to $15,400 in 1993".10 The report continues to say:

> The world has become polarized, and the gulf between the poor and the rich of the world has widened even further. Of the $23 trillion global GDP in 1993, $18 trillion is in the industrial countries—only $5 trillion in the developing countries, even though they have nearly 80 percent of the World's people. The poorest 20 percent of the world's people saw their share of global income decline from 2.3 percent to 1.4 percent in the past 30 years. Meanwhile, the share of the richest 20 percent rose from 70 percent to 85 percent that doubled the ratio of the shares of the richest and the poorest – from 30:1 to 61:1.11

In the same report, it is indicated that Africa is the hardest hit with 20 countries having a lesser per-capita income today than 20 years ago. The continent is the home of two-thirds of the least developed countries, and the more painful fact is that a continent that had a food-surplus 20 years ago is now in food-deficit.

What these statistics show is that capitalist globalisation, of which the privatization process in Africa is but a part, has been a disaster for Africa both in human terms and in terms of damage to Africa's natural environment. The multilateral agencies (IMF and World Bank) who propel the globlisation process and accuse the policies of Africa governments forget that they wrote various documents on which these policies were based—from import substitution to export promotion. It is paradoxical that whereas capital—led globalisation has led to Africa's poverty and development crisis as we have endeavoured to show above, it is also miraculously suggested as its solution.

Korten has argued convincingly that the globalisation process not only burdens the developing countries. In the developed countries, he identified six myths behind globalisation, namely:

The myth that growth in Gross National Product (GNP) is a vital measure of human well-being and progress.

The myth that free unregulated markets efficiently allocate a society's resources.

The myth that growth in trade benefits ordinary people.

The myth that economic globalisation is inevitable.

The myth that global corporations are benevolent institutions that if freed from government interference will provide a clean environment for all and good jobs for the poor.

The myth that absentee investors create local prosperity.12

The six myths behind globalisation have singly or in combination led: to the declining quality of life of ordinary people; to increase human burden on the earth's regenerative systems—air, water, fisheries and forestry systems—beyond what the planet can sustain; to transferring wealth from the many to the few; to the so-called trade-agreements guaranteeing the rights of global corporations to move both goods and investments where ever they wish; to global corporations investing millions of dollars in advancing the globalisation policy agenda; and to creating a global financial system that is less accountable to any human interest or institution.13

The annual meeting of the World Economic Forum which met in Davos, Switzerland, in 1996, agreed with Korten that the globalisation process is producing disastrous consequences that threaten the political stability of the developed countries' democracies. They observed that:

Economic globalisation is causing several economic dislocation and social instability.

The technological changes of the past few years have eliminated more jobs than they have created.

The global competition "that is part and parcel of globalisation leads to winner—take all situations; those who come out on top win big while the losers lose even more.

Higher profits no longer mean more job security and better wages. "Globalisation tends to de-link the fate of the corporation from the fate of its employees."

Unless serious corrective action is taken soon, the backlash could turn into open political revolt that could destabilize Western democracies.14

The danger of the globalisation process was also echoed by the President of the Society for International Development (SID), the former UN Secretary General, Boutros Boutros-Ghali, when he said:

> We find ourselves on the verge of being overwhelmed by forces that we have created and over which we are losing control. . . . The market and science were considered during the European Enlightenment as tools of human liberation. But they have generated new forces which now threaten the livelihoods and even existence of millions of men, women and children worldwide. If the present trend continues, we may expect that the rich and the powerful will use ever more of their power and wealth to protect themselves against the social disruptions that are bound to occur. The North will close itself to the South bringing about a new iron-curtain.15

The dangers posed by the globalisation process entail two questions of fundamental importance to the topic we are discussing:

Will people and communities control resources and economies and be able to set their own goals and priorities based on their own values and aspiration? Or will these decisions be left to global financial markets and corporations that are blind to all values save one—instant financial returns?

Will the life-sustaining resources produced by the regenerative capacities of our planet's eco-systems be equitably shared to provide for the material needs of all of us who inhabit this bountiful planet as well as our children and their children unto the nth generation? Or will we allow a global economic system that is now functioning on auto-pilot beyond conscious human control to consume and destroy the ecosystem and our social fabric in its insatiable quest for money?

These questions and the challenges they offer are to be discussed by elaborating the process of privatization in Africa. As we have said earlier there is a myth that free unregulated markets efficiently allocate a society's resources and that global corporations, in private hands, are benevolent institutions that provide a clean environment for all and good jobs for the poor. State intervention in Africa has been subjected to a massive assault, by companies spearheaded by Western governments, global corporations and international multilateral financial agencies. State-owned enterprises, in particular, have been portrayed as extremely inefficient, heavy financial losers and real burdens on the budgets and the banking systems, as they absorb resources in the form of transfers and sudsidies. Above all, they have been accused of creating conditions unfavorable to private sector growth as governments have intervened to protect them against competition for ideological, rather than economic reasons.16

The attack on state-owned enterprises initially took the form of exposing them to domestic and external competition: eliminating state subsidies, increasing the autonomy of the enterprises from government interference and noncommercial goals, and developing institutional market mechanisms to drive performance and increase profitability. The reasoning was that, to a large extent, the more enterprises are diverted from social goals, the more they become commercially successful.17 However, the forces for total privatization as a means to create a more diverse market economy, to encourage private enterprises and expand the private sector in general, to promote macro-economic or sectoral efficiency and competitiveness and to eliminate inflexibility and rigidities, have temporarily won the day. In a word, globalisation has taken the driver's seat.

Other arguments in favour of privatization, at the global level, include:

The need to establish or develop efficient capital markets,
allowing better capturing and mobilization of domestic products,
promotion of domestic and foreign investments, thereby, promoting the integration of the domestic economy into the world economy,
creating and maintaining employment,
promoting new technologies and innovation through the employment of modern methods of production,
increasing the quality of goods and services produced, and
Allowing enterprises to enter global alliances seen as essential for survival.18

The range of benefits from privatization is always extended to the realm of budgeting and financial readjustment. It is argued that privatization leads to maximum returns that enable the government to tax more, to fund government expenditure, trim the public sector deficit or pay off public debt,19 to mobilize private investments to finance investments that the government cannot afford to finance, and to reduce future risks of demands on the budget inherent in state-ownership of business which often are in financial trouble due to mismanagement and corruption.20

Other defences of privatization extend to the sphere of income distribution and redistribution. Private ownership is seen as a means to foster broader capital ownership and the promotion of popular or mass capitalism, the development of the middle class, and the fostering of economic "development" of particular ethnic or racial groups long marginalized by social structures. Privatisation is also seen as a means to encourage employee ownership, and, therefore, increasing efficiency and, in some cases, providing a fertile ground for those involved in management and implementation of the privatization process to enrich themselves.21 This, however, is rarely admitted by policy formulators, though it has been real as the examples of privatization of state-owned enterprises in Africa, have shown.

Lastly, the privatisation of state-owned enterprises carries various targets. These include:

The reduction of the size and scope of the public sector or its share in economic activity,
turning the government to the tasks of creating an environment conducive to the private economic activity,
guaranteeing that future governments will not reverse the trend towards the dominance of the private sector,
reducing the sphere through which corruption and other malpractices favour state bureaucracy at the expense of the private capitalists, and
in some cases, creating conditions favourable to a particular class or group in control of the state.22

Clearly, there are numerous social policies that can better meet these social needs than pure privatization, except that at the moment capital-led globalisation does not favour them. The race to privatize defines the parameters of progress. The latter is itself defined in the context of globalisation, as we saw earlier in the economic myths behind globalisation it is seen as the only means of reducing African countries from misery. Beyond the images of progress that African countries should become carbon copies of the West because capital-led globalisation is taken as the only solution to poverty. As the editors of *New People* correctly point out:

> Our thirst for justice is equated with a thirst for liberal democracy, our desire for human development is likened to the possession of Western products.23

To give more meaning to what we are discussing, the privatization process in Uganda is more revealing. A team of economic consultants attached to the International Development Research Centre (IDRC) was hired in 1986 to study the options available to address the problem of rehabilitating and reconstructing the economy, as if the NRM had not studied the same issue in the bush with the people. In its Ten Point Programme, the NRM and the people agreed on the steps to be taken to build an independent, integrated and self-sustaining economy. They were spelled out as:

Diversification in agriculture away from the present narrow cash crop base,
an extensive process of import – substitution in order to reduce the import bill, especially of basic consumer goods,
processing of raw-materials so that more value is added, and
building of basic industries like iron, steel and chemicals.

The IDRC team argued, diverting from the wishes of the people:

> Clearly, there must be an adjustment policy. Breaking the inflationary expectations psychology will be essential for general macro-economic stability. Likewise, sound domestic growth and recovery will be impeded unless external balance is achieved quickly.24

The IDRC report rejected any alternative strategy, except capital-led globalisation. The report argued:

> . . . the control model failed as a strategy for balancing either the balance of payment, or the budget—the two key problems which need to be addressed . . . the most implausible assumption was the rate of inflation fell to—25 percent per year and stayed there for three years. . . . Even then the balance of payments remains at their current, inadequate levels. The budget is also grossly out of balance each year.25

The economic strategy proposed by the IDRC team won the day because as early as 1986 the ideological diversity within the NRM had come to the fore. While commander Katirima was stressing the need for socialist reconstruction and the "need to be vigilant against implerialism and capitalists," Dr Samson Kisekka, then Prime Minister, was calling for self-reliance on the basis of national capitalism in collaboration with foreign investors. The latter position triumphed, standing as it did for "national capitalists and all potential capitalists" being taken on board along with the poor, ignorant and diseased peasants.26

In short, an adjustment policy, in which the so-called inefficient state-owned enterprises were to be eliminated as a force in the economy in favour of private capitalists, was to be pursued. This is contrary to Tumusiime-Mutebile and others who view SAPs, including privatization, as "exclusively a Government of Uganda reform."27

The truth of the programme being externally driven is further reinforced by Tim Lamont, an economic planning advisor in the Ministry of Finance and Economic Planning, when he notes:

> Given the shattered state of the economy in 1986, Uganda has had to rely heavily on donor support. The Economic Recovery Programme launched in 1987 was assisted by a structural Adjustment Fund (IMF) and the World Bank Economic Recovery Credits, plus assistance from other multilateral and bilateral donors. Substantial IMF and IDA support continued over the years through an Enhanced structural Adjustment Credit from the IMF and two Structural Adjustment Credits for IDA, and *such funds do not come without conditions. Hence, there is no denying that donors have had a large part to play in helping to shape policy in Uganda*(emphasis added).28

Add numerous World Bank, IMF and other donor policy instruments, and Tumusiime-Mutebile's claim that the government's SAPs, and above all privatization are "Government of Uganda-owned" is disapproved.29

Privatisation and private investment promotion have indeed gone hand in hand and are slowly extending into the social sector, including health and education, and even administrative activities such as tax and garbage collection. It needs to be noted that the programmes are not homogenous. In Africa alone, a variety of privatization programmes are undertaken, including total transfer of state-owned enterprises, joint ventures and share ownership, capitalization programmes, and offering financial incentives to employees and small-holders.30 In the sections that follow, we shall see whether the privatization process has facilitated the achievement of a reasonable standard of living of the people in Africa or not. Only when this evaluation is made can we do justice to the debate over the achievements and challenges of the privatization programmes in Africa, as well as their ethnical implications.

PRIVATISATION AND DEVELOPMENT

One could not appreciate the impact of the privatization process in Africa if one does not initially look at the meaning of development, because the reasonable standard of living of the people which privatization wants to achieve is a function of development. The meaning of the term "development" has been offered by E. Roy Ramirez, who claims that we need to forge a new concept of development, in order not to confuse the latter with modernization, and because it is preferable to decide things for ourselves rather than to have others decide things for us.31 Ramirez would evaluate any policy or project intended to cause development or improve the standard of living of people by an ethnical standard. This should:

> . . . not let forms of oppression pass for liberty, commercial pseudo—culture and the consumption of fantasies for superior culture, diverse manifestation of plunder for progress. Superstition should not pass for nationality, economic inequalities for justice or fear for peace.32

This approach to development proposes a new and expanded concept of development, which "does justice to the problem of the relations between advanced countries and other world countries, including the treatment of the problem of individual development within social-economic development."33 In addition, Kanyandago proposes the principle of endogeneity,

which is a constant search to develop from within by building onto what people are and have. He agrees that the principle does not rule out borrowing from one another, but we should not suppress or underrate the values of a person in need.34 What these arguments boil down to is that the people, particularly the poor majority are often rich in knowledge, and this resource must be tapped to their advantage. We have to ensure that the knowledge-rich, but economically poor people are not robbed of the only resource in which they are rich, i.e., their knowledge, by transforming our ethical and institutional norms, including those dealing with the intellectual property rights of individuals as well as communities. As already seen, we know that capital-led globalisation denies this right to the poor. Our definition of development must recognize that the poor are obviously not so poor that they cannot think, create or transform the world around them. The challenge is to recognize the poverty of our imagination and those conceptual tools that recognize, respect and reward grass-roots innovations. We need to encourage the revival of "traditional" knowledge systems and to strengthen local market systems that directly confront global corporations and stress direct democratic action against globalisation and its child, privatization.

Goulet and Steidlmier give criteria, which can be used to evaluate any policy that encourage development. Goulet argues, for example, that questions for evaluation include whether a policy of privatization favours economic equity or not, whether it consolidates fragile local cultures or not.35 Furthermore, Steidlmeir gives us other criteria, namely:

Do the societal members have the freedom and opportunity in their society's development dialogue?

Do the societal members make proposals concerning the nature of good growth, fair distribution, citizen responsibility, and just incentives and sanctions?36

Given the relevance of SteidImeir's arguments to our discussion, we quote him in detail:

> When it gets down to the concrete, then I advocate a certain qualitative orientation in development policy based on the following priorities: the liberty of the oppressed over the freedom of the more powerful, the social opportunity of the marginalized over the exclusion by certain elites, the needs of the poor over the mere wants of the wealthy, the duty to contribute to the common good according to ability rather than to be apathetic or merely seek narrow interest, and the reinforcement of patterns of social justice through incentives and sanctions rather than surrendering the determination of due process to mere group egoism or vindictiveness. Each of these goals is a value statement in the sense that it indicates priorities regarding what should happen. I am well aware that others may disagree. Nonetheless, the positions that any society takes with respect to any of these questions will directly determine the overall orientation of development as well as the policy instruments and strategies.37

The privatization strategy—as indeed all economic reforms—implemented in Africa do not meet the criteria discussed above. As the case of Uganda illustrates, the design and implementation of the policy of privatization did not involve societal members, even if the institutional political structure established by the ruling NRM government that would have allowed their participation, were in place. The present day political institutions of local councils (LCs), with their emphasis on their popular, participatory grassroots approach to public policy would have resulted in a politically rational policy. Unlike the military victories in which the

poor peasants in the liberated areas played a decisive role in the political system they shaped and participated in, through the LCs, the economic sphere remains defined for them. In short, the economic measures of privatization in Africa were not just imposed from the above (that is from politicians, policy-makers down to the victims/policy consumers), they were actually imposed from abroad by the IMF and the World Bank. The privatization policy in Africa, therefore, did not take into account people's input and concerns.

The IMF-World Bank driven privatization programmes are mechanisms to perpetuate the rule of imperialism in Africa, and the multilateral financial institutions are helped by the "local reactionaries"— the elite. The latter do not pose the question that Robert Chambers asked about five years ago: "Whose reality counts? The reality of the few in centres of power, or the reality of the many poor at periphery?"38 Thus, "privatization" means simply the selling of state properties to private owners who are rich enough to take over the giant companies. Privatisation is also known as "divestment or divestiture," words that connote dispossession and deprivation and, to that extent, imply loss of valuable property on the part of the state to the few rich. The economy thus created is in the hands of the few rich, which contradicts what the second Vatican Council, in its most influential pastoral constitution: "On the Church in the Modern World", said:

> The basic purpose of economic production does not consist merely in the increase of goods produced, nor profit nor prestige; it is directed to the service of man (and women), that is, in his (her) totality, taking into account his (her) material needs and the requirements of his (and her) intellectual, moral, spiritual and religious life.39

Vatican Council II deplored a system that ignores social justice, equality and environmental production. Such a system, characterized by Markhijani as a "war system" has merely "limitless consumption and acquisition" as the "overriding goals," rather than human, spiritual and environmental concerns. In the words of the Vatican II Council:

> In the sphere of economics and social life, too, the almighty and entire vocation of human person as well as the welfare of society as a whole have to be respected and fostered; for man (woman) is (and has to be) the source, the focus and the end of all economic and social life.40

We, therefore, call for human-centred development rather massive privatization, which we have seen plundering the poor majority's resources to enrich the few rich. What we gather from these arguments point to many important lessons. One such lesson is that economies should be local, rooting power in the people and that communities who realize well-being depend on the health and the vitality of their local ecosystem.

If it is protectionist to favour local firms and workers who pay local taxes, live by local rules, respect and nurture the local ecosystem, compete fairly in local markets, and contribute to community life then let us all proudly proclaim ourselves to be protectionist.41

We need to note that these choices are not isolationist. On the contrary, they create a foundation for creative cooperation with our neighbors whether they are developed countries or other countries or not. Their goals are: to share experience, ideas and technology; to join in international solidarity in rewriting the rules of the global economy; to favour local over global businesses; and to encourage cooperative relations among people and communities. It is our

consciousness—our ways of thinking and our sense of membership in a large community—not our economies that should be global.42

IMPACT OF PRIVATISATION

Our discussion so far points to the fact that we should not indulge in the debate about the merits and demerits of privatization in Africa because such a debate is misdirected. We need to remember that the privatization process in Africa is under the management of global imperialism, the World Bank, IMF and other multilateral agencies. Is it, therefore, wise to debate what is irrelevant to Africa's independent, self-sustaining and continentally integrated economy? If, however, such debate would produce a lively discussion about how the impact of the privatization process fails to penetrate the reality of the poor majority and the alienating experiences they face when confronted with the privatization programmes aimed at profit maximization, then the task would be worth undertaking. The discussion now follows attempts to penetrate the inner operations of the privatization process as related to the majority of the people of Africa.

Many African countries that embraced the policy of privatization have had the structure of their economies changed, at least in comparison with what they were two decades ago. In the Ugandan case, in 1996-1997, GDP growth averaged 7.5 percent compared with the average of 5.7 percent per annum in the 1989-1991 period. The balance of payments also improved putting foreign exchange reserves at US$450 million in 1994-1995 equivalent to 4 months of imports.43 Overall on the African continent, Uganda's economic performance ranked ninth in 1996-1997.

Despite the rosy growth statistics in many African countries, the debt burden remains real and continually forces upon governments more IMF-World Bank conditions. Extended debt service has continuously siphoned off the few resources that would otherwise have been used to finance human development through the provision of basic social services.

Many of the privatized enterprises have improved their levels of efficiency, achieved high productivity levels, and contributed substantially to exports and government revenue. In addition, expansion, refurbishment, installation of new machinery, increase of capacity and storage facilities have all been carried out by privatized enterprises. However, "bad" aspects of the investments need to be noted. Tororo Cement Works in Uganda, for example, is reported to have begun the production of asbestos pipes using a raw material condemned for causing asbestosis. Such investments are banned in many developed countries. Secondly, incidences of underpayment, physical abuse, and racist treatment have been reported, while the very products produced are mostly luxury-oriented—beer, soft drinks, tobacco, perfumed soap, steel products mainly for high-rise buildings, and security fences that are geared to the middle class market rather than the necessities of the ordinary people.

In African economies where privatization has been implemented, some marked growth has been recorded in the fields of education, health and sanitation, food production, and political participation, all seen as vital for private investment. Secondly, a number of poverty eradication schemes have been launched. The sales of enterprises and taxes accruing from the private sector have played a major part in the running of projects aimed at enhancing the local people's potential and contribution to better living conditions.44 Finally, the proceeds have facilitated the establishment of the private sector. While these achievements are applauded, the fact is feared that states have almost totally relinquished the task of mobilizing the local populations for their own development to the people and a diversity of community-based organizations (CBOs),

nongovernmental organizations (NGOs) and the local councils. Substituting with foreign charities for the poses a new threat.

Privatization has facilitated a transfer of technology as well as managerial skills that have brought about value-added output, which has led to increased capacity utilization, quality output, and production diversity.45 Yet there are negative consequences of the technology transferred which, in most cases, is not environment-friendly.

There is an increasing trend towards privatized social services as reflected in decreasing government expenditure on education, health, water, sanitation and nutrition. This has resulted in the reduced quality of public administration and services at a time when workers are being retrenched the military demobilized and real salaries lowered. The constant outcries over-delayed payments to the retrenched workers have been often heard, and the loss of jobs in privatized industry is now too common to be a temporary phenomenon.46

Privatization, it is argued, has made ordinary goods and services available, but has also it made them necessarily accessible and affordable. The programme has been urban-oriented, urban based, and a middle-class phenomenon. Consequently, most of the privatized enterprises, just as most of the new private investments, crowd around Africa's capital cities. Rural Africa remains stuck in the scarcities of the basics of life and are denied vital monetary, financial and industrial services.

CONCLUSION

It has been indicated throughout this discussion that for any development policy to be ethical, it must have the input of the people for which the policy is intended, as well as guarantee equality and the protection of local cultures. We saw, also, that privatization policy in Africa did not meet ethical standards, i.e., the people were never involved in its design and implementation, and resources were transferred from the people to a few rich, thereby negating examples of local innovations and entrepreneurial activities which make communities self-reliant. This, therefore, means we have to think seriously of alternatives of a more humane system to be born in Africa. We need to direct our thinking by not doing what imperialism demands us to do. It is time to assume responsibility for creating a new human future of just and sustainable communities freed from the myth that agreed competition, and mindless consumption, are paths to individual and collective fulfillment. It will take millions of people—linked together into a powerful political coalition aimed at political reform—to win the war that global capital is waging against us.

At the national level, we need to embark on a successful national democratic revolution (in which the majority of the workers, "peasants," intelligentsia and the petite-bourgeoisie and "national" bourgeoisie (all of which are dominated by finance-capital are involved), to initiate a process of economic development, rather than economic growth, in which the people benefit. Only on the basis of this type of revolution can there be achieved an actual privatization of the means of production through democratization of the production and the exchange processes and an equitable sharing of the national resources.

At the continental level, we need to recognize Africa's total inability and incapacity to carry out a "revolution." We discussed Balkanization above. Our stand should be to reject the continued Balkanization of the continent, which merely turns nation-states into small unviable economic units with small markets and a narrow resource base. There is need for continental and, at the very minimum, regional unity. The need to diversify and intensify intra-African trade and cooperation as a means of overcoming the problem of small markets, inefficiency, and lack of productivity is

recognized. There is need also for the removal of trade barriers, rationalized production and specialization, to reduce competition among African countries and to avoid unnecessary duplication, especially in respect to large-scale industries and joint use of resources on research and development.47

Finally, the role of the state in the development of its people must be clearly defined. The Asian Tigers were able to facilitate finance capital's accumulation through the use of repressive military regimes and other undemocratic means in 1960s and 1970s. They provided extensive protection for regimes of import-substitution before achieving export-led growth. State intervention was, therefore, a major factor.48 Yet in Africa, global capitalism calls for democratization and the withdrawal of the state from active management of economic and social relations, except to guarantee that wages remain low, that the reserve army of unemployment be swelled by retrenchment, and that a market of luxury goods (beer, soft drinks, cigarettes, etc.,) be created through the culture and economics of private enterprises and NGOs.49 The failure of privatization experiments on other continents, particularly in Asia and Latin America, are barely highlighted, lest people have data to compare.

NOTES

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2 For detailed discussion of economic reforms see L.K. Sarwar, "Structural Adjustment in Uganda: The Initial Experience," in Hansen and Twaddle (eds.), *Changing Uganda: The Dilemmas of Structural Adjustment and Revolutionary Change* (London: James Curry, 1991), pp. 20-41. J.B. Mugyenyi, "IMF Conditionality and Structural Adjustment Under the National Resistance Movement", in Hansen and Twaddle (eds.), *op. cit.*

3 Aidan Southall, "The Recent Political Economy of Uganda," in Hansen and Twaddle (eds.), *Uganda Now: Between Decay and Development* (London: James Curry, 1998), pp. 54-69.

4 Sarwar, *op. cit.*, pp. 20-41

5 Y.K. Museveni, *What is Africa's Problem*? (Kampala: NRM Publication, 1992), p. 280.

6 *Idem.*

7 Tandon Yash, "Globalization and Africa's Options, *International South Group Network*, Monograph No. 2, 1999, p. 3.

8 *Ibid.*, p. 2.

9 See Brauer Dieter, "Global NGO Challenges Globalization" (Spain: SID World Conference, 1997), p. 25.

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15 Quoted in D. Brauer, *op. cit.*, p. 25.

16 For these and other reasons in support of the privatization process in Africa, see Kekiri, et. al, *Privatization: The Lessons of Experience* (Washington, D.C.: World Bank, 1992), P. Guislain, *The Privatization Challenge: Strategic Legal and Institutional Analysis of International Experience*(Washington D.C.: World Bank).

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20 See World Bank, *Reform of Public Sector Management: The Lessons of Experience*, Country Economics Department, Policy Research Paper 18 (Washington, D.C.: World Bank , 1991).

21 Guislain, *op. cit.*, p. 19.

22 *Idem.*

23 "The New People", September Issue, 1994, p. 1.

24 Quoted in Tumusiime-Mutebile, "Management of the Economic Reform Programme" in Langseth, et. al., (eds.), *Uganda: Landmarks in Re-building a Nation* (Kampala: Fountain, 1995), p. 5.

25 *Idem.*

26 See M. Twadde, "Museveni's Uganda: Notes Towards an Analysis," in Twaddle and Hausen (eds.), *Ugandan Now,* 1998, p. 319.

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29 See Kekiri, et. al., *op. cit.*, pp. 32-38; World Bank, *Uganda: Progress Towards Reconvert and Prospects of Development* (Washington, D.C.: World Bank, 1982); Commonwealth Secretariat, *The Rehabilitation of the Economy of Uganda: A Report by a Commonwealth Team of Experts*, 2 Vols. (London, 1979).

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35 Adapted from D.A. Crocker, *op. cit.*, p. 464.

36 For the detailed discussion of Steidlmeir's arguments, see D.A. Crocker, *op. cit.*, p. 465.

37 Quoted in D.A. Crocker, *op. cit.*, p. 465.

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39 *Ibid.*, p. 2.

40 *Ibid.*, p. 3.

41 More of these arguments, see D.C. Korten, "The Truth About Global Competition," 1996, p. 23.

42 *Idem.*

43 For these statistics, see Tumusiime-Mutebile, *op. cit.*, pp. 1-10.

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46 For the arguments we are raising, see A. O'Connor, "Uganda: The Spatial Dimension" in Hansen and Twaddle (eds.), *Uganda Now*, pp. 83-94.

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CHAPTER VII

HUMAN VALUES AS THE UNIFYING REFERENCE FOR HUMAN RIGHTS AND THE AFRICAN PERSPECTIVE

A. B. RUKOOKO

INTRODUCTION

In spite of unprecedented gains in respect for human rights' theory and practice, a number of challenges still persist worldwide. For instance, deriving from philosophical underpinnings, the subject of human rights has had to bear with the problem of universal vis-à-vis relative interpretation.1 Thus, considering that human rights are in tandem with the globalisation phenomena, how do we account for the apparent conflict between the developed and the developing worlds? Besides, what role does the human rights project play in the globalisation phenomena? Can the poor enjoy an adequate set of human rights? Is the human rights project a purely cultural phenomenon whose surge is only temporary? What should qualify as human rights?

There is yet another set of questions relating to the question of the discipline to which human rights belong both in theory and practice. While some scholars have claimed that it is a legal field and have gone ahead to disseminate it as such, others have seen it as a field of social sciences. Others though agreed that human rights have philosophical roots and are content to cast it in ethical terms. Some in the exact sciences have claimed that there exists no relationship between their disciplines and human rights.2 Unfortunately, such disciplinary claims have sometimes led to open disagreement, misunderstanding and, in some places, hostility. Given this background, this paper defends the following claims:

First, that the knowledge of human rights assumes unity but has different aspects and emphases that allow it to be interdisciplinarity. This view seems more appealing because it treats human rights pursuits as interconnected.3

Second, that the field of human rights is basically human values that ultimately find their justification in the epistemological and ontological realm. This, however, does not exclude other aspects of human rights.

Third, that traditional African human values are relevant in our contemporary understanding and practice of human rights. That is to say, African notions of human rights need to be debated, developed and fused with the Western conception of human rights for all humankind.

THE BASIS OF INTER-DISCIPLINARITY OF HUMAN RIGHTS

The Meaning of Human Rights

Even though the term 'human rights' had been used by Thomas Paine in his *Rights of Man* (part I, 1791 and part II, 1792), it was conventionalised by Eleanor Roosevelt after the Second World War, in the process of drawing up the Universal Declaration of Human Rights in 1948. Human rights are a derivation of the natural rights concept of the 17th and 18th centuries' natural law philosophy whose major contention was that rights were not man-made, but were laid down by God. As such, they are natural entitlements or claims due to a person solely on account of being human. However, natural rights do not necessarily include all moral rights.

Some moral rights and duties depend on special circumstances like relationships between friends.4 From the above, human rights are now universal moral rights or ideals or values that envisage and are intended to fulfill, the potential of human beings. Human rights involve deliberate human effort in upholding the dignity of man and woman as opposed to constraining, scheming for, or omitting anything that may lead to the violation of that dignity.

The Universal Declaration of Human Rights described human rights as universal, natural, inalienable, indefeasible, and not granted by the state. A person with a human right has no reason to be grateful to benefactors; such a person has ground for grievance if he is denied the rights being claimed. Consequently, no other person or group or institution can take them away because they have sanctity and validity that transcend ordinary positive law.5 In order to put them into effective operation, human rights have been encoded in several documents referred to as human rights instruments, which include charters, conventions, treaties, protocols, principles, constitutions, resolutions, declarations, and others. That is to say, they have been defined more precisely and are increasingly being given legal backing and greater recognition. In fact, a good number of human rights exist in the form of statutes; they can be monitored, and their status before courts of law is taking hold.

However, in the contemporary understanding, human rights include not only the liberal individualist concept and freedom from interference of various kinds, but also positive benefits like education, medical care, food and a decent living standard. These positive benefit-rights are different in the sense that their correlative duty seems to rest neither on individuals nor on anyone in particular.6 For instance, such articles as 36 and 39 of the *Constitution of the Republic of Uganda 1995*, which say that everyone has a right to culture and that every Ugandan has the right to a clean and healthy environment, respectively, do not directly oblige any government to provide such rights. Nonetheless, this view is only partly true. One increasingly witnesses more potent frameworks for more specific duties, obligations and justiciability. In duties, for instance, General Comment 12 in the International Covenant on Economic, Social and Cultural Rights (ICESCR), clear duty bearers are mentioned, the state being one of the major ones. More importantly, the recent constitutional case in South Africa of Irene Grootboom and others versus Oostenberg Municipality, decided on 4 October 2000, has moved obligations within ICESCR to their desired conclusive end of standing before the court or justiciability.

Human rights in the above category have also been presented as basic needs.7 These include rights related to such things as food, clothes, shelter, education, etc. In this regard, they have been presented as contributing to development or even as one aspect of development; therefore their uniqueness as human rights does not present anything new vis-à-vis any scheme of development.8 Indeed, until recently they have taken two divergent trajectories.9 In any case, development and human rights are ultimately for the fulfillment of humankind, development having been recognised as a human right with the newer, positive meaning of aiding all the important aspects of people as opposed to its previous restrictively economic meaning.10

Lastly, human rights are now growing into an academic and professional discipline. The basis is largely logical in relation to other disciplines, but partly from its own disciplinary and professional practice. In this connection, human rights derives unity or autonomy and interdisciplinarity. I propose to demonstrate this last claim in this paper.

Legal Contribution

We have already mentioned that human rights were connected with the legal interpretation of rights and, therefore, need no further clarification. However, besides this specific connection, human rights are increasingly forming part of law at the international, regional and local levels. Much legal effort is spent discussing, administering, drafting, defending and disseminating human rights knowledge. Indeed, there seems to be a close association of human rights with law. For instance, some universities require a legal background for admission to postgraduate studies in human rights.11 However, even if the legal connection to human rights is obvious, it is not exactly comprehensive, independent and exclusive. For instance, it is clear that the work of Enlightenment philosophers played a unique role in the definition and effort to implement human rights. Religious tenets are also a precursor to the human rights discipline as discussed below.

Religious Contribution

Nearly all major religions of the world pursue care for others or the principle of brotherhood. They share the universal interest in addressing the integrity, worth, and dignity of other human beings. In fact, some of these religions want to carry this principle beyond worldly life, to the idea of a blissful life after death. For instance, in regard to Christianity and Judaism, the book of *Genesis* emphasises a shared fatherhood and, subsequently, a shared brotherhood. In general, the Holy Bible is full of human rights claims for its part, Hinduism emphasises *dharma* (duty) and good conduct (Sadachara) toward those in need. In the *Manava Dharma Sutra* (Treatise on Human Duties) it is stressed that all human life is sacred and should be loved, which is why Mahama Ghandhi pursued the principle of non-violence.

The founder of Budhism, Siddharta Gautama preached against the caste system as well as proposed building as egalitarian society. In Confucianism, too, the founder, Kong Qui, in the *Analects*, asserted that human beings ought to be treated with equal worth and that within the four seas, all men are brothers. The Islamic teaching is particularly emphatic on justice, sanctity of life, personal safety, freedom, mercy, compassion and respect for all human beings. Even most African traditional religions, that in general do not assume revelation, embody human rights principles because of the fusion of religion with morality. Thus Gyekye Kwame observes that:

> Whatever the moral virtues possessed by, or ascribed to, God and other spiritual powers, it should now be clear that the compelling reason of the Akan pursuing the good is not that it is pleasing to the supernatural beings being approved by them, but rather it will lead to the attainment of human well-being.12

In general, therefore, the religious contribution to the appreciation, understanding, and protection of human rights finds great justification in religious teaching. It is owing to these efforts that the moral imperative of universal obligations toward humankind was first conceived and established.

Contribution of Social Sciences, Arts, and Humanities

Social sciences, including commercial subjects, social anthropology, sociology, economics, education and others are related to human rights. However, ostensibly, political science and gender studies do claim more relevance to human rights knowledge than other nonlegal sciences.

This view is probably enhanced by the dual design of the United Nations system of hard law versus soft law, the latter described as political, but acting morally. At this point, the line between what is political and what is philosophical becomes thin. Yet, not only do social scientists teach, research, and advocate on issues of human rights, they also analyse, defend and lobby on behalf of human rights. Moreover, humanities especially languages, drama, literature, music, philosophy, fine art, journalism and others (religion having already been mentioned) are related to cultural rights. As disciplines they contribute directly to the knowledge of human rights through developing, dissemination, teaching, and theoretical justification of their respective fields. For instance, it has always been claimed that without writing, teaching, and speaking a language, such a language may disappear, and it falls upon the above specialties to sustain and protect a language. Thus drama, music, artistic expressions and trade, all help the growth and promotion of cultural rights. Of course, the role of education is fundamental, for it not only promotes such rights through teaching, but it also actually disseminates human rights knowledge itself. Since the role of ethics is fundamental to human rights, we deal with it next.

Ethics and Human Rights

The relevance of ethics to human rights is logically implied by the definition of human rights as moral rights or values. Consequently, the disciplinary connection between ethics and human rights is obvious. It is in ethical terms that human rights are expressed, and it is in ethics that the justification of human rights is based. In short, under what reasons should a human being be seen and treated positively? What reasons can be adduced for treating human beings justly? What is the content of human values? These and related questions constitute the part of ethics which ultimately informs human rights knowledge. In short, the ethical discussion precedes the discussion about human rights issues.

In addition, some human rights are still recognised clearly, encoded as ethical declarations as opposed to treaties (charters, conventions, and covenants), declarations and resolutions. Such ethical declarations are called *codes and principles.* These are normally attached or annexed, not as legally binding parts of resolutions adopted by participating states at the international level, especially at the United Nations.13 Moral pressure is envisaged; here the ethical implications of human rights are overt.

Exact Sciences and Human Rights

Initially, it may appear that the exact sciences have little to do with ethical issues of human rights and that the two can be separated without lose to the scientific aspect. For instance, it may be argued that science is identified by the method it adopts, namely, empirical evidence, and logical formulation of the steps toward specific results. This characterisation of science, however, raises some questions; for instance, the empirical characterisation would exclude mathematics. But a more formidable criticism came to prominence in the 19th century, under the influence of Ernst Mach and Karl Pearson. For them science is merely an accurate and economical description, whose practical task is to enable scientists to predict events. In this view, the method did not matter as long as predictions came out right, i.e., with high probability.

Yet, more relevant questions may be raised: Does the scientific enterprise have any social end or purpose? If it has, who defines that purpose? How is this end achieved? What considerations are considered in determining the method? Is this the end, or does the method

determine the end? It is my view that every study has an end, which in turn has a value or values. These values are social, but the sociability of these values could either positively support the welfare of humankind or undermining it. Here, the connection of science with human rights becomes clear. Even studies about stars in progress bear specific values. In our current situation, the human rights implications related to HIV clinical trials come to mind. The death of Dr. Lukwiya, who died because he was devoted to treating ebola patients at Lacor Hospital, in Gulu, Uganda, emphasized such ethical implications even more strongly.

In another context, the emergence of "black-box" theories, related to the analysis of cybernetics, almost led to the abandonment of the traditional method of science without losing its scientific character. Matters were not made any better by the suggestions of P.W Bridgman's operationalism, that concepts employed in scientific theories must be defined in terms of actual operations carried out by scientists in measuring their quantitative values. Yet, one may need to know how these concepts are constructed without a system of valuation. The latter views of R. Carnap and K. Popper, that the important thing about scientific propositions is that they are confirmable and that scientific propositions are falsifiable, respectively, raise serious skepticism over the scientific method, and suggest a large space for human valuation in the realm of science, hence and its related implications for human rights.

It must be pointed out that to say that all categories of knowledge contribute to one body of knowledge is not to claim that human values include the totality of all knowledge. What is being proposed is that every specialty could claim a legitimate autonomy, but that such autonomy scarcely excludes human values. Mathematics, for example, it may appear superficially to have no relationship with human values, but mathematical applications shade into human values and human rights issues.14 In any case, the relevance of computerisation and other technologies to human rights is now taken for granted. To sum up, S. Mike has said that propagating genetic engineering in Africa is unethical, adding that the West does not know the consequences of this kind of technology. Though contradictory in his statements, he added that such technology is intended to destroy Africa's crop production.15

In consequence, the understanding and practice of human rights should be seen as presuming the contribution of all disciplines. The convergence of the disciplines derives from, and is justified by, among other reasons, the underlying core of human purposefulness. Probably, knowledge could be sought for its own sake, but this is hard to explain for the social significance of such knowledge soon becomes opponent. Take for instance, the consistency of a logical argument. Not only is such an endeavour good, but it is also potentially applicable to finding a solution to a practical problem. Even if one were to insist that knowledge is good per se, one would be hard put to explain who or what, in the first place, makes knowledge good. And for whom would this knowledge be good?

It is the centrality of human beings centrality in knowledge pursuits that accounts for the convergence of different disciplines. This echoes the role of human values in the creation of knowledge, which in turn suggests human rights knowledge and hence the unity of human rights. It does not matter that the purposes may be negative. For instance, the current argument that drugs for HIV patients have to be expensive because there is need to invest in the production of more effective drugs. Such an argument betrays the negative motives of the scientists but the centrality of human beings is no less undermined.

It is also true that human rights knowledge contributes to the larger body of knowledge. Indeed human rights knowledge ought not to aim at fragmentation of knowledge which could result in a lack of a comprehensive conception. Human rights derive from all disciplines and, in

turn, contribute to other disciplines. Above all, the categorisation of knowledge is not sufficient by itself and does not necessarily sever its relationship with other disciplines. It only creates conditions for more easily handling specified knowledge for the service of knowledge in general. If other important disciplinary connections to human rights seem to have been highlighted in human rights literature, one fundamental aspect, namely, the epistemological basis of human rights, has not been considered. Perhaps, as rationalist claimed, all knowledge is ultimately one, and this convergence ought to be envisaged. We consider it below.

HUMAN VALUES AND HUMAN RIGHTS

Value

Though human rights have often been traced to the ethical realm, the underlying epistemological issues have been neglected.16 This section of concerns the epistemological relationship between human values and human rights. It deals first, with the meaning of values, followed by a consideration of the relationship between epistemology and human values. Our major question, therefore, becomes "How do we come to know of any values at all?" At this juncture, the question is not which values but rather, how we know that these are values? What is their origin? Because human values form a sub section of values, it is important to deal with the term 'value' first, before we examine human values. Later, we shall return to the origin of values.

The notion of value derives from economics; originally it meant the worth of a thing, and valuation meant an estimate of its worth. Later it became a technical term leading to the branch of economics called the theory of value and the branch of philosophy called axiology. The philosophical meaning has two strands. In the first, but narrow sense, value refers to such terms as good, desirable or worthwhile. But in a wider sense, it covers all kinds of rightness, obligation, virtue, beauty, truth, and holiness. This is a positive meaning. The opposite of this would be disvalue or negative value.

In the second sense, value refers to what is good or desired or what is cherished. For instance, when reference is made to African values or democratic values, it means that Africans have a set of standards they cherish or desire, and that democracy has a specific set of good values or standards. Sometimes, it means the thing that has value when goods are called 'valuables'. Values are of different types. According to the culture in which they are held they may or may not vary along with the emphasis with which they are held. For instance, while human life is universally respected, the emphasis attached to the care of hungry relatives in Europe is much less than it is in Africa, though probably for different reasons. Moreover, one could talk of cultural values, moral values, economic values, social values, aesthetic values, political values, etc. Before we can proceed, it is important to clarify human values. On the one hand, human values may imply the values or worth attached to a human being because of his or her uniqueness. On the other hand, it may be the values human beings put on anything they cherish. Whereas the former is specific, the latter includes the scale of things that may be preferred or held dear by a person or persons. Both meanings are applicable, but human values in a specific sense are similar to the so-called fundamental rights and ideals or universal moral rights, while in the broader sense it includes also rights that have been referred to above as basic needs. In either case, both form the basis for understanding human rights; whereas values may not be human rights, human rights are values.

Human Values and Knowledge

I would like to add that values are knowledge, and extended discussion of statement with Professor Dalfovo has not changed my view.17 He cautioned that some values may be simply emotional or a matter of "likes" and "dislikes." Indeed, initially some values may seem to lack epistemological support. However, a deeper analysis should indicate to us that a simple liking for the colour "yellow" is implicit in epistemological processes. Besides, Prof. Dalfovo has pointed out that some values may be given, bequeathed, and may, therefore, not be part of rational consideration. However, this position may be seen differently. Let us listen to Leopold Senghor:

> The African does not begin by distinguishing himself from the object, the tree or the stone, the man or animal or social event. He does not keep it at a distance, he does not analyse it. Once he has come under its influence, he takes it like a blind man, still living, into his hands. He does not fix it or kill it.18

The mode of arriving at liking or disliking may be incorrect, or may short-cut a full rational consideration, but that is not to say that the process cannot be improved or does not exist. Consequently, it matters at this stage not what type of knowledge it is, or that someone is aware that what he knows is a value, but rather that human beings possess values that are knowledge, and that these values are a product of a cognitive process, however imperfect. This concept is sufficient for our purpose. For instance, although almost universally people cherish having money and may seem not to be thinking about it, they already have a conclusion, an opinion, or a view about it. Thus, human values are a form of knowledge or truths about human beings in respect to their dignity. But these values are always held in a specific culture or in a given society, irrespective of whether one or many persons are involved. Therefore, social knowledge is useful for communication, relating, organisation and the general existential life of a specific people, but more specifically for the manner of respecting human beings within that society. In short, values are standards or ideals for social action. But how does one accept one standard for action and reject another?

Even though the questions of human values pertain to the realm of moral perception or a conception of what ontologically it means to be human, in order to serve as values, they must first and foremost be known. They have first to be known and approved either ratiocinatively, emotionally or otherwise. These values are positive and intended to elevate or help realise humanness in full.As such, they encompass the worth or level of dignity and the sacredness attached to human beings. For instance, to talk about human life, honour, health, etc., is to talk about human values. In fact, human rights are human values to an extent that they sometimes are referred to as the philosophy of humanism, while in legal terms it may be referred to as humanitarian law. Having said the above, we address another major question: Whence comes the knowledge of values come from?

Origin of Values

It will be remembered that in opposition to the relativism of the Sophists', Socrates' cherished aim in establishing universal definitions through his midwifery (the Socratic maieutic) was to establish universal standards for the ethical conduct of individuals and states. In other

words, Socrates declared the relationship between epistemology and moral conduct. He proclaimed that a virtuous life and enlightened life are one and the same thing, indeed, that the virtuous man is the one who knows moral goodness, namely the man of wisdom. This insight of Socrates could be expressed differently: How do persons come to know what is good for them? Indeed, can they enjoy the good without knowing it? If they enjoys the good after knowing it, how does they know it; more clearly, what determines or informs one's value system?

Many philosophers have contributed on this issue. Plato and the rationalists assumed that there was absolute, necessary truth that could be discovered through reason. These necessary truths would logically be assumed to include ethical principles. Spinoza works this out most elaborately in geometric fashion—as he entitles his *Ethics*. However, Spinoza's ethics has a somewhat empiricist-emotivist base, namely, that what is morally good or bad is a product of a sense of feeling pain or pleasure. The empiricist Hume seems to have taken up this position as well, because he pointed out that the moral sentiment is actuated by only what is pleasant or unpleasant, or what is felt to be useful or pernicious, either to its possessor or to others affected by it.19 This was particularly significant for Bentham's utilitarianism. However, what seems relevant here, is the claim that the values of goodness or badness derive from a subjective evaluation of the experiences of pleasure or pain.

Here, the contribution of Immanuel Kant is important. In his *Critique of Practical Reason*, Kant argued that moral judgements like "we ought to tell the truth" and "thou shalt not bear false witness against thy neighbour" are *a priori* judgements and laws whose basis must be found in the realm of concepts of pure reason. This part of reasoning that makes Kant a rationalist. In short, our moral principles already exist in us, but have to be discovered by use of reason. Besides, he contends that the adequate explanation of the *a priori* conditions of human morality will not be found in those universal and necessary laws that impose moral obligation or rational necessity. It is experienced as 'thou ought,' which also implies 'thou canst.' Without this moral 'ought.' people would never know themselves to be free.

I find it difficult to agree with the Kantian position because he invokes a rationalist innatism which seems to be the weakest aspect of rationalism. For instance, how do we affirm that this is my 'neighbour'? What constitutes 'bearing false witness'? How do we ever tell that this is 'truth' if it is just how I feel today? What will happen tomorrow when I am feeling differently? It is for this reason that J.S. Mill and other empiricists have claimed that the so-called necessary truths are highly generalised instances of experience. The empiricists supported by the pragmatists and positivists agree in denying *a priori* existence of an absolute, eternal and universal realm of values.

According to the pragmatists, values are constituted by the evaluating activity of the process of inquiry, a process stimulated by a problematic situation. Values are discovered the way facts are discovered, namely, through experience. Whereas behaviour is said to be good when the consequences are unsatisfactory, the locus of value is said to be located in human desire and satisfaction.20 Positivists assume an empiricist epistemology and, in fact, seem to be completing the work of the empiricist in terms of practical ends. But whether conceived in empiricist or in pragmatic terms, the old Socrates' criticism that the approaches of sense perception are bound to err becomes apparent.

When existentialists claim that existence precedes essence and, therefore, emphasises the freedom and authenticity of the individual, they are relativistic even though they are drawing on the meaning of existence and experience of the individual. In his *Thus Spake Zarathustra*, F. Niestche defended the view that values can only be made by the individual seeking authentic,

primitive existence. The constructivist approach is amenable to existentialist and pragmatist epistemology. In either case, it is implied that values are relative. In general therefore, no single approach seems impregnable to criticism, though the thrust to universalize human rights remains strong.

Having said this, a question arises: Who holds these values? Are values universal or relative? This question is particularly difficult because of its implications, especially for human rights. The question raises epistemological issues of another character, namely, whether values are objective or subjective points of view? Or simply, do moral judgements have any justification? For example, are we not deceived in claiming that, for instance, human beings value association? In Africa, generally, elders are not only respected, but they are also cared for by their close relatives. Can we then say that Europeans devalue their elders because they do not personally care for the elders as opposed to Africans who personally take this responsibility? Since this paper is concerned with human values, let us shift our attention to them, for here disagreement among philosophers has been strong.

Epistemological Complementarity

In spite of the weakness of the above approaches, it remains true that human values exist and are realities everywhere. In my view, the above approaches are not exclusive; instead, they complement one another to provide a more complete explanation of the source of values. In the first place, I find useful the Kantian view that for anything to be known, it must be known by using some power, which Kant called the *a priori* conditions of human thought.21 With this view, Kant would seem to have ruled out the rationalist innate ideas without necessarily negating reflection because he says there are two sources of human knowledge, namely, sensibility and understanding. When Kant says that objects of knowledge are also thought, he is admitting to the application of reason to the search of knowledge, a view close to rationalism. In short, both rationalism and empiricism need to work together to generate knowledge.

But this is not all that produces human values or human rights and consequently, other approaches become relevant. For instance, pragmatism becomes relevant because even though values are seemingly stable, they are not always permanent. They change in time and space. For example, in the past, I used not to care about Christmas cards, but as I continue to relate with people who value these cards, increasingly I feel obliged to do likewise. Whereas existentialism seems less applicable here on account of its denial of the legitimacy of society over the individual, the post-modernist emphasis on constructivism, on the other hand, is very relevant. The point here is that most of approaches are complementary rather than exclusive in their explanation of the source of the knowledge of values and consequently their explanation of the source of human rights. Such an approach seems to agree with L. Senghor's view of African epistemology:

> Negritude is expressed in the emotions, through an abandonment of self in an identification with the object; through the myth, I mean by images—archetypes of the collective soul, especially, by the myth primordial accorded to those of the cosmos.22

What is being proposed by Senghor is that, knowledge is acquired and transmitted through the experiences of life, but that does not exclude reason.

Indeed, values presuppose an accumulated experience and recognition that this is the case or that it is not the case. It could be through social mechanisms assuming any of the above approaches that values are developed, recognised, upheld, and, if need be, discarded in accordance with new experiences and social circumstances. This means that values are a result of social construction, much as they are a social knowledge, and, in many cases, a patrimony. This implies that values can change or even adopt what previously was a disvalue. For instance, in Ankole traditionally it was a value to grow and appear fat, but now it is increasingly negative to grow fat. Many other examples can be adduced to illustrate what is being proposed.

AFRICAN PERSPECTIVE OF HUMAN RIGHTS

African Communal Life

In order to appreciate human rights in the African context, a general picture of the social life of Africans is necessary. African society presents contradictory implications for human rights. On the one hand, it values communal life, and the attendant concepts and practices offer greater scope for protection of human rights. On the other hand, its hierarchical character together with its negative practices create apparent difficulties for human rights protection. To begin with, it is now a generally accepted fact that African life is "corporate," which is to say communal. Work was shared, benefits were shared, evil was shared, much as hopes were shared. The success of one member was the success of all, while the shame of one was equally the shame of all. This meant that a number of social ties that kept community together. Laws, customs, traditions, set forms of behaviour, regulations, taboos, regulations, etc., constituted the value system of the people.23 Individual life had little place in African context and was greatly discouraged.

This social arrangement had its strengths in terms of human rights implications. It should be stated that Africa shares in the universal construction, appreciation and use of human values, which are the source of human rights. To a large extent, African human values are a factor in the practice and implementation of human rights. It may be said that African social life was communal, and, therefore, incompatible with the Western conception of human rights on account of the Western individualistic basis. Moreover, such a society might be oppressive. However, while these differences may be accepted, the differences of conception alone do not imply a better or worse protection of human rights. It basically means that human rights appear in differing cultural and historical circumstances. On the contrary, it may be argued that the African culture carried a wider framework for the protection of human rights for African corporate life protects everyone? For instance, when a child died, the whole community would grieve in pain for the dead child. The treatment of the sick child or even of adults was a communal affair. Every relative, friend and neighbour would look for medicine, advise, and participate in the welfare of others. The child belonged to the community, not just to the individual.24 Land was shared, which made it possible for everybody to produce food. Accessibility to food was not hampered by any communal institution. In this way, Africans were able to approach human rights from a positive, humanitarian frame of reference. That is, not only was a human being honoured for being human, but also his or her needs were everyone's concern, in contrast with the Western liberal interpretation.25

Hierarchical Life

African social life was not only communal, but was also subsumed under a hierarchical universe. Human relationships were categories based on the assumed level of the *vital force* or the position of the individual in the totality of things. According to both P. Tempels, in his *Bantu Philosophy* (1934) and J. Mbiti, in his *African Religions and Philosophy* (1969), the African community use a metaphysical and social hierarchy in a descending order beginning from God, to dead founders of clans or ethnic groups, to dead grand forefathers, to the living-dead, the elders, and then, to men, women, children, animals, plants and finally to inanimate beings. Moreover, this hierarchy was not static but interactive, in such a way that the greater vital force had influence over the lesser and the lesser force could be manipulated to affect the higher force. Further, the hierarchy was intertwined with religion, God being the common denominator, mover, and protector of all beings.

In the context of human rights, as said above, a hierarchical society involved different levels of being or existence. An elder took precedence over youths, man over woman, and God over everyone and everything. Implicit in this hierarchy was social inequality for men enjoyed more rights than women. Besides, the rights of youths did not match those of elders. More socially successful men and leaders in the community had wider social space as well as more rights than less privileged people.

On the other hand, it must be pointed out that the hierarchy implied reasonable protection of human rights within a historical context. In the first instance, those higher in the hierarchy, had greater responsibilities. As a rule, every man had a fundamental obligation to look after his wife and family. Failure in this obligation drew shame upon the family and the whole community. Moreover, the man or elder who wronged the people below his vital force was sanctioned seriously by the community, depending on the gravity of the wrong done. Even more strongly, combined with the communal aspect of life described above, the hierarchical society bore an overwhelmingly protective responsibility over its lesser individuals. For instance, the killing of one person in a clan meant that the whole clan could respond even more seriously, which maintained a balance of forces. In short, if we are to understand human rights in terms not only of entitlements, but also of obligations, then African society was strongly conscious of the protection of human rights, irrespective of the conception of human rights they may have had. This view totally agrees with T. H. Green and E. Barker who claimed that the motivating force of rights was concern not only for oneself but for the other and that the good of society is constituted of such relations.26

Other Cultural Values

One may appreciate cultural values by examining African languages, speech, dance, farming, customs, traditions, etc. For instance, the noun stem of the word ‘muntu’ among the Bantu people is a profound word for a human being. The word carries much more profundity than ordinary words. It conveys that the human is that being which is sacred, highly valued and inviolable. To report that “omuntu yaafa” (that a person has died) is to report the worst news ever; the loss of life is incomprehensible, unacceptable, and the worst evil ever. For this reason that Banyankore says: “rufu temanyiirwa,” that is, no one ever gets used to death. Furthermore, among the Banyankore, human life is believed to be so sacred that whoever takes the life of another is bound to face some calamity, and can never wash his hands clean of blood. In short, he remains a criminal for the rest of his life. A killer never enjoys peace, because he or she is

dreaded, shunned, reminded, suspected and whispered about. It is further believed that such a person will go mad, and thus such killers or evildoers need to visit medicine men for cleansing.

As Gyekye Kwame notes, the dignity and respect accorded to humanity is derived from another pervasive value, namely, the African belief that all human beings are children of God.27 Thus, because human beings are a creation of God, logically human beings bear some goodness in themselves and, therefore, deserve dignity and respect. Taken a step further, that all people are children of God means that all are brothers, a fundamental supposition of human rights, even in the Western Christian tradition. Indeed, this universal brotherhood is reflected in the communal structures and actions through out African traditional societies. These bonds include the extended family, the clan, the community and broader social relationships.28 Universal brotherhood is also reflected in African actions like generosity, greetings, funerals, rituals, etc. The works of L. Senghor, J. Nyerere, but specifically K. Kaunda in *A Humanist in Africa* as said above, emphasise this even though they do not relate these ideas to the notion of human rights as presented today. However, the high value they see in the person is an important basis for the modern concept of human rights.

Two examples of customs demonstrate this concept, namely, greetings and funerals. Once again, as Gyekye Kwame observes, when strangers have occasion to meet, they normally ask about the origin, clan, relatives, and other details, but with a view to creating a more brotherly relationship. The greetings are interested in the well-being of the person together with others. Once good friends, the bond can be as strong as good as a consanguine relationship. For funerals, everyone who comes to know about the death of a person, with the exception of children and the disabled, must bury the dead because human life is so valuable that when it is lost nothing else can substitute for it.

Of course, there are also counter actions and practices that may seem to undermine the above values. These may include sorcery, human sacrifice, murder, conflict, and others. However, these actions derive from the evil minds of some people in African societies. Such actions and practices never form part of the value system of the African society. As said above, these were disvalues and injustices that may occur in any society. Kwame's invocation of a metaphysical explanation is specific and unsatisfactory because different human sacrifices were and still are carried out.29 Consequently, the concept of human rights as understood today is in complete accord with the traditional African concept of human values. In fact, African traditional human values promote greater human rights in Africa.

Changing Perspective of Human Rights

It is important to mention two things. First, that to talk of the African view of human rights is to generalise. Africa is a quite a large territory with a great variation of cultures and worldviews. Second, the traditional conception of human beings and their related actions were forced into a crisis by both colonialism and other forces, whether benign or not. Consequently, the perception is fast changing and to talk of the traditional conception may be misleading. However, in spite of these changes, the sacredness of human beings is essential in Africa. Indeed, as A.T. Dalfovo asserts, human values are everywhere upheld, though these expressions may differ due to differences in culture. After all, the Western conception of human rights is already in African constitutions, taught in African universities, implemented by a variety of institutions, and appreciated by different layers of African society. Consequently, positive African values and the notions of human rights are need to be debated and developed in the

context of our times. The African sense of the dignity, universality and unity of humankind, is the basis of the protection and implementation of human rights.

CONCLUSION

In view of what has been discussed above, the following claims can be made. The debate about human rights exclusively belonging to some specific realm is not useful. Indeed, human rights knowledge assumes the contribution of other sciences and thereby suggests a unity of knowledge. In this regard, the interdisciplinary teaching of human rights by the Human Rights and Peace Centre (HURIPEC) at Makerere University is commendable. This view seems more appealing because it treats human rights pursuits as interconnected, thereby creating a wider core for their accession, understanding and dissemination.

It must be pointed out that human rights forms part of values cherished by humankind, but these values constitute our knowledge of man and his destiny in the universe. In fact, it is the relevance of people in the pursuits of knowledge that accounts for the interdiscipline of human rights knowledge. This knowledge is not explained by one or two theories, but by every aspect of a people's epistemology, implying that human values find their origin in people's habitual ways of acquiring knowledge. This serves to demonstrate, once more, that human rights knowledge is not only unfolding all the time, but needs to be presented holistically, in tandem with the infinite positive possibilities of a people.

Lastly, the African traditional conception of a human being is in agreement with the contemporary understanding and practice of human rights. Even hierarchy is at the service of the community in spite of its shortcomings. A human being is so valuable that he or she is never thought of as an individual but rather in terms of a community. The African conceive the human being as sacred, whose needs ought to be fulfilled. Such a concept forms the basis for human rights. It does not matter that the concept 'human rights' was not applied, it is more important that it was present. Its conception needs to be explored with a view to its greater promotion in our times.

NOTES

1 Although human rights are often described in universal terms, there is another view, namely, that human rights are relative citing the relevance of cultural imperatives and subjective aspects of human nature.

2 During a seminar on interdisciplinary teaching of human rights organised by the Human Rights and Peace Centre (HURIPEC), at Makerere University, in August 2000, some representatives claimed that they did not see how the exact sciences could relate to human rights.

3 In this paper, knowledge is used to refer to what one is aware of.

4 D. D. Raphael, *Problems of Political Philosophy* (2nd ed.) (London: Macmillan, 1990), p. 104.

5 Stanley Ben, 'Rights,' in Paul Edwards, *Encyclopedia of Philosophy* (New York: Macmillan Publishing Co., 1972), pp. 195-199.

6 See D.D. Raphael, *Problems of Political Philosophy* (London: Macmillan [second edition], 1990), p. 110.

7 Fabio Sabatini, in "Rights based country programming in development cooperation: UNICEF's experience in Zimbabwe," a paper presented at the Third Expert Consultation on the Right to Food, Bonn, 12-14 March, 2001.

8 Asbjorn Eide, in Katherine Salahi, *Food Policy* (Oxford: Pergamon), Vol. 21, No. 21, 1996, p. 23.

9 *Ibid.*

10 *Ibid*. See also A.T. Dalfovo, "The Rise and Fall of Development: A Challenge to Culture", in *African Philosophy*, SABINA, Vol. 12, No. 1, 1999, pp. 39-49.

11 For instance, the University of Oslo lists as part of its requirements, the disciplines of law and political science. See the flyer about the Master of Arts in the Theory and Practice of Human Rights issued by Norwegian Institute of Human rights (2000-2001) for Norwegian Students. Bora Laskin Law Library, University of Toronto also borders on the confinement of human rights to issues of law.

12 Gyekye Kwame, *An Essay on African Philosophical Thought* (Philadelphia: Temple University Press, 1992), p. 146.

13 *Your Rights*, Monthly Magazine by the Uganda Human Rights Commission, Kampala, Vol. III, No. 6, July 2000, pp. 3-6.

14 The invention of the Maxim gun and early 19th century technological development is cited as one of the causes of World War I. The precise mathematical calculations and consequent production of precise weapons have far-reaching consequences for human rights.

15 Dr. Samson Mike, who is the coordinator of the African Universities Initiatives and lectures at the West England University, said the above when he was giving a paper, "Africa is so Poor so that the West can be Rich" at Rock Hotel, Tororo, Eastern Uganda. *The Monitor*, 7th May, 2001.

16 Much of the philosophical discussion has focused on ethical considerations.

17 A.T. Dalfovo is the former head of the Department of Philosophy at Makerere University, Kampala (1984-1999).

18 In fact, L. Senghor talks of African emotion. Cited in P. English and K. Kalumba, *African Philosophy*(Garden City, New Jersey: Prentice Hall, 1996), pp. 46-47. E.A. Ruch and K.C. Anywanu make a similar observation. E.A. Ruch and K.C. Anywanu, *African Philosophy* (Rome: Catholic Book Agency, 1984), p. 95.

19 See his *Treatise on Human Nature*, Sections 1, 4 and 6 in Martin A. Walsh, *History of Philosophy* (London: Cassell, 1985), pp. 280-281.

20 *Ibid*.

21 In his *Critique of Pure Reason*, Kant called these conditions "pure categories" or "pure principles of understanding." These conditions seem to be convincing, but Kant seems not to have bothered to explain their origin. Could they be innate?

22 L.Senghor, "Discourse d'Oxford," cited in A.E. Ruch and K. C. Anywanu, *op. cit.*, p. 206.

23 John S. Mbiti, *African Religions and Philosophy* (London: Heinemann, 1969), p. 208.

24 *Ibid.*, p. 205. This view was expressed in both K.Nkrumah's *Consciencism* (in both 1964 and 1970 editions) and J. Nyrerere's *Ujamaa, Essays on Socialism* (1968).

25 Kenneth Kaunda, *A Humanist in Africa* (New York: Nashville, 1963).

26 This view is cited in J.C. Johari, *Contemporary Political Theory, Basic Concepts and Major Trends* (New Delhi: Sterling Publishers Pvt. Ltd., 1980), p. 33.

27 Gyekye Kwame, *African Cultural Values* (Accra: Sankofa Publishing Company, 1996), p. 24.

28 *Ibid.* See also A. E. Ruch and K.C. Anywanu, *op. cit.*, pp. 223-253.

29 *Ibid.*, p. 30.

CHAPTER VIII

A HOLISTIC APPROACH TO HUMAN RIGHTS IN UGANDA: CHALLENGES TO THEOLOGY AND PHILOSOPHY

A.B.T. BYARUHANGA-AKIIKI

The topic of this chapter refers to human rights expressed in Runyoro/Rutooro (R/R) as *obugabe bw'obuntu* or *bw'obuhangwa* and in Luganda as *Eddembe ely'obwebange* or *ely'obuntu.*1 This means in brief that the human being has been freely and absolutely given personal attributes without having applied for or been consulted; these essential and core commodities are had from creation or birth, and noone has a right to take them away.

INTRODUCTION

Needless to say, in the disciplines of life studies or religious studies, the giver of such inalienable rights is universally recognised as the most important and generous reality in the cosmos. The paper proceeds from the assumption that peace has always been a *sine-qua non* for the enjoyment of any type of human rights reflection on this topic and the challenges from related theological and philosophical perspectives is based on the fact that peace cannot be secured merely by philosophy, law, peace agreements or peace-keeping forces.

It is generally known that religion and philosophy concern themselves with metaphysical and moral questions that long have occupied the consciousness of human beings in Africa. Where do we come from? Why is there suffering? For what purpose do we exist on earth? Is there life after death? What is good and evil? Is there a Creator? These and related questions are of great concern to all human beings, no matter what their academic disciplines.2 This calls for is the justification for discussion of the theological and philosophical challenges related to human rights.

Although we do know that knowledge in various fields of study interrelates, it is sad to note that all too often some modern scholars prefer to concentrate only on their own field of study. With proverbs like, *amagezi murro bagwiiha nju endi,* meaning thatknowledge and wisdom are essential commodities that one gets from another house, the African traditional wisdom has some insights to offer. It advises, the joy of discovering new knowledge and wisdom that should inspire scholars to communicate their findings with love and in terms their audiences can understand. People should not hesitate to borrow useful knowledge, wisdom and enlightenment; they should be most willing to listen to others lest their knowledge becomes superficial and imprecise.

A related proverb in Runyoro/Rutooro and other African languages says, *(akaana) akatabunga kagamba ngu nyinako nuwe acumba obunura*: the child who does not visit believes only its mother cooks the sweetest dishes! In relation to this, we have some teaching from Confucius of China who said: "A gentleman can see a question from all sides without bias. The small man is biased and can see a question only from one side."3 We are committed here to seeing questions from all sides for there is no single discipline nor local prescription that can solve all the problems facing humanity, especially during this new millennium.

AFRICAN AND WESTERN LEGACIES

Before seriously reflecting on *obugabe bw'obuntu* or *bw'obuhangwa* in Runyoro/Rutooro and on *Eddembe ely'obwebange* or*ely'obuntu* in Luganda, let us recognize the

cultural impact of two alternative views concerning the topic that have influenced our understanding and practice of human rights.

A legacy from the West for centuries has taught a high anthropology, placing human beings over all created beings. It has considered the human being to be above nature as the apex of the whole creation.4 Underlying this claim has been the inalienable dignity believed to have derived from the biblical assertion that "man is created in the image of God" (Gen. 1.26b, 27).

This has been identified as the source of human rights.5 Together with the command "have dominion" (Gen.1.28b) it has been the theological basis for the claim that human beings are superior to other creatures. Nonhuman created beings were considered inferior and, at best, fit for human use and dominion: Descartes said, "Man is the Lord and owner of nature."6 Some modern Western theologians have now concluded that this inherent Western anthropocentrism and the domineering attitude of humans has done much violence against the whole of creation. From the African point of view, this traditional Western theology and philosophy is not only different from the traditional African perspective, but has limitations. We want to recognise the impact these have had on African culture, which had been considered a bygone story.7

This paper argues the need to consider very seriously the alternative worldview of the African ancestors concerning *obugabe bw'obuntu* or *bw'obuhangwa* in Runyoro/Rutooro, and *ely'obwebange* or *ely'obuntu* in Luganda as indicated in the topic. In this connectingAfrican ancestors always had, and passed on, a dual understanding of human rights: one, the understanding of Runyoro/Rutooro or*eddembe* human rights in relation to the rights of the whole of creation, the other is human rights in the context of human relationships.

Concerning human rights and the rights of the whole of creation, traditional African practices and beliefs contain many values that protect and promote human rights and those of all of creation. Basic to the African understanding is an all-important eco-worldview. People claim their identity as deeply rooted in nature: the land is the peoples' life and identity, to a point where the Baganda and some of their neighbours call a human being, *omutaka*.

The root word *taka* means "soil": hence that the *omutaka* becomes the person, son or daughter of the soil is clearly understood by the people. People live and grow up with nature;8 they feel one with it and this closeness with nature and the whole of creation is central to their understanding of their existence. The meaning and uniqueness of being human can only be found in relation to the rest of creation.

African traditions speak of this interrelatedness of all. These traditions include the Master Creator or God in English, the number one *Mutaka*, human beings and the world. The human relationship with the whole of creation is characterised by mutual respect and interdependence, accentuated by common responsibilities in caring for God's created world. For centuries African have had this vision of a spiritual continuum within which the dead and the living, natural objects, spirits, divinities, the individual, clan and tribe, animals, plants, minerals and humans form an unbroken hierarchical unit of spiritual forces.9

With regard to the understanding of human rights in the context of human relationships, the African legacy teaches that the human self is not only an individual self, but an extended universal self, present and actively participating in all parts of the human totality.10 Human rights are perceived as universal with different personal, social, regional or provisional conceptualisations or interpretations. Thus in African history, human rights cannot be understood apart from the rights of all of creation, including even the rights of the dead, nor can the dignity of the person be understood apart from the dignity of the whole of creation. People argue, that we do not have the right to what we have not created.11

In African society one is always a member of a community that comprises God, the living and the dead, and the entire cosmos. On the purely human level, one prominent practice has always been that important decisions are taken by the family sitting around the hearth. Many creation myths picture all creatures discussing together animatedly, consultating and arriving at consensus after having taken into account the words of wisdom and guidance from *Ruhanga* (God).12

This is indicative of the universal family that requires the participation and cooperation of all its members in decision-making and in carrying out given responsibilities according to that cultural protocol of each.13 The *Ganda* cosmology today has the chain of authority in the cosmos ranging in descending order from *Katonda* (God) to *Kabaka* (king-human), to *Mukulu w'akasolya* (head of the *kika*clan), to *ow'amasiga* (head of the line of one's great-grandfather), to *ow'omututba* (head of the line of one's grandfather's brothers and sisters), to *ow'olunyiriri* (the line of one's grandfather), to *luggya* (the large family of uncles, aunts, cousins, nieces) and to *ekka* (the nuclear family).14

The whole of creation is depicted as one of co-workers and partners with responsibilities that involve caring for God's created world. It is in this God given relationship among all creatures and human kind that the rights of all creation are founded. In other words, the basis of the fundamental rights of the whole of creation is God's right.

HUMAN RIGHTS AS GIFTS FROM GOD

The above means that God owns and claims all creatures and the whole of creation. This entails, for creatures—human beings included—that rights in their true sense are gifts from God and never a privilege granted by the state or society. Moreover, human rights are community or social rights: no rights can be exercised apart from one's relationships, service and responsibilities. Hence, the ultimate court of appeal for justice is always God, to whom appeals of justice are addressed regarding all aspects of life: political, economic, religious and social.

However, many Euro-American nations have seriously critiqued the above point of view, and instead have enthusiastically praised extreme individualism and sexual liberation. These trends to lead to the breakdown of the family, drug abuse and AIDS. In effect, the leading ideologies in Euro-American nations such as Christianity, Marxism, Socialism and a few others have so far failed to provide solutions to the fundamental problems related to the issues of human ethics and morality. The issue remains of what should be done to prevent immorality. Many solutions have been suggested including the urgent need to reestablish conjugal love, which founds family ethics and then expand to social and state ethics.15

Additionally, cosmic oneness means all creatures are interrelated under their Creator. The kinship-family relationship refers to the African folktale that people, and all creatures for that matter, originated from the bowels of the Earth. When they come out, *Kyozaire* is the mid-wife and their first baby-sitter.16

When the Earth is symbolically perceived as giving birth to people, mushrooms and other creatures, she is perceived as the most generous mother who not only gives birth to the people, but nurtures and sustains them by the produce of the land. She commands the highest respect from all creatures. This explains why issues concerning the soil, mother earth, and human mothers are among the most sensitive.17

The closeness of Africans with nature and other created beings is further seen in the practice called totemism in English. Many blood-lineages (clans), social lineages, or even spiritual lineages trace their origins to a totem animal or plant or other creatures. In Makerere University, and

reminiscent of the centuries old custom, there are members of the community known as elephants, crocodiles, spirits, rats, goats, boxers and so on.

In the larger Ugandan society are the Baganda people with their 52 *bikka*, the Banyoro-Batoro with their 83 *enganda*, and the Luo of Uganda and Kenya with their 99 blood-lineages each and everyone of them claiming affinity with some totem. Of course, we find a number of individuals whose identity is tagged to the Creator.18 In the African culture, totems command a great deal of respect because some clans trace their origin to the totem animal or plant. People do not eat their totem animals or plants, which would be tantamount to destroying their ancestors. That animal or plant is accorded a status that ensures protection.

Hence, even today, with modern philosophy and theology in Africa, totems are accorded a status that ensures their protection, while members of a given blood-lineage recognize solidarity and oneness with the totem.19 To do otherwise would be highly unethical. Thus, Africans have long viewed creatures or nature as having personalities which emanate a warmth of fellowship and maintain a mystic kinship with them. This contrasts strongly with Western traditional understanding of creatures as mere commodities for human use.

SOME NON-AFRICAN COMMENTS

What some philosophers and theologians are saying now in Europe and Asia has long been present in African traditions; they are not new ideas. What may be new is that they have not been used for modern philosophical and theological articulation. This is the challenge to current philosophers and theologians in Africa.

Because of the rejection of the African traditional perception of human rights and the focus only on human beings, today humanity as a whole is facing many dangerous problems. The greatest of these is the possibility of global war and nuclear disaster, which could occur only too easily amidst the struggles, confusion and conflict of ideologies, owing to the absence of a correct value system.

Without denying the existence of natural catastrophes like earthquakes, ghastly hurricanes and floods, the above threat results from the misuse of man-made scientific research by evil people and various political, philosophical, theological and even economic interest groups. In pursuit of their own selfish purposes they end up sabotaging human welfare and the highest ideals. Even religion, which is supposed rightly to guide the human spirit, is not fulfilling its appropriate role. Such dangers threaten the very survival of civilization.20

Who then is to solve our problems? Is it possible to integrate the African traditional perceptions of human rights and the imported perceptions? The answer from the age-old African wisdom is that no other choice is possible if humanity is to survive. There is a belief that the challenge of our age can be met only by teams of experts from a diversity of disciplines, including philosophy and theology, who can cooperate in the examination of problems from various perspectives.

Besides, it is observed, that past African philosophies and theologies have had their own views of value, each with strong points that are still beneficial. People have nearly left them behind, because the past values and principles could not adjust to the present age. The strong recommendation is that we absorb all these strong elements from the past and redevelop them in ways that meet the needs of the modern humanity.

Since the human being consists of physical and spiritual content, to bring real happiness, there is need to improve both the spiritual and physical life at the same time. This is a major challenge for human rights. Modern science has put its efforts into improving material life to which its horizon is limited. Hence in spite of its hard work humankind has not been able to escape distress and chaos.

ANCIENT VERSUS MODERN VALUES

There is a vast difference between the standards of values: from ancient times to the modern age, between the Orient and the Occident, of Europe from Africa. The great challenge is to set up standards of value that will cut across lines and apply at anytime and in any place. Love at different levels and since time immemorial has been defined as one of the absolute values that is the basis of the ethics of the family system.

After many years of the existence of African religion and philosophy, we read and understand from the history of Europe that much after the Renaissance, so-called religious people felt threat from the discoveries of science. The focus of their concern was with individual salvation without being concerned with developing the knowledge and techniques necessary to solve the problems of hunger, disease, old age, and inadequate housing and clothing. Later, there is evidence that despite the development of modern science and the prosperity of the economy, and despite the scientists' deep desire and diligent efforts, many problems continue among nations.

With their philosophy of communal life centred on blood-lineages or clan and social solidarity, African ancestors long developed integrated physical, social, intellectual, moral and spiritual strategies of development for their descendants. This was referred to as *obugabe bw'obuntu* or *bw'obuhangwa* or *eddembe ely'obwebange*. In this light, human rights in Africa is are not something fairly new or imported as is often thought.

In fact, there is urgent need not merely to reject whatever negative values from the past, but rather to retrieve from past wisdom the many good values and principles that will contribute to the elimination of physical, social, intellectual and spiritual poverty, illiteracy, diseases of all kinds, tensions, sorrows, pains, restlessness, anxieties, fears, wars and hostilities and other evils experienced even in the midst of luxuriously developed and highly scientific countries. Africa can contribute to the needed education of body and emotions, mind and heart regarding those values and principles that regulate humanity's behaviour by implementing ethical and moral standards and norms of goodness.

How can this be done? The Greek philosopher, Socrates, gave a clue when he said "the unexamined life is not worth living."21 Long before his time, African ancestors in their traditional wisdom taught that the ultimate giver of life and peace, called *Ruhanga* (Runyoro/Rutooro) or *Katonda* (Luo) and so many other names in Africa and God in English, has always been involved in the education of mind and heart.22 No one should examine life and leave God out of the equation. The forefathers' wisdom has always implied the need for a continuous interaction between humankind and its life context. We must follow in their footsteps by seriously examining our life situations. The spirit of the 21st century challenges us to develop a new philosophical and theological consciousness that will provide new vision for building world peace.

PHILOSOPHICAL AND THEOLOGICAL CHALLENGES

Human rights is one of the dominant challenges facing the national, continental and even international community in the 21stcentury.23 The broad philosophy of human rights is based on the view that all things should be harmonised so that people can have peace in abundance. Following in God's footsteps, billions of people living or dead—so many ancestors, teachers and leaders—develop understanding and play the role of educating others to know and practice human rights even before these are written down.

It is on these philosophical and theological foundations that much later in time the American ancestors, in their Declaration of Independence, asserted in 1776, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness."

In the same spirit that the UN in its Universal Declaration of Human rights adopted and proclaimed in resolution 217 A(iii) on 10 December 1948 states that recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. With this understanding, the nations signed the 30 articles and have ever since determined, among other things, to promote social progress and better standards of life, and have pledged universal respect for, and observance of, human rights and fundamental freedoms.

Over the years, having committed herself to uphold, promote and protecting the human rights of every individual according to the UN Charter, Uganda's signing of the charter committed all its citizens to its objectives. Currently, over human rights organisations operate in the country24 and underscore the importance Uganda places upon human rights. The Uganda Constitution recognises them and provides a mechanism for their enforcement.

Worldwide, while there have been revived expectations for a peaceful and more secure world, sociologists tell us that since World War II there have been about 150 conflicts and wars of varying sizes—the Middle East being the most conflict-ridden area—due to religious, extreme nationalist and racial tensions.

The reality in the third millennium then is that we are far from achieving a reasonable percentage of human rights or peace in Uganda, Africa or even worldwide. Weapons of mass destruction continue to threaten the survival of humanity. Conflicts abound and nations are struggling to adjust to drastically changed and changing political, economic, and other cultural circumstances.

These have given rise to a growing sense of uncertainty, disquiet and disillusion. The question is, how best can Africa, and Uganda in particular, respond to the demands and vicissitudes of a world of deepening interdependence among countries and the globalization of ever more intricate and interlinked problems of peace, human rights, security and development.

THE ROLE OF INTELLECTUALS

The role of intellectuals is to think deeply and to suggest strategies about how to tackle the multiple social, economic, environmental and other problems that militate against human rights using both traditional and modern perspectives on human rights. What can we do to implement the good African and UN resolutions, decisions and recommendations on so many issues which have to do with human rights and the advancement of the welfare and well-being of humanity as a whole? This must go beyond mere preventive diplomacy, peace-keeping and conflict resolutions.

The wisdom from the past proposes that we continue to do serious research and also take seriously both old and new philosophical and theological perspectives by going beyond religion and nationalism. This means that we should not leave religion behind but go beyond religious denominations,25 beyond what is false in religions, beyond religious authority and dogmatism, especially where these have been part of the human problem.

As Africans we are urged to be transnational and denounce extreme nationalism. If exported all over the world and the cosmos, the philosophy and theology of the Bakiga and the Banyoro might make a wonderful contribution. To the Bakiga, anyone designated as black by whatever reckoning is a Mukiga, whereas for the Banyoro, all people, living or dead, are Banyoro.26

It is gratifying to note that the United Nations Millennium Summit of September 6-8, 2000 declared the year 2000 as the "International Year for a Culture of Peace." In the preparations for the Summit Mr. Kofi Annan, the Secretary General observed that, the founders of the UN set up an open and cooperative system for an international world; because of that we are now truly living in a global world whereby the process of "Globalization has been made possible."

He was also quick to observe that the shift to this state of affairs is a central and core challenge for world leaders (indeed for all people) today. This is because in this new (globalized) world, groups and individuals more and more often are interacting directly and across frontiers, without involving the state. New technologies are creating opportunities for mutual understanding and common action.

But there are new dangers. Crime, narcotics, terrorism, pollution, diseases, weapons, refugees and migrants are all moving across borders faster and in greater numbers than in the past. People feel threatened by events far away. They are also more aware of injustice and brutality in distant countries, and expect States to do something about them. The challenges to human rights are real and not a monopoly of Africa, though at different levels.

THE AFRICAN CONTEXT

In our African context, where millions of men and women live in a world suffering from hunger, starvation, injustice, ignorance, economic disintegration, political chaos, environmental problems and moral decay, there is great and urgent need for concerted efforts from the UN which exists for, and must serve, the needs and hopes of all peoples. But for Africans, and Ugandans in particular, there is a greater responsibility for the sons and daughters of the soil, the philosophers, theologians and so on, to find solutions for these and related problems. Can we do it? We can and we must! After all, Africans as a people have centuries of life experiences whereby they have been able to cope with whatever problems that devilled them.

In support of this optimism, Mamdani has observed that the shaping of Africa has always gone hand in hand with the globalization processes. Several periods can be differentiated. Archaeologists tell us that human life began in Africa.27 Dr. Kihumbu Thairu has also argued that most, if not all, of the major human institutions have had their origin in Africa.28 From a truly long-term view, Africans are the original global beings. Historically, they have emigrated out of the original habitat, referred to by some as the garden of Eden,29 and peopled the whole world. For Mamdani, the first and original African diaspora is humanity itself.30

He continues to observe that whereas the first Africans seem to have set the pace for humanity for the millennia, from the Olduvai Gorge (in north-eastern Tanzania) to the time of the Egyptian Pharaohs, a medium-term view of globalization is likely to yield a different perspective. He dates the medium-term view from the Atlantic Slave trade to formal colonization and to the Cold War.

During this span of history, Africans have been more victims than agents, more receiving than initiating. What is significant is their resilience to survive all negative forces, from the slave trade, to harsh environments, HIV-AIDs, ebola and so on. Despite such catastrophes, the population growth is comparatively high and Africans remain strong in surviving all odds.31

During all the past centuries, and much before the UN adopted and proclaimed the Universal Declaration of Human Rights (the 30 articles) on October 10, 1948, Africans had long been practising *obugabe bw'obuntu* or whatever terms the different African peoples call "human rights." The agenda of human rights has been a reality in Africa for millennia, especially at the levels of survival, livelihood, participation and protection.

My comments will now focus briefly on these four which over and above the fundamental rights and freedoms of the individual, are basic to man/woman's continued existence as a rational being. They distinguish people from other beings, animate or inanimate, which have no conscience or power of reason. They also are inalienable because they cannot be alienated or taken away from the individual. They are not granted to an individual by any earthly authority, choice or democracy, by any parliament nor head of state.32

Professor Mazrui has observed that, for centuries, the greatest contribution of Africa but least acknowledged is the concept of one single deity or God. Two thousand years before Muhammad (s.a.w.) and 1400 before Christ—3400 years ago—the Pharaoh Akhenaton let people worship one God at sunrise and at sunset. This worship is now taken for granted in Judaism, Christianity and Islam. This points to the historical reality that In Africa religion has always been acknowledged to be one of the fundamental and inalienable rights of a human being.

This has been recognized by the United Nations Article 1 of the Universal Declaration of Human Rights 1948 which that proclaims," All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." In the spirit of this proposition, the constitution of Uganda includes a chapter on "Protection and Promotion of Fundamental and Other Human Rights and Freedoms."33 Among other things, this guarantees various manifestations of religious liberty, which is universally acknowledged as one of the fundamental and inalienable rights of the human person.

The people of Uganda are deeply religious; they cherish their freedom of religion and belief.34 Many Ugandans attribute their very existence first and foremost to the Master Creator through their ancestors whom, they believe, sustain them in this world and have power over their future.35

In support of the human right to religion and without a detailed analysis of its relevant components, let us but mention them. Section 29(b) of the Uganda Constitution guarantees "freedom of thought, conscience and belief," and Section 229(c) affords constitutional protection to "freedom to practice my religion and manifest such practice which shall include the right to belong to and participate in the practices of any religious body or organisation in a manner consistent with the Constitution."

Section 37 entrenches the right of every person "to belong, enjoy, practice, profess, maintain and promote . . . creed or religion in community with others." The Constitution, in Section 21(2), furthermore prohibits discrimination on the basis of, *inter alia*, creed or religion. The right to religious education is succinctly endorsed in Article 30 of the Constitution. Ugandan law thus recognizes the importance of religion to the moral development of the people and allows it to be taught without limitations.36

Let it be added, however, that the enjoyment of fundamental rights and freedoms cannot be guaranteed in absolute terms. It must be subjected to limitations that are designed to ensure that the enjoyment of the constitutional rights and freedoms by any individual does not prejudice the rights of others or the public interest.37 Under the auspices of "the public interest," the Ugandan Penal Code empowers the president to declare any society to be "dangerous to peace and order in Uganda."

When so declared, it becomes unlawful, and it is an offence to manage, assist in the management, or be a member of such a society. Religious societies engaged in subversive activities under the cover of religion can be declared "dangerous" under these provisions and some have been so declared in other countries.38

As mentioned above, the agenda of human rights has been a reality in Africa for a millennia, especially at the levels of survival, livelihood, participation and protection. I will now turn to these with brief remarks.

1: The human right of survival is the current greatest preoccupation for the majority in Africa and particularly in Uganda.39In the broadest sense, these include aspects of population, health, food and nutrition, water and sanitation, shelter and urbanisation, and healthy physical environment. Generally, one needs to enjoy these before enjoying other rights.

Concerning population and reproductive rights, a brief look at the following sectors indicates that the infant mortality rate (per 1,000 live births) in 1970-1998 was between 110-84. The maternity mortality ratio reported per 100,000 in 1990-98 was 510. Those not expected to survive to age 60 in 1995-2000 were 52.2 percent.40

Uganda's Health profile indicates, that one-year-olds fully immunized in 1995-1998, against tuberculoses (TB) were 69 percent and against measles, 30 percent. During the same period, people with HIV\AIDS between 0-49 year of age were 930,000; the adult rate between ages 15-49 was 9.51 percent.

The number of doctors (per 100,000 people in 1992-1995 was four, whereas nurses for the same number was 28. It is noted, whereas 49 percent of patients go for modern treatment in hospitals, 51 percent perceive traditional treatment. Because the issue of survival is core, many Ugandans are for alternative medicine, meaning they avail themselves of all kinds of healing modes, be they African, Asian, European, modern, traditional. The underlying philosophy is that when one is sick, one wants health, and will be helped to fight sickness by whoever. Health comes before dogmas, be they traditional or modern.

2: The right to livelihood. This includes rights to education, employment and income.

The Education profile indicates an adult literacy rate at age 15 and above in 1998 of 65 percent; that of youth age 15-24 in 1998 was 77.5 percent. Public education expenditures in 1995-1997 was 2.6 of GNP and as a percentage of total government expenditure was 21.4. Access to information includes the number of televisions in 1996-1998 26 (per 1,000 people); personal computers, one and internet hosts 0.01.

The human poverty index concerning the sharing of income in 1987-1998 indicated the poorest 20 percent at 6.6 and the richest 20 percent at 46.1; the ratio of the richest to the poorest being 7 to 1. The population below the income poverty line (percent) in 1987-1997 was 55.0. A central concern in this sector is unemployment because there are many young graduate end up unemployed. The following picture indicates that problem.

Primary Leaving Examination Candidates (the picture for two years)

1980 129, 510
2000 330, 044
Secondary School Admissions I-Level A-Level
1980 20,157 4,290
2000 95,000 42,000
Makerere University enrolments of first years
1983/845,042
1999/2000 20,995
Enrolment in new universities

Bugema362
Mbale 992
Ndejje 394
Nkumba305
Uganda Martyrs234
Uganda Christian 670
Namasagali 15
Busoga 60 41

In the case of graduates at different levels, the government is committed to the implementation of various strategies to create more employment opportunities. On the other hand, there is a challenge for all graduates to a job makers rather than job seekers.

In rural areas, the greatest emphasis is on agriculture. 81 percent of the entire population are agricultural workers, while the rest are engaged in either an elementary occupation (7.6 percent) or are low-level government personnel (4.6 percent) craft workers (3.4 percent) and technicians (2.4 percent).

About 80 percent of the rural population depends on subsistence farming. Only 23 percent of households earn their living from cash crop farming. Besides, some rural households meet their needs through employment income (8.2 percent) remittances from working relatives (6.7 percent) and petty trade (3 percent). Family labour is predominant with women contributing 75 percent of the labour force.42 Generally, agriculture's contribution to the national GDP is well over 75 percent. It accounts for 98 percent of the Export earnings, with coffee alone accounting for 65 percent.43

To ease the problem of unemployment, both government and the private sector are working hard to boost the economy of the citizens as a whole in the areas of:

(i) Textile manufacturing
(ii) Coffee processing
(iii) Fruit growing and processing
(iv) Fish processing
(v) Leather goods manufacturing
(vi) Dairy products
(vii) Wood products
(viii) Hydro power
(ix) Mining and mineral processing
(x) Export of beef and goats.44

The world has failed to meet basic human needs by equitable sharing of human needs and the earth's resources, both natural and those produced though human endeavour. What is happening is a world disorder, characterized by the law of "survival of the fittest" UNICEF states that 15 million children die prematurely every year from hunger and hunger related diseases. In the case of Uganda, thepresident has observed 66.3 percent of Ugandans live in absolute poverty.45

3: The Right of Participation. These relate to the rights of association, expression and empowerment.

With regard to empowerment, Uganda has a good record of women in government. Women in Uganda received the right to vote and to stand for election in 1962. By 1998, they were elected at all

levels at 11.2 percent, with 13.2 percent at the ministerial level asministers, secretaries of state and heads of central banks and cabinet agencies. There were 9.8 percent at sub-ministerial levels, including deputies and vice-ministers or their equivalent, permanent secretaries, deputy permanent secretaries, directors and advisors.46 In responding to association and expression, the government has guaranteed the security of persons and property including allowing exiles to return home. Government has also licensed up to 30 or more FM radio stations. These, together with increased telephone access throughout the country an atmosphere of freedom of expression, and over 20 daily newspapers countrywide, promote debates in manycities about cultural issues.47

Administrative units exist from the village to parliament, where anyone who so desires can stand for election. Marginalized groups (women, youth and people with disabilities) are recognized and have been brought into the social and political mainstream. They are represented at all centres of political decision-making. From October 8, 1995, a new Uganda constitution that was promulgated as the supreme instrument to guide all citizens.

4. Rights to Protection. These refer to protection from violence, exploitation, discrimination and to one's identity.

Evidence shows that compared to past decades, the government has re-established the rule of law, observance of human rights, constitutionalism and freedom of the press, following a time of high criminality and corruption when judiciary killings and looting took place that were state inspired. Now are efforts to eliminate them absolutely are in place.

Unfortunately, the present study does not have statistics to do with people incarcerated for juvenile convictions, drug offenses, rape, homicide and others. The government tells citizens that the way forward in fighting corruption is to utilize the existing institutions to teach morality, starting with the family and other cultural units, through national to universal institutions. In the case of Uganda, initiatives continue to strengthen the offices of the Inspector General of Government, the Auditor General, the Criminal Investigation Department, the Public Accounts Committee in Parliament. Members of the public make it their duty to teach morality and reject and report corrupt practices.48

The guidance from the Constitution article 23 is clear. Generally, it articulates the right to personal liberty. Countrywide, evidence shows that the conditions in prisons are not conducive to proper exercise of human rights.[xlix] Major experiments are needed in the detention cells, prisons, prisoners clothing, overcrowding, dietary habits, sanitation, death row, length of periods on remand, failure to have regular sittings at the High Court, and so on.

CONCLUSION

It has been indicated that human rights in Africa remain the greatest pre-occupation is for survival. Freedom of speech, assembly, worship and vote mean nothing to those who are starving and homeless—freedom of the press is meaningless to the illiterate. The rights to survival take precedence. As to the question of why people stand up for human rights risking harassment, torture and even death, there are two possible answers. One, philosophically, because people have great faith in the dignity of the human, and two, theologically, because people decide to follow in the footsteps of God who has manifested that the highest value is that of sacrifice for the welfare of His children. The Bible cites God's values thus: "Greater love has no man that one lay down his life for his friends." (John 3:16).

Despite their many setbacks, religion as teacher has played the noble role of enkindling in the hearts of many the fire of love for others, even to the point of death. (Even such other creatures as mother chickens, antelopes and so on, have been known to die while fighting in defence of their children.)

Human rights at the clusters briefly indicated above—promote that survival, livelihood, participation, and protection (i.e., peace)—are interrelated and mutually dependent. If there is justice, it means human rights are recognized, thus ensuring peace and prosperity in the land where all citizens are enabled to live without fear in harmony and healthy interactions. Through participation people are enriched by their differences; in dialogue and discussion they forge common goals and objectives.

The paper has employed a holistic approach to human rights in order to address the two challenges. The philosophical challenge is at different levels to evolve strategies towards the attainment of the necessary balance between the many different clusters of human rights, and the total eradication of material poverty. The theological challenge lies in providing holistic guidance towards the attainment of the rights to holistic survival in such areas as food, unpolluted water, air, suitable housing, clothes, employment and medical care in addition to the social, cultural and spiritual values essential for individual and social life.

The paper argues that human rights violations can never be understood apart from rights of the whole of creation. That is why the dignity of a human being can never be understood apart from the dignity of the whole of creation. This inter-relatedness or symbiotic relationship that humans maintain is what makes them human. In such relationships, one's actions or deeds affect the rest of the members, as when one cell in the body feeling pain, engages the whole body.

Human rights violations in this sense are nothing but disruptions or distortions of the peaceful coexistence of human beings and of the whole of creation as a universal community. The question of human rights is inseparably linked with the question of rights in justice to the protection of life, social equality, economic justice, political freedom, rights of participation in the overall decision-making process—all these together constitute human rights for Africans.

In this sense, rights are indivisible and interrelated. Africans have affirmed this for centuries, the religions. In the final analysis, human dignity can be found only in relationship with fellow human beings and the whole of creation.

NOTES

1 *Obugabe b'wobuntu rundi Obugabe bw'obuhangwa* (Runyoro-Rutooro), *Eddembe ly'obuntu* (Luganda). In these two languages of Uganda, the terms are meant to convey the meaning of "human rights". In Runyoro/Rutoro *kugaba* means to give or to provide with. The Legacy talks of God at creating human beings giving each and everyone love, life, lineage, conscience and creation facilities without charge, choice, application, democracy, or consultation. Once given, they cannot be wished away or removed. *Eddembe* is a matter of peace. Literal translations are difficult.

2 Theologically and philosophicaly, Ugandans and Africans generally believed in the existence of *Ruhanga/Nyamuhanga* (the Master Creator-God) as a *Muzaire* (a parent) (Runyoro/Rutooro) with all people living and dead as His children (not in the biological sense). The chief characteristic of his personality is *Engonzi* (love); thus has the attributes of *Kyozaire* and *Ngonzi* or *Kugonza*. He empowers human beings to share physically in His parenthood and to transmit his eternal love, life, lineage and conscience. Communism as an ideology or system of thought that denies God's very existence and with its fundamentalist atheistic view of life damages peoples' minds and hearts. It cannot argue for true human rights.

3 *Analects*, 2.14.

4 Gerhard von Rad, *Old Testament Theology* (London, SCM Press, 1975), p.144.

5 Jurgen Moltmann, *On Humanity: Political Theology and Ethics*, (London, SCM Press, 1984), p. 9.

6 For Descartes the causation of creation can be understood through the theory of physics. John David Barton's Ph.D. "Causality in Africa and the West," Chapter 5, shows the adequacy of this theory being challenged by members of the Vatican Observatory Project whose aim is to balance the physical and spiritual realities.

7 Kihumbu Thairu, *Utamaduni ya Kiafrica* (African civilization), (Nairobi, East African Literature Bureau, 1975). His whole book is about the negative impact of foreign cultures on Africa. He argues that out of ignorance they condemned African culture *in toto.*

8 Kabazzi-Kisirinya, S. (oral information December 20, 2000), clarification on the teaching of the *bataka,* (ancestors) about creatures having been created and reproducing within the principle of duality (i.e., men and women, stamina and pistil in plants, and positivity and negativity in other lower creatures molecules, atoms, particles).

9 A.M. Lugira, *African Religion* (USA: Facts on File Inc., 1999), p. 62. (On the evidence from African culture concerning the educational value of rites and rituals).

10 M.M. Thomas, "Primal Vision and Modernization," National Seminar on Theological Implications of the Primary vision (India, Madras, September 9-12, 1993), p. 2.

11 Leonardo Boff, *Ecology and Liberation: A New Paradigm* (Maryknoll Orbis, N.Y., 1995), p. 29.

12 Harry Sawyer, *God, Ancestor or Creator*, (London, 1970). His entire thesis is that some Africans from West Africa also refer to God as a Parent of parents, thus qualifying Him as a grandfather or the position of Ancestor number one. God is father or mother in the spiritual sense; the issue of whether He is also parent physically is debatable. Many Africans symbolically call Him a parent in all senses, since He is the source of all life, etc.

13 Many Africans have clear roles and responsibilities in reference to those of parents (father, mother), brother (elder brother), sisters (elder sister) and children.

14 Byaruhanga-Akiiki, A.B.T. (ed.), *African World Religion: Grassroots Perspective* (Kampala, Makerere Printers, 1995), p. 52. This chain of authority and relationship is the same for all, the living and the dead and it is important for one to know these relationships (Re-ligion). Without this one is backward both in head and in heart and could even be highly unethical. In relation to this, one could recall here some ethical value contents for "education of the heart and head" as expressed by the following terms: love, peace, happiness, justice, joy, morality, gentility, unity, freedom, harmony, respect, me rcy, compassion,kindness, magnanimity, honesty, generosity, humility, faithfulness and obedience. There are other values and related terms not mentioned that contribute to peoples' character development. Ideally they are learnt in families rather than in formal classrooms, though they should be part of the school experience. They are practised in intricate give-and-take relationships and constitute moral criteria for assessing who a good person is, whether physically or spiritually. Individuals are generously given a whole life course to practise them. The above 20 and their opposites have vernacular terms in the many (2,600) indigenous languages of Africa. People who teach and practice sabotage and do malicious damage to God, other people and creatures are often described as being dead in heart, like walking corpses. The core teaching is that people be clever both intellectually and in the heart with the former having the highest priority.

15 Dr Sang Hun Lee, paper "Today's World Problems and Unification Thought" read at the 18th ICUS, August 23, 1991. Seoul Korea. ICUS is an acronym for the "International Conference for the Unity of the Sciences."

16 *Kyozaire* is one of the attributes of God in Runyoro/Rutooro. The completed phrase is, *Kyozaire tonaga,* meaning, you do not throw away what you have produced (a child). The Sotho/Tswana thinking is that God is *Mmabatho,* the Mother of the people. Thus, it is inconceivable that *Kyozaire* or *Mmabatho,* though She may discipline Her children for their good as should every good parent—should send them away eternally. The Middle East legacy talks of eternal punishment in Hell, Gehenna, Nar, or Sheol; *Kyozaire* philosophy does not accept that.

17 In Nyoro/Tooro culture, abusing one's mother is the quickest way of bringing about a bloody fight or even death. Issues of land are at times equally bloody.

18 Here the reference is to those thousands of Africans whose names have an attribute of God, i.e., Byaruhanga, Ojok, Were, Karugaba, Mugisa. There are thousands more in other parts of Africa. Similar hundreds more such names are found in Islam and Christianity, i.e., Abdallah (Byaruhanga or Karuhanga in Runyoro/Rutooro), Abdunoor-Nuru (child/creature of Allah who is light), Abdurashid-Rashid (child/creature of Allah who is the leader or guide), Benedict (Blessed by God), Godfrey and so on. In the broadest sense, people with such names enjoy calling Ruhanga (Allah, God), their name-sake.

19 The author is a *Musiita arukweera,* literally a white or morally clean one, but symbolically referring to one who should possess the values of love, honesty, justice, kindness, goodness and so on: Somehow he has two totem creatures on the father's side, *omuka* (plant used for colouring palms yellow) and a sheep (humble, sacrificial animal). His mother's totem is an antelope. Culture teaches one not to harm, touch or eat the totems of father and mother.

20 Dr. S.M. Moon, paper on: "Education, Peace and Dialogue among the World Civilizations." At the International Seminar on "International Public Service and a Culture of Peace." September 29-October 2, 2000, London, England, p. 27.

21 H.E. Dr. Makarim Wibisono, Permanent Representative of the Republic of Indonesia to the UN, during his remarks on the theme, the millennium Declaration of the UN, N.Y., 20, October 2000 p. 2.

22 Intellectual education: this refers to the acquisition of all kinds of knowledge that contributes to intellectual development. The reality remains that when God created this world, He restricted the capacity of the human brain and reason. If people could know everything, they would be *Ruhanga, Katonda* or God and thus surpass their restricted status as God's creatures. Education of the heart refers to the knowledge and practice that contribute to the development of one's character or personality, without which, the Africans say, the heart dies. It includes knowledge and practice of such values as love, justice, peace, joy, morality, unity, harmony, and kindness, to mention but a few. These and others that define the holistic nature, position and status of an ethically good person, with their opposites defining an ethically bad person, whether on Earth or in the Spirit world.

23 Other dominant challenges identified at the historic Millennium summit held under the auspices of the United nations September 6-8, 2000 in New York include values and principles to do with peace and security, development and poverty eradication, protection of our common environment, democracy and good governance, protecting the vulnerable, meeting the specific needs of Africa, and strengthening the United Nations.

24 See Appendix One on:" Some Human Rights Organisations in Uganda" by 2000.

25 Since the author has not found a single word to define "Religion," and is aware of the borrowed term *El din,* indigenized as *Diini* in the vernacular, we shall use the term "Religion" to

mean life as lived in a cobweb of relationships. It concerns itself with existence, life itself, relationships and the Master Creator who is the core reality behind all other realities which are His products.

26 An ancient value of educating people to have a transnational attitude to all people found in that where the Bakiga of southwest Uganda who divide the whole cosmos as inhabited by two categories of people *abakiga* and *n'abajungu,* meaning Bakiga and Europeans. "On the other hand, their brothers in the west of Uganda refer to all people as *Banyoro*, i.e., *omunyoro*: Clinton, Babangida, Bush, Gorbachev, Sadam and so on. This labelling is for all those living on Earth and in the Spirit World.

27 Mahmood Mamdani, keynote address at the conference on "The challenges of the social sciences in the 21st.Century," Faculty of Social Science, Makerere University Oct. 25, 2000. p. 1.

28 Dr. Kihumbu Thairu, *Utamaduni ya Kiafrica* (African Civilization), (Nairobi Kenya Literature Bureau, 1975), chapter 1.

29 The garden of Eden: According the Bible, Genesis 2: 8 ff., the Lord God planted a garden in Eden, in the East and He placed there the man whom he had formed. Out of the ground the Lord God made various trees grow that were delightful to look at and good for food. The Lord gave man this order, "You are free to eat from any of the trees of the garden except, the tree of the knowledge of good and evil." With the presence of so many fruit producing plants in East Africa, especially Uganda, with temperatures that are average and compliant all year around, the idea that the garden of Eden was in Uganda is credible.

30 M. Mamdani, *op. cit.*, p.1.

31 *Human Development Report 2000*: Demographic Trends, 226. The entire report focuses on human rights and human development.

32 Professor D.D. Nsereko, comment from his discussion on Freedom of Conscience.

33 Constitution of the Republic of Uganda, 1995, Chapter 4.

34 Ugandans, like other Africans, have been victims of the negative teachings of foreign proselytizers, who failed to appreciate the religious connotations of their traditional way of life, and, consequently, condemned their indigenous cultures as manifestations of a pagan belief structure.

35 The ancestors, through so many generations are honoured and respected in traditional African cultures as the fore parents whose love, life and bloodline ages have been carried forward through generations to the present, and whose influence on what Africans are today cannot be reasonably denied.

36 The following human rights organisations operate in Uganda in 2000: Foundation for Human Rights Initiative (FHRI), Uganda Human Right Commission (UHRC), Human Rights Network (HURINET), Human Rights Peace Centre (HURIPEC), Uganda Law Reform Commission (ULRC), FIDA (Association for Women Lawyers (Uganda), Human Rights and Civic Education Forum (HURICEF), Amnesty International (Kampala Office), Uganda Child Rights NGO Network (UCRNN), Public Defenders Association of Uganda (PDA), Paralegal Movements, Penal Reform Projects, Legal Aid Clinics.

37 Section 43(1) of the Constitution.

38 This has happened in such countries as Angola, Ethiopia, Malawi, Mozambique, the DRC and Zambia. See D.D. Nsereko, Religion, the State and the Law in Africa, in 28, *Journal of Church and State*, 269-87 (Spring 1986).

39 Human rights for survival, in the theological sense, are products of God which are absolutely necessary for living and without which one is bound to die physically.

40 Human Development Report 2000, p. 189. It is noted that the use of statistics to illustrate issues of human rights is essential. Population statistics for instance, throw light on many situations, i.e., whether men and women are healthy and in a position to procreate, the number of people to be fed and educated, and so on.

41The above figures are from the Ministry Education, Uganda Government.

42 Source: Republic of Uganda "Prosperous People, Harmonious Nation, Beautiful Country. A strategic frame-work for national development." Volume One. February 1999, p. 13.

43 Source: Ministry of Finance and Economic Planning, background to the budgets. 1989-1992.

44 Source: Statistics Department, Ministry of Panning and Economic Development.

45 See reference no. 5.

46 See *Human Development Report*, p. 267.

47 *Why Uganda Still Needs the Movement System of Governance*, 2000, p. 52ff.

48 *Ibid*. pp. 86-87.

49 A country Human Rights Report of Uganda. *The Human Rights Reporter*. Foundation for Human Rights Initiative, 1999, p. 16 ff.

CHAPTER IX

HUMAN RIGHTS AND DEVELOPMENT IN UGANDA: REFLECTIONS ON THE CONSTITUTIONAL PROVISIONS OF THE RIGHT TO DEVELOPMENT

M. MAWA

INTRODUCTION

Human rights in Uganda have had a limited recognition since pre-colonial times. Uganda's human rights record has been characterised more by violations than protection and promotion. The quest for respect of human rights in our society must, therefore, have as its starting point the historical experiences of dehumanisation and devaluation of Ugandans.

The turning point in the struggle for respect for human rights and the promotion of human development in Uganda was marked by the promulgation of a new constitution for the republic in 1995. The adoption and enactment of this constitution is the result of the growing need to protect and promote human rights by promoting a culture of constitutionalism and rule of law. Thus, the 1995 constitution has given a recognizable place for human rights and freedoms. In fact, some commentators have even remarked that the new Ugandan Constitution should be seen as a "human rights charter"1 where human rights serve as the basis for all the provision of the Constitution.

While it is true that the 1995 Constitution made remarkable achievements in the recognition and protection of some human rights, as seen in chapter four, it did not go very far. Many constitutional analysts have already alluded to this reality. For instance, Oloka-Onyango has observed the fact that many rights, including social, economic and development rights, have been confined to that part of the constitution which has no legal force:

> The majority of the rights of this character [referring to economic and social rights] are confined to the section of the constitution, which is not amenable to legal enforcement: the National Objectives and Directive Principles of State Policy. The Language used in describing state commitment to the realization of these ideals is clear: "The following objectives and principles shall guide (rather than "bind") organs and agencies of the state…" at best imposing a moral obligation, but providing no mechanisms for enforcement. It is in this section of the Constitution that questions such as development, . . . education, health, water, food security and nutrition are covered.2

It is not clear why these rights were moved to this part of the constitution because they formed an important part of chapter III of the Draft Constitution. Perhaps one of the reasons could have been that "The Report of the Constitutional Commission" referred to these rights as "generally not enforceable by legal means as they state general principles rather than substantial entitlements."3What this means is that the state cannot be held legally responsible for any limited achievement of these rights, but could be held morally accountable. Despite this structural and enforcement limitation, the 1995 Ugandan Constitution recognizes the right to development, stresses the role of people and the state in the development of Uganda, and brings to the fore the need for balanced and equitable development.

This paper, therefore, attempts to reflect on the reality of the right to development as provided in the Ugandan 1995 Constitution against the background of the principles and dimensions of the United Nations Declaration on the Right to Development and the African Charter on Human and Peoples' Rights (article, 22). But first, let us look briefly at human rights and development in general.

HUMAN RIGHTS AND THE RIGHT TO DEVELOPMENT

The idea of rights in general and human rights in particular is not new to most people. The language of human rights is predominant in our contemporary world. It cuts across all aspects of the human person: social, political, economic, and cultural. Human rights have occupied a central place in our lives because they have functioned and continue to function to protect and promote the dignity and value of human beings.

Although there has been no agreement about to what rights and human rights are because of differences in how people conceive them, the Oxford English Dictionary defines rights as justifiable claims, on legal or moral grounds, to have or obtain something, or to act in a certain way. Human rights, therefore, have been defined as the rights that everyone has equally, by virtue of their humanity;4 they rightfully belong to all humans by the virtue of being human. They are a crucial part of the human being because they are inherent as the basic components of a true human way of living. Human rights have been defined also as "generally accepted principle of fairness and justice."

The concept of human rights has been analyzed extensively in moral, legal, and political theories. Human rights in one conceptual analysis are intrinsic human values inherent in the human person, due to all persons on the basis of their human dignity. These rights and freedoms are said to be fundamental and include the security of the persons the right not to be deprived of life and liberty without due process of law; the right not to be tortured or subjected to cruel, inhuman, or degrading treatment or punishment; and the right not to be held in slavery or servitude. Their fundamental function and importance, therefore, is the protection and promotion of the intrinsic value inherent in human nature. Every state has an obligation to guarantee them, and every individual has a right to claim and enjoy them because they give meaning to the human dignity. Human rights are not absolute, however, but the possibility of their limitation is limited to the common good.

The concept of human rights in Africa is one of struggle against all forms of domination, exploitation, oppression and abuse. It is this sort of conception that Shivji Issa alluded to in his book: "*The Concept of Human Rights in Africa.*" For him, human rights must be rooted in the perspective of class struggle and must be claimed and enjoyed collectively.5 This conception of human rights is also clearly reflected in the African Charter on human and peoples' rights. In its preamble, the Charter affirms the duty of everyone "to achieve the total liberation of Africa, the people of which are still struggling for their dignity and genuine independence."

The concept of human rights in Africa is not limited to individual human rights. Human rights in Africa include peoples' rights enjoyed collectively or communally by a people or peoples. The right to development is one such rights that can be claimed and enjoyed collectively.

The disagreement in the conception of human rights as seen above is one of the great aspects of, and challenges to, the process of globalization. The dominant human rights discourse of the West has often been accused of being too restricted to individual rights of a civil and political nature, while ignoring the collective/communal rights (including social, economic and cultural

rights) advocated mostly by the developing nations. This disagreement as led to the categorization of human rights into first, second and third generations.

Attempts to harmonize such conceptual disagreements by the international community can be seen in the adoption of the Declaration on the Right to Development.

The right to development is thus defined by this declaration as "an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized" (Art. 1.1). From such a definition there follows the holistic approach to human rights conceptualization emphasized by the experience "every human person" and "all peoples."

The concept of development is sometimes as complex to define as that of human rights; development as a concept is sometimes difficult to understand. Many countries and many different writers have referred to development in various ways. Although development has been characterized as economic growth, its definition cannot be complete without reference to the human person. Development is a multidimensional process that includes the social, economic, cultural and political dimensions of human life. Thus:

> 'Development' is a positive word that is almost synonymous with 'progress.' Although it may entail disruption of established patterns of living, over the long-term it implies increased living standards, improved health and well-being for all, and the achievement of whatever is regarded as a general good for society at large.6

The United Nations Declaration on the Right to Development, 1986, in fact, makes a complete resume of all these new approaches to development. One of the real forces of this declaration is its novel realisation that the human person should be at the center of development. This has been the key to the innovation and revision of many other trends to development since the Industrial Revolution in Britain. The new revolution in development is solely encompassed in the fact that development can be achieved only with the human person as the central subject active participant and beneficiary of the right to development. Development is thus defined by the Declaration as:

> a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.7

This definition of development not only underscores the central place of the human person in any development process, but also stresses the holistic or integral approach to development and makes clear the link between human rights and development.

Development without doubt is the achievement of human rights by an individual, community, and state: without respect for human rights, there can be no development. There is, in fact, an interrelationship between human rights and development, which intertwines these two concepts.

> Where human rights are respected, development occurs. Where the opposition is the reality, underdevelopment and backwardness are the usual results. Human beings perform

> best and exert their full potential for development where they are secure in the enjoyment of their rights. The security of life, property and the guarantee of opportunities to raise the standards of living without discrimination or victimisation are at the core of people's motivation for development.8

RIGHT TO DEVELOPMENT: THE CONSTITUTION AND THE PEOPLE

Nothing has become an area of so great concern and commitment as development. As the world continues to get more and more connected and as the reality of the present phenomenon of globalization preoccupies the mind of the world, issues of development have come to the fore. One reason why this has become an issue of interest is the "development" of Europe and America, and in such countries of Asia as Japan, without correspondence to the condition of the poor developing nations characterized by mass poverty, illiteracy, diseases, malnutrition and high death rate.

In the awakening of the world consciousness to social issues and justice, especially to the issue of international economic order (or is it disorder?), the United Nations (UN) and the Organisation of African Unity (OAU) have addressed the issue of development by declaring development a right and responsibility. The right to development has been considered a specifically African contribution to the international human rights discourse. It is often attributed to the Senegalese Jurist, Keba M'baye9 who first propounded this right in 1972. The legitimacy of the right to development, according to Kaba M'baye, relates to political and economic considerations, is founded on moral grounds and accords with legal standards.10

The right to development does not appear in most international human rights treaties, but is formally recognize in the African Charter on Human and Peoples Rights. Article 22 of this charter provides that:

> All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

Not withstanding its limited recognition in international human rights treaties, the notion of the right to development as a human right found its way to the UN system when its General Assembly adopted the Declaration on the Right to Development on 4 December 1986. Like any other declaration, the Declaration on the Right to Development has since then provided important guidelines and directives on development and has inspired the writings of many national constitutions and continental proclamations. The African Charter for Popular Participation in Development and Transformation that was written in Arusha, 12-16 February, 1990, is a good example of the serious commitment to sustainable development in the African nations.

The government of Uganda recognizes the right to development of the state as a whole and of all its peoples. It provides for this right in the new constitution of 1995. Here, the right to development finds its expression among the National Objectives and Directive Principles of State Policy as objective number nine.

In the following provision, the state commits itself to the involvement of all its people in the process of development. It provides that:

> The state shall take all necessary steps to involve the people in the formulation and implementation of development plans and programmes which affect them.

The 11th objective describes the role of the state in development, by which the state commits itself to the enactment of legislation to establish measures that protect and enhance the right of the people to equal opportunities in development. In recognition of the historical imbalances in development, the state commits itself to taking "necessary measures to bring about balanced development of the different areas of Uganda and between the rural and urban areas."

Inspired by the vision and principles of the United Nations Declaration on the Right to Development and the constitutional provisions, Uganda has embarked on a number of development programs such as decentralization, liberalization of the economy, primary health care, universal primary education, poverty eradication and rural development, regional integration, etc. The question that we are bound to ask here is: Have the constitutional provisions and development programs found real reflection in the life of the ordinary Ugandans? This question certainly requires much careful thought. In what follows, we shall attempt to discuss the basic principles and dimensions of the right to development in the light of the Ugandan reality. Some of the basic principles, dimensions and issues of development on which we would like to focus in this discussion include the following:

- Human-centered development
- Participation
- Democracy
- Self-determination
- International Cooperation
- Social Injustice
- Integral Development

HUMAN CENTERED DEVELOPMENT

Perhaps the most basic issue underlying the right to development is the principle of human-centered development. Recognizing the central place of the human person in the development process, the United Nations Declaration on the Right to Development provides in article 2.1 that "the human person is the central subject of development and should be the active participant and beneficiary of the right to development."

The fact that the human person is the central subject in development has been so much stressed in other circles where people acknowledge and appraise the value of the human being. In Catholic social teaching, this fact has been emphasized in the encyclical*Populorum Progressio* where Pope Paul the VI insisted that:

> Development cannot be limited to mere economic growth. In order to be authentic, it must be complete, integral, that is, it must promote the good of every man and of the whole man. . . . We do not believe in separating the economic from the human . . . what we hold

> important is man, each man and each group of men, and we even include the whole of humanity.9

Embedded in this vision, is the recognition of personal potential, capability, skillfulness in "self-fulfillment." The African Charter for Popular Participation in Development affirmed the significance of the human-centered development approach when it stated:

> We, therefore, have no doubts that at the heart of Africa's development objectives must lie the ultimate and overriding goal of human-centered development that ensures the overall well-being of the people through sustained improvement in their living-standards and the full and effective participation of the people in charting their development policies, programmes and process and contributing to their realization. We further more observe that given the current worlds political and economic situation, Africa is becoming more marginalised in world affairs, both geo-politically and economically. African countries must realize that, more than ever before, their greatest resource is their people and it is through their active and full participation that African can surmount the difficulties that lie ahead.12

This approach to development is a recognition not only of the value and dignity of the human person, but also of the need to address the issue of basic human needs for the sustenance of human life. Food, shelter, health and education are some of these basic human needs for the preservation of life and its growth and development.

Measuring development in terms of access to basic health services, education, and food is more satisfactory than most other yardsticks. Such social indicators as life expectancy reflect more accurately the conditions of most of the population than per capita income because of a much broader distribution across households.13

The provision of basic needs is an essential investment in people as a way toward human-centered development. "People are both the ends and means of development. Although improved health, nutrition, and education are ends in themselves, healthy and educated human beings are also the principal means for achieving development."14 In Uganda, the provision of primary health care is assuming increased importance for the development of healthy human resources throughout the country. Thus despite the prevailing AIDS epidemic which is a major problem, not only in terms of physical health, but also its cost to the economic, social and the moral life of Ugandans. Despite this scourge, reduction in the expenditures in the health sector and the introduction of cost sharing means that development will be greatly affected. Therefore, provision of sustainable health care services that are cheap, affordable and accessible to all people is an important aspect of human-centered development.

The link, however, between education, health and development is one of cause-effect relationship. Healthier children are more likely to attend school and to learn, and therefore to develop than the sick or malnourished. Education, in turn, enables people to understand health problems and to act in their prevention and cure. Indeed education as a basic human need has an important part in the development of Africa's human resources.

Uganda has embarked on Universal Primary Education (UPE) in an effort to effect people-centered development. Although this programme has had a number of setbacks such as inadequate classroom facilities, the limited number of trained teachers, inadequate resources, and limited coverage of the whole population of the school age children due to the above constraints, it is

nevertheless essential for developing the abilities and the skills of the people for the future development. For this the secondary and tertiary levels also must receive the attention they deserve. The importance of having a more comprehensive state supported programme of education has been stressed:

> The approach must not only attempt to ensure that as many people as possible are able to attain minimal literacy and numeracy, but that specialized educational levels are also attained. Otherwise, not only will it be impossible to resist to the imperatives of globalization, but the people of Uganda will be condemned to a marginal existence on the fringes of important cultural, technological, and economic developments.15

PARTICIPATION

Participation is yet another important concept underlying the right to development. There can be no development without participation. Popular participation gives the majority of the people the right to development through which they can provide shelter, education and health care for themselves. For instance, a child develops its abilities when it begins to put the breast of its mother in its mouth for feeding. When it begins to bath alone, there is progress towards personal hygiene without which there is total dependency on the mother for food and health care. Here, development is the attainment of food and health through personal involvement which is participation; this right is fulfilled through participation.

The importance of participation has been emphasised at different levels of the international community. The United Nations has already stressed the need to involve people in their own affairs. In its agenda for development, the UN noted in particular that:

> Participation is an essential component of successful and lasting development. It contributes to equity by involving people living in poverty and other groups in planning and implementation. Participatory decision-making, together with democracy, and transparent and accountable governance and administration in all sectors of society is an important requirement for the effectiveness of development policies. . . . The key to participatory development means fulfilling the potentials of people by enlarging their capabilities, and this necessarily implies empowerment of people, enabling them to participate actively in their own development.16

Therefore, the right to development is fulfilled through popular participation as echoed in the Arusha Declaration:

> In our view, popular participation is both a means and an end. As an instrument of development, popular participation provides the driving force for collective commitment for the determination of people-based development processes and willingness by the people to undertake sacrifices and expand their social energies for its execution. As an end in itself, popular participation is the fundamental right of the people to fully participate effectively in the determination of the decision which affect their lives at all levels and at all times.17

The Organization of African Unity (O.A.U) is determined to promote and protect human and peoples' rights especially the right of people to freely participate, by its affirmation in the African Charter on Human and Peoples' Rights that: "Every citizen has the right to participate freely in the government of his or her country, either directly or through freely chosen representatives in accordance with the provision of the law (Article 13.1)." Here every African country is supposed to enact relevant laws in this respect. Member states of the O. A. U are bound to affirm the right to development and encourage the right to participation in their different countries. Popular participation, however, depends on the nature of the state and the ability of government to respond to popular demands. This is possible where the government allows the people freedom in decision making.

The constitution of the Republic of Uganda 1995 guarantees every Ugandan the right to participate in the development process of Uganda. However, the same constitution limits this right in case of activities which may threaten the peace in Uganda (Article 38). The Ugandan constitution also recognizes the need to protect the rights of the minority to participate in decision-making processes that their views and interests are taken into account in making national plans and programmes (Article 36). This is a good gesture in response to the requirements of the right to development, which is to encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights. While it is true that the Uganda government has, since the enactment of the 1995 Constitution, encouraged different groups of the population: women, youth, workers, elders, the army, etc., to participate actively in the affairs of this country, it has remained reluctant to allow broad based political participation. Article 269 of the constitution, for instance, regulates political organisations by limiting their active participation in the political governance of the country contrary to the other provisions of the same constitution. This in reality means that people must not organize and mobilize themselves under different political organizations. The lesson here for Ugandans is that for meaningful development to take place, popular and democratic participation must be the guiding principle.

DEMOCRACY

In a country like Uganda, popular participation of the people requires democracy. Democratic involvement of people in charting their development goals and in the implementation and evaluation of these development programmes is at the core of people's own development. This can be achieved through respect for the right to participation and self-determination of peoples.

The experience of many African nations, however, shows a great diversity despite the call by the majority of the people for democracy. Africa has suffered hunger, lack of shelter, lack of education opportunities, and poor health due to policies dictated from the center of political power. This reality was adequately observed by the participants in the Arusha Conference for Popular Participation in Development and Transformation. The participants observed that:

> ...the crisis currently engulfing Africa, is not only an economic crisis but also a human legal, political and social crisis . . . ., the political context of socio-economic development has been characterized, in many instances, by an over-centralization of power and impediments to the effective participation of the overwhelming majority of the people in social, political and economic development.18

The concern of the conference is, certainly, decentralization of power and the empowerment of the local people to take charge of their development process.

In the Uganda government's reform programs, the program of decentralization is a real effort to enable the people from all the different levels of society to exercise democratic participation and to take full responsibility for their own development. Uganda's decentralization policy was designed to:

> . . . increase the powers of democratic local authorities, it is expected to have a major impact on the civil service functions in the future. With the responsibility for providing many public services delivery and increased transparency are expected.19

Decentralization is meant to promote capacity building at the local levels, and to introduce local choice into the delivery of civil services, fostering a sense of local ownership and responsibility. This, indeed, is a great step by the government to full participation and sharing of the benefits of development at the national level. Again, in the local governments act, 1997, the logistics of decentralization was worked out and the aim of governments undertakings was spelled out in this document "to ensure good governance and democratic participation in, and control of decision-making by the people."20 Whatever the real aim (stated or unstated) of decentralization was at its conception, "the best outcome of decentralization for Ugandans can only be their political, economic, and managerial empowerment."21 Unfortunately, research findings show that decentralization has not enhanced participation in local affairs by the majority of the citizens.22 Geoffrey Tukahebwa's research so far makes this conclusion:

> On the ground, particularly in rural areas where the majority of the population lives, civil society hardly exists. A few local organisations that have emerged spontaneously are driven by survival strategies rather than the desire to influence public policy. Therefore, meaningful participation is lacking. There is need to mobilise citizens to participate in regular council meetings and to check corruption and hold leaders accountable.23

SELF-DETERMINATION

Self-determination is one of the cornerstones in the realisation of the right to development; it is one of the core values of development. Self-determination is a sense of worth and self-respect, of not being used as a tool by others for their own ends. Self-determination is based on the proclamation that all people of the world have an equal right to liberty, the right to free themselves from any foreign interference and to choose their own government, the right if they are under subjection to fight for their liberation, and the right to benefit from other peoples assistance in their struggle. The right to self-determination enables the people to enjoy their economic rights and their right to culture without distinction as to race, sex, belief or colour. It also helps to empower people to exercise their inalienable right to full sovereignty over their natural wealth and resources. This is what self-determination is all about.

The Universal Declaration of the Rights of the Peoples (Article 5-7) puts great emphasis on the right to self-determination. This right cannot be taken away; it is inalienable for every people who by its virtue have the right to determine their political status freely and without any foreign interference.

The right of people to self-determination did empower the African peoples through popular participation to achieve independence. The racist regime in southern African collapsed in recognition of the fact that the majority of the people have the right to determine their government. In Uganda, the people fought dictatorial regimes in order to break free the chains of dependence on military decrees. However, some lack of self-determination can still be seen in independent states including Uganda where dictatorship (or is it paternalism?) and erosion of the right to development are manifest. Such attitudes are often contained in the form of an ideology: the ideology of "developmentalism." Whereby rulers in developing states try to determine for people their social, political, economic and cultural life. Manifestations of such ideologies in Uganda find their roots in military dictatorship and one-party democracy whose implications are immense. In the first place, it helps to demobilize and disunite people who are already prone to disunity because of sheer diversities along social, cultural and political lines. In the second place, the ideology of developmentalism helps to oppress and suppress people from realizing their developmental goals. The other implications of this paternalism are aptly described by Issa Shivji:

> The ideology of developmentalism serves as a rationalization of the politics of the ruling class under which the state and the ruling class establish their organizational hegemony over the people through the demobilization of the masses. This is accompanied by a two-fold trend. On the level of the state, power is concentrated in the executive/military arms as the various representative organs such as parliament, etc., are marginalised or drained of their democratic content. On the level of civil society, various mass organizations are suppressed and usurped by the state, thus mutilating, if not destroying, the organizational capacity of the people.24

Therefore, lack of self-determination is a cause of poverty by making people dependant on others. Indeed, self-determination is the national sense of self-esteem which all peoples and societies seek to be independent of the chains of poverty and dictatorship. Where a people have no say in their affairs, they are colonized and oppressed because they have no freedom to feed, clothe and/or house themselves as they would wish to. They are deprived because they lack the autonomy to become self-reliant; to break free requires national and international cooperation.

INTERNATIONAL COOPERATION

The creation of national and international conditions favourable to the realization of the right to development is certainly one of the responsibilities of every state. This is because the realization of the right to development requires full respect for the principles of international law. Underlying international law are principles of the sovereign equality of states, national and territorial integrity, the peaceful resolution of international conflicts, and noninterference in the domestic matters of a state—all of which are contained in the Charter of the United Nations.

These principles are also contained in Uganda's foreign policy objectives. In particular, Uganda upholds the following principles for its foreign policy: (1) promotion of the national interest, (2) respect for international law and treaty obligations, (3) peaceful co-existence and non-alignment, and (4) settlement of international disputes by peaceful means.

Nevertheless, notwithstanding these noble principles contained in our constitution and our obligations to international treaties such as the UN and OAU charters, Uganda is far from the promotion of international cooperation based on these maxims, except for the East African

Cooperation. There are many examples of this, but one notably clear and familiar example is Uganda's military involvement in the Democratic Republic of Congo. Whether true or not that Uganda's involvement in the Congo is to promote its interest, its presence there has caused conditions unfavourable to development. How can the people of Eastern Congo develop if they are constantly in fear of loss of their lives and property and of foreign domination, and are constantly displaced from their homes? Uganda's reluctance and lack of commitment, especially by the top leadership, peaceful means of resolving conflicts has been demonstrated by the Congo crisis. For instance, Uganda and her one time ally Rwanda battled violently in the Congo city of Kisangani in May 2000, contravening the requirements of the Lusaka Peace Agreement, which called for a cease fire in the Congo war. Similar such events have greatly retarded development in not only western part of the country, but also the northern part that neighbours Sudan, which has not enjoyed any good cooperation with Uganda for the last 15 years. The need for peace and peaceful resolution of international as well as national armed conflicts through mutual dialogue as a prerequisite for development is not only urgent but also an imperative choice for development.

> The choice for dialogue promotes development and peace. Since dialogue requires an acceptance of other persons and the thoughtful consideration of their convictions, its practice demonstrates a belief in human dignity and solidarity. . . . Dialogue also implies an expanded base of participation in the formation of ongoing consensus. Skills and attitudes essential to dialogue are essential to development and peace. The option for nonviolent conflict resolution such as mediation, confrontation, or non-cooperation contributes to the development of full humanness and peace. . . .25

At the heart of international cooperation is the need for a balanced international economic order. At the moment, the African states are not on a par with the developed nations of Europe, America and Asia as regards a balanced economic order. With the huge amount of debt accumulated by many African states, it is almost impossible to think of a balanced economic order based on the principles of equity between partners, respect for their sovereignty, mutual interest and interdependence, and respect of the right of each state to determine its own political, social, cultural and economic policy options. The continued involvement of the World Bank and the International Monetary Fund (and their founding countries) in the social, economic and political policies of Uganda is a clear indication of this imbalance. In similar conclusions, Zie Gariyo noted that:

> Uganda like many other indebted developing countries has for years been caught in a vicious circle of poverty, deprivation, political conflict and civil strife fuelled by the inability of its government to meet the basic needs of its citizens. The international economic system championed by the International Monetary Fund (IMF) and the World Bank and based on the primacy of markets has worsened rather than resolved the debt crisis. Most developing nations are currently undertaking structural adjustment programmes (SAPs) imposed by the IMF/World Bank at the behest of the G7 group of nations which comprise the vast majority of these institutions' shareholders countries.26

SOCIAL JUSTICE

The right to development also draws attention to the need for "equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income especially for the marginalized and less advantaged members of society, such as women, it is necessary to ensure that they have an active role in the development process by eradicating all social injustices. Social justice demands that all citizens be aided in "the creation of patterns of societal organization and activity that are essential both for the protection of minimal human rights and for the creation of mutuality and participation by all in social life. In other words, social justice is a political virtue."27 Linked to social justice is distributive justice, which establishes the equal right of all to share or participate in all those goods and opportunities necessary for genuine participation in the human community.28 The demands of justice, are far-reaching in enhancing real development:

> Justice demands equality and fairness in all private transactions, wages, and property ownership. It demands equal opportunity for all to participate in the public goods generated by society as a whole, such as social security, health care, and education. It demands that all persons share in material well-being at least to a level that meets all basic human needs, such as those for food, clothing, shelter, association, etc. And finally it demands that all persons are under an obligation to share in the creation of those public institutions which are necessary for the realization of these other claims of justice.29

The existence of different forms of social injustices in Africa arising mainly from unequal treatment of people on the basis of their sex, religion, tribe, political affiliation, region, etc., has often denied people full enjoyment of their right to development. Women in Africa, for instance, have experienced social injustices since time immemorial, which has lead to their low participation in social, political and economic activities of their societies. For many societies, the place of women is still the private domain even if their public participation in decision-making and implementation of development programs is known to yield greater development results. In Uganda, the development gap between the rural and urban areas, northern and southern areas, and between women and men is still wide. Unfortunately, there has been limited intervention to redress these imbalances. For instance, although the government has committed a lot of resources to implementing the Universal Primary Education program, there is no direct targeting of girls education to reverse the historical and social cultural impediments towards girls' education resulting in a literacy rate of 38 percent for women compared to 65 percent for men.30 In an attempt to redress the regional imbalances in development between the north and the rest of the country, the government introduced the Northern Uganda Reconstruction Program (NURP). The program has, however, achieved limited results in terms of schools and roads construction because its implementation was characterized by insecurity and corruption. Indeed, social injustices are major hindrances to the realization of the right to development.

INTEGRAL DEVELOPMENT AND CONCLUDING REMARKS

In the light of the above discussion, the right to development in Uganda has not yet found real reflection on the life of the ordinary people, many of whom are still excluded from the development process. Uganda must get beyond constitutional provisions to translate these guidelines into concrete human well-being guided by comprehensive principles and an approach most suitable for the realization of this right to development. The people of Uganda must, therefore, hold its

government morally and politically accountable for any deviation from the principles and objectives of state policy contained in the constitution. This is not to say that the people are exonerated from their responsibility to develop themselves individually and collectively.

The approach most suitable for the realization of the right to development is holistic and integral, considering not only the economic well-being of the people but also taking into account the social, political, cultural and moral dimensions of their life; one that considers the human person as the central subject, active participant and beneficiary of the right to development.

Drawing from the United Nations Declaration on the Right to Development, integral development requires that the principles of human centered development, participation, democracy, self-determination, social justice and international cooperation be upheld. Integral development therefore, must be underlined by good governance. Dictatorships or political monopolies cannot create a conducive atmosphere for development, although this has been the extended experience of many African countries including Uganda. The right to development recognizes peoples' potentialities and capabilities to determine their political and economic life. It recognizes that peoples should define their form of governance: how to be governed, by whom, and when. As a necessary condition for economic development, recognition of peoples' sovereignty over their natural resources is paramount. Economic development is not simply economic growth or the numerical increase of national gross domestic product (GDP); it encompasses the overall well-being of peoples. It involves the evolution of new forms of economic systems, trade relations, and the establishment of relevant economic policies and institutions. These must facilitate not only the production of goods and services, but also their distribution to all people of the community for their consumption and well-being. The "promotion of human dignity, basic human rights, solidarity of people, participation, and self-determination need to become the warp and woof of the economic structures."31 Peoples' development, therefore, must be rooted in "basic human needs and dignity," rather than on greed.

Integral development involves also the social and cultural well-being of people. The social aspect of development presupposes that the wealth of the country is equally shared among its people. The cultural aspect of development presupposes that a country is able to grow and progress with its own values intact. Uganda must not succumb to a materialistic consumerism life style, sacrificing and loosing its social sensitivity because of rapid economic development resulting from the forces of globalization. The country should develop with its peculiar and particular creativity, values, talents and skills. We need to cultivate our values of integrity, solidarity, love and respect for others, which are intrinsic in our cultures and important in facilitating true and meaningful human relations significant for the peoples' development.

Contemporary development requires that concrete choices ought to be made in order to achieve and maintain justice and peace. The option for collaboration, dialogue and nonviolent resolution of conflict are some of the more significant choices.32 Uganda, therefore, must promote regional integration and international cooperation based on the true principles of international relations. International cooperation must play a significant part in encouraging and promoting the rights to development by creating peace and promoting respect for human rights.

NOTES

1 For such a remark, see B. J. Odoki, *The Report of the Uganda Constitutional Commission: Analysis and Recommendations* (Kampala: Uganda Printing and Publishing Press, 1993).

2 J. Oloka-Onyango, *"Poverty and Marginalization in the Age of Extreams: Reflections on Human Rights and Development in Contemporary Uganda,"* in D. Carabine and M. O'Reilly, *The Challenge of Eradicating Poverty in the World: An African Response* (Nkozi: Uganda Martyrs University Press, 1998), p. 84.

3 The Report of the Uganda Constitutional Commission, p. 638.

4 R.J. Vincent, *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986), p. 13.

5 I. G. Shivji, *The Concept of Human Rights in Africa* (London: 1989), p. 71. Shivji has argued for a historical and social rooting of human rights. He has dismissed any claim to individual rights because the right holder for him "is not exclusively an autonomous individual but a collective, a people, a nation."

6 Allen and Thomas (eds.), *Poverty and Development in the 1990s* (Oxford: Oxford University Press, 1996), p. 6.

7 United Nations, *Declaration on the Right to Development*, 1986, Article 1.

8 B. J. Odoki, *The Report of the Uganda Constitutional Commission: Analysis and Recommendations* (Kampala: Uganda Printing and Publishing Press, 1993), p. 133.

9 R. Rich, "Right to Development: A Right of Peoples," in J. Crawford (ed.), *The Rights of Peoples* (Oxford: Clarendon Press, 1988), p. 41.

10 Kaba M'baye, "Emergence of the Right to Development as a Human Right in the Context of a New International Economic Order," paper presented to the UNESCO Meeting of Experts on Human Needs and the Establishment of a New International Economic Order, Paris, 19-23 June 1978.

11 Paul VI, The encyclical letter *Populorum Progressio: On the Development of Peoples*, in: Gremillion (ed.), *The Gospel of Peace and Justice: Catholic Social Teaching Since Pope John* (New York, 1976), p. 387.

12 Organization of African Unity, *African Charter for Popular Participation in Development and Transformation* (Arusha, 1990), Article 8.

13 World Bank, *Sub-Saharan Africa from Crisis to Sustainable Growth*, (Washington: 1989) p. 63.

14 *Idem.*

15 J. Oloka-Onyango, *"Poverty and Marginalization in the Age of Extremes: Reflections on Human Rights and Development in Contemporary Uganda,"* in D. Carabine and M. O'Reilly, *The Challenge of Eradicating Poverty in the World: An African Response* (Nkozi: Uganda Martyrs University Press, 1998), p. 101.

16 United Nations, *An Agenda for Development* (New York: 1997), p. 66.

17 Organization of African Unity, "African Charter for Popular Participation in Development and Transformation" (Arusha, 1990) Article 10. An International Conference on Popular Participation in the Recovery and Development Process in Africa.

18 "African Charter for Popular Participation in Development and Transformation," Arusha, 12-16 February 1990, paragraph 6.

19 P. Langseth, "Civil Service Reform," in P. Langseth (ed.), *Democratic Decentralization in Uganda* (Kampala: Fountain Publisher, 1996), p. 1.

20 The Government of Uganda, The Local Government Act, 1997.

21 Apolo Nsibambi, *Decentralization and Civil Society in Uganda: The Quest for Good Governance* (Kampala: Fountain Publishers, 1998), p. 2.

21 G.B. Tukahebwa, "The Role of District Councils in Decentralization," in Apolo Nsibambi, *Decentralization and Civil Society in Uganda: The Quest for Good Governance* (Kampala: Fountain Publisher, 1998), p. 29.

23 *Idem*.

24 Issa G. Shijvi, o*p. cit.,* pp. 83-84. Shijvi is critical to the treatment of the right to development as demands of the Third World states for better terms on the international market, greater aid and assistance. "At best, these are statist trade union demands which seek a little more comfortable accommodation for Third World ruling classes within the existing order. At worst, they amount to no more than a new way a asserting a 'right' to charity."

25 Mary Elsbernd, *A Theology of Peace Making: A Vision, a Road, a Task* (Lanham, MD: University Press of America, 1989), p. 226. Elsbernd argues that development is a new vision of peace, marked by positive action and a sense of wholeness requiring a proactive understanding of trust.

26 Zie Gariyo, *Uganda: Putting Development before Debt*, Discussion Paper No. 1 May 2000, pages 2-3.

27 David Hollenbach, *Justice, Peace and Human Rights* (New York: The Crossroad Publishing Company, 1988), p. 27.

28 *Ibid.*

29 *Ibid.*

30 See Zie Gariyo, o*p. cit.*, p. 16.

31 See Mary Elsbernd, o*p. cit.,* p. 234.

32 See Mary Elsbernd, o*p. cit.,* p. 232.