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# GLOBALISATION, NEPAD, FUNDAMENTAL HUMAN RIGHTS, SOUTH AFRICAN AND CONTINENTAL DEVELOPMENT

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Abstract: This paper emanates from the authors' interests in the value of globalisation and human rights and interrogates and explores the theme of economic globalisation in Africa. In exploring globalisation and its impacts the issues are how to tackle the challenges of globalisation and international trade, and how we can ensure domestic growth and development in South Africa and the continent. The focus of analysis is the literature that was reviewed. It demonstrates that while globalisation facilitates growth and prosperity for developed nations, it prejudices Africa's poor. There is an increasing belief that economic globalisation increases inequality as well as poverty in the world. The clear pauperisation of many nations, especially African nations, continues, and it appears as if there are no alternatives, even when indigenous governments are considered to be in full control of their national affairs and NEPAD is involved. The effect of the role of NEPAD in African development is questionable. A human rights approach is non-negotiable and the challenges posed by international trade, including the positive and negative, cannot be ignored if Africa is to rise from its poor past. One of the main issues is how to tackle the challenges of globalisation and international trade, and how we can ensure domestic growth and development in South Africa, for example. Economic globalisation has resulted in a "race to the bottom" in terms of workers' rights, wages, environmental standards, and child labour. The findings indicate that, ultimately, the nations of Africa that will be successful will be those which are willing to make and take informed decisions concerning their own affairs that are grounded on their own unique realities and strategic objectives for growth, and not those of external players.

Key words: globalisation, human rights, NEPAD, sustainability, African development.

### **INTRODUCTION**

If we are to set a foundation for the discourse that lies ahead, it is important to define the word globalisation. Holm and Sorensen (1995), state that globalisation is "a quantitative shift toward a global economic system that is based on a consolidated global marketplace for production and consumption" however in reality its application generates more gaps amid countries with cheaper labour and those that are and more capital intensive. Johnson and Turner (2004), define globalisation as "the growing interdependence of countries worldwide through the increasing volume and variety of cross-border transactions in goods and services and of international capital flows, and also through the more rapid and widespread diffusion of technology".

There is a tacit understanding of the idea that globalisation is essentially and old process started roughly five centuries ago with the advent of European colonialism. The term "globalisation" was first promoted in the international business press in the early 1960s. Globalisation, as we know it today, came into existence after the Second World War (1939-

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1945) as world leaders strove to break down trade barriers between various nations. The world was in a state of flux and, the world economy was slowly starting to boom after the devastation brought about by the war and the leaders of the world were thinking of ways in which to ensure that no world war would ever break out again (Bertelsmann-Scott, 2001:20). This was further promoted by the United Nations Organization (UNO) created after the war. The period of de-colonization from roughly 1966, led to nations seeking their own economic systems as they formed trade relations with the rest of the world. Globalisation in the contemporary period (from about 1970 onwards) has in essence being a continuous process through which different societies, economies, traditions and cultures began to integrate with each another globally through all the means of communication via the interchange of thoughts and philosophies. The World Wide Web with its technological advances has intensified this rapid integration.

"Globalisation" is a highly popular term used by governments, businesses, academics as well as a range of diverse non-governmental organizations. It also signifies a new paradigm within global political, legal and economic relations. While national governments for many years dictated and dominated the international political and economic scene, international organizations such as the World Bank, International Monetary Fund and the World Trade Organisation (World Trade Organisation, 1995:830) are now very significant role-players. Consequently, national governments have lost a measure of their power and importance as Multinational Corporations (MNCs) and Transnational Corporations (TNCs) dominate. What is clear according to Khor (2003, 49), is that globalisation has become the defining process of the present age. A major hallmark of globalisation is the liberalisation of trade policies, and the expansion of international merchandise trade (Asante, 2001:476). It is in fact a variant of imperialism as labour, capital, land and resources are expropriated.

Globalisation has a number of dimensions, namely, economic, which is the focus of this article, political, cultural as well as ecological. According to Ritzer (2008, 230) the theories of globalisation can be "categorized under three main headings: economic, political, and cultural theories". The economic theory is of primary importance. Western dominated capitalist markets have permeated all the regions of the globe. In particular, the rise of the United States as a hegemonic power has also promoted the rapid increase of globalisation. Neoliberalism / economic globalisation, has significantly weakened the welfare state and economic unions, both of which are institutions that provide millions of African citizens with the requisite opportunities to achieve at least a middle-class standard of living, and to live and grow old, free of the anxiety of poverty which plagued previous generations that merely existed under colonial over-lordship. Liberalisation and globalisation have a tendency to disrupt tribal, cultural, as well as religious structures, and the world loses its support structures (Dahrendorf, 2007). Should this be happening to South Africa?

The manner in which economic production is undertaken and commodities are exchanged is undoubtedly an aspect which represents huge changes that are taking place in the world of today. Economic globalisation, which refers to increasing and wider economic interrelations across the world, is considered in certain quarters to be anti-democratic since powerful Trans National Corporations (TNCs) and Multinational Corporations (MNCs) are immune from voters. In essence then, power is taken away from the nation's democratic institutions and the manipulation and exploitation by TNCs and MNCs is viewed as a type of neo-colonialism and exploitation. While globalisation does indeed open minds to new ideas and experiences

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and does to a large extent strengthen positive universal values, it has a destructive dark side. In its narrowest sense, globalisation comprises economic integration through the increased flows of goods and services from nation to nation, investment and labour and increased immigration, exchange of information and ideas. In a broader sense it includes cultural, political and even military global integration. Globalisation thus applies to a collection of social processes that alter the current situation in which nationality is replaced by a globality, (this describes environmental, economic, cultural and political associations that continually cut across the existing political boundaries and thus alter the world), the core of which is economically based.

"Globalisation" is a very uneven process, with unequal distribution of benefits and losses. This imbalance leads to polarization between the few countries and groups that gain, and the many countries and groups in society that lose out or are marginalised. Globalisation is thus affecting different categories of countries differently (Khor, 2003:53). Within the variety of federal systems found around the world, there is at least one common denominator, namely that there is more than one level or sphere of government with constitutionally allocated powers and functions. In these systems the changes in global or international relations referred to above, have an additional effect on the particular countries. It causes provinces or states to re-evaluate their role, in particular their role in international relations. Global matters – for example the creation of a free trade area – impacts at both national and federal level of government, as well as at the provincial level.

For effective benefit to be derived from globalisation the governments of Africa, TNCs and MNCs, and the communities at large must be directed by ethical and moral principles of fairness and justice and human rights must be promoted, not the accumulation of wealth at all costs. Killick (2000), states that a major part of the world and many nations, including some in Africa, are currently effectively participating in the processes of integration of economies via trade, information technology and capital inflows and globalisation. Globalisation may offer new challenges and opportunities for the developing countries of the African continent, but governments should be challenged to review their policies and strengthen their capacity to negotiate with the powerful MNCs and TNCs which benefit the most out of globalisation, so that human rights are not compromised by being exploited and manipulated.

Harrison, (2006) explains that the poor should benefit from globalisation if all policies and institutions are effectively in place. She states there is no evidence of a direct link between globalisation and poverty and agrees that globalisation requires economic integration of states. The problem is that many nations are unable to grow due to their inability or even unwillingness to make the requisite transitions to becoming effective beneficiaries. We argue that nations do not wish to be oppressed and manipulated. In this regard Harrison concurs that globalisation produces winners as well as losers. In reality, inequality between nations has decreased while internally, inequalities grow (Pinstrup-Andersen and Sandoe, 2007:131) and this is surely eroding human rights.

South Africa needs to utilise the new opportunities offered by reintegration into the world economy, both in terms of trade and in terms of foreign direct investment but not at the expense of human rights. This paper will therefore attempt to explore a trade-investment approach that must be balanced with human rights in the present world in the light of globalisation.

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## South African Law in the current globalised arena

The South African Bill of Rights which has been undoubtedly inspired by international human rights conventions', draws heavily on the language and structure of these conventions when it comes to international business conduct. If this were not so, South African courts would have been obliged to revert to international human rights law for guidance in handling global business (Dugard, 1994:193).

Judges Ackermann and Goldstone afforded international law its due and demonstrated that the spirit, purpose and objectives of the Bill of Rights are inextricably linked to international law and the values and that approaches of the international community and international roleplayers are respected (Botha, 2001:995).

### Problems and consequences of Globalisation for Nation-States of Africa

Much of the literature suggests in principle, that globalisation is a positive and potent force which theoretically improves the material well-being of humanity. It purports to aid developing African nations to create better economic environments for all their peoples and should enable them to advance into the 21<sup>st</sup> century as it improves their access to the latest technology. However, neoliberal globalisation constructs the growth and development of one part of the world on the back of others. Globalisation is increasing the integration of national economies in terms of goods and services, as well as information and technology. It seeks trade liberalisation and relatively free capital mobility. The mechanism which creates this situation is the international free market and it ultimately supports the privatization and the empowerment of TNCs and MNCs. About 300 MNCs account for 25% of the world's assets (Hertz, 2001). Nation State power is utilised to enforce market imperatives through national processes that are replicated internationally (Saad Filho & Johnston, 2005). However, the rate of development is very often too fast for the less developed nations, and consequently, the effects of globalisation on their political, economic, social and cultural systems is overwhelming as, for example, a nation may obtain technology that is considered by it to be modern, but in reality this technology may be already outmoded in more developed nations. The relationship is then somewhat altruistic as far as African nations are concerned.

Globalisation has a tendency to threaten the good judgment of the nation-states of Africa and seemingly relegates ethical equity and social concerns to positions behind market considerations which favour MNCs and TNCs and this thus reduces the autonomy of the nation states of Africa. In essence it thus promotes a decrease in national control as MNCs and TNCs assume greater control and power by virtue of their immense wealth. The African continent is expected to clear the barriers to foreign investment and limit corporate regulations and lower taxes as incentives to foreign investment (Khor, 1997).

The South African Constitution, especially the Bill of Human Rights provides for a completely new arrangement regarding the conduct of foreign affairs. In general terms the present approaches reflect the supremacy of the Constitution and its emphasis on the rule of law, democracy, transparency, accountability, judicial review and separation of powers (Erasmus, 2000, 15). This is important since there is now a fourth sphere of government. Supranational governance institutions set rules governing state conduct both nationally and provincially that impact on economic and trade issues. This reflects the notion that intergovernmental relations and cooperative government are important aspects to consider since international governance impacts on human rights, the important principle of

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cooperative government – the duty to consult (s 41(1)(b) Constitution) before decisions are effectively made – must be adhered to when it comes to considering economic and related globalisation aspects.

Apartheid failed, predominantly due to its neglect of the economic realities. State sovereignty was not strong enough to allow a government to do what it felt was right, (obviously, the fact that both systems were immoral is immaterial to this argument) (Scholtz, 2000:56). Environmentally speaking, governments are expected to limit controls and leave the market free reign, as in this way, growth will be more rapid and additional funds obtained can be used to protect the environment. Basic human needs are virtually side-lined and the market is expected to play a great role in developing a nation. In reality, the TNCs and MNCs are the ultimate victors. However, there are more enlightened African leaders also coming onto the scene and who are listening to the problems that their people face. This reflects the contextual questions that they face and for example, they tackle issues of governance and how to attract Foreign Direct Investment (FDI) but the disruptive and marginalising aspects linger so that Africa attracted only 6% of total FDI flows to developing countries from 2000-2004 and her experts fell from 6% to 1.5%. The average unskilled African employee earns 55 cents (US) per day while white collar workers earn US\$120 per week (www.neweconomics.org/pressreleases/global). Globalisation extends corporate monopoly control over the globe and every national and local economy, by giving corporate rights more power and sovereignty than human rights in the global economy. It is essentially more about mercantilism and horizontal global systems.

# The power of MNCs and TNCs

There are numerous examples of cases where transnational corporations (TNCs), revenues exceed the GDP of countries. Wal-Mart Stores that has recently invested in South Africa, in 2007, had a revenue of US\$ 351 139 000, which was more than the GDP of Portugal and Argentina combined for the same period (Fortune Magazine, 23 July 2007). There is much evidence to suggest that while globalisation has merits, for many nations in Africa it is nothing more than a new means of marginalisation of the African continent in a new form of neo-colonialism. Mass poverty is still rife in Africa and its accompanying multi-dimensional depravation endures on most of the continent. There are those who view globalisation as promoter of growth in Africa and who are optimistic about economic development in Africa. However, globalisation serves primarily the interests of the G8 and MNCs and TNCs. The MNCs and TNCs are powerful and resist measures to develop labour and seek cheap labour which they exploit. This is exacerbated by weak legal systems in many African countries where corruption goes unpunished.

Globalisation has thus transformed African states and vastly limited their economic and political independence. There are numerous analysts who are of the opinion that it is rather by design than by accident that poverty has become a major institution in Africa despite her vast natural endowments. According to the World Bank, the developing nations' including Africa, burden of external debt had reached two trillion dollars by 1994 (World Bank, 1994) and is increasing. Africa was a food - surplus continent just twenty years ago, and today she is food-deficit (UNDP-HDR 1996:2).

The manner in which communication, mass production, market exchanges and redistribution are universalised by encroaching globalisation, rather than stimulating new ideas and

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developmental direction in Africa, tend to undermine its autonomy. In terms of development, most of the industrial sectors in Africa's nations are disintegrating as TNCs and MNCs increasingly control industry and governmental decisions in some countries. Powerful developed nations call the tune and Africa has no choice but to play along. Globalisation brings greater wealth and new markets are created but it causes chaos as developing nations are exploited by more developed nations. So it is a source of repression as well as a catalyst for global movements of social justice and emancipation (Global Policy Forum, 2009).

Globalisation in Africa, is basically a competition between the semi-developed nations such as South Africa, Nigeria and Egypt, and the less developed where the vast majority of the people sink deeper into poverty and misery on a daily basis. The ideology of free-market liberalism and property-based democracy remains a continuous authorisation for cultural imperialism and, the institutionalisation of both political and economic domination and exploitation of the weaker partners (i.e. the developing economies) through their internal agents (Tandon, 1998). There exists a real and immediate danger that the cultural imperialism which accompanies globalisation may collaterally or strategically seek to enslave the minds of Africa's people, leaving in its path a people devoid of their own unique cultures.

It is clear that the globalisation process is more proportioned to the "origin and development of the neo-colonial states (in Africa)" which were "determined by the nature and structures of the colonising countries" (Adebo and Akindele, 1990) rather than according to an obvious acknowledged philosophy or resolve to get Africa out of the unrelenting crises she faces.

## The World System and the IMF and World Bank issues in Africa

The modern world-system as it exists today was begun five centuries ago when parts of western Europe, which were under the feudal system, gave way to advances in technology and innovation which ushered in the rise of market institutions. Consequently, using their military might, some nations began to vigorously exploit foreign markets for trade and political purposes across the globe. Nations such as Portugal, Spain, France and Britain established economic links with other regions that wished to become as prosperous as Europe. This led to an occupational and geographic division of labour within which capitalintensive production was retained for the 'mother' countries while insignificant areas provided unskilled labour and raw materials for them to exploit. Unequal development resulted as the rich and powerful exploited the poor and weak. Technologically advanced nations gained the upper hand and competed with each other and ultimately Capitalism emerged as the central economic ideology. The entire globe is now tirelessly pursuing the accumulation of wealth and goods in a consumer frenzy market where greater profits are sought on a continual basis. After the Second World War in 1945, the world-system reached its geographic peak as capitalist markets and the state system stretched to include all parts of the globe. The United States of America rose as the hegemonic power and it has only seen its relative economic and political strength diminish since the end of the Cold War in the 1980s but it still remains comfortably in the lead in terms of global hegemony (www.worldbank.org.).

The world has become increasingly economically polarised and instead of a period of greater equal individual rights and economic advancement emerging for all nations, the rich states of the 'North' become richer and the poor 'South' becomes increasingly poorer. "World society models shape nation-state identities, structures, and behaviour via worldwide cultural and

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associational processes . . . . As creatures of exogenous world culture, states are ritualised actors marked by intensive decoupling and a good deal more structuration than would occur if they were responsive only to local, cultural, functional, or power processes" (Meyer et al. 1997:173).

The militarily strong nations like the United States of America, and increasingly China, seek to serve the interests of the economically dominant classes and take up economic losses, while they make poorer African nations dependent. The citizens of the powerful nations believe in the 'myths' that their governments sprout and are content living in the status-quo. Socialism is an anti-systemic movement per se, which has for decades confronted the capitalist world economy model and it has obliged strong states to redistribute at least some wealth in the support for the creation of nation states in Africa and elsewhere. Presently, the world economy is in a phase of downturn and stagnation, and this is increasingly reflected in huge waves of social unrest across the globe which will lead to the ultimate demise of capitalism.

Modern economic globalisation was started when a new international economic dispensation was crafted at Bretton Woods in New England, under the leadership of the United States of America and Great Britain in 1944 (Steger, 2009). This was a milestone system for monetary and exchange rate controls which was developed at the United Nations Monetary and Financial Conference in Bretton Woods, from July 1 to July 22, 1944. Some of the prominent outcomes of the conference included the formation of the International Monetary Fund and the International Bank for Reconstruction and Development. Critically, the introduction of an adjustable pegged foreign exchange rate system was proposed through which major currencies were linked to gold. The International Monetary Fund (IMF) and the World Bank emerged from the Bretton Woods arrangement. In the immediate post - World War II period, Europe and the rest of the world embarked on a long road to economic reconstruction and development so as to be able to recover from the devastation of the war. At this time, gold primarily served as the base reserve currency, and the U.S dollar gathered momentum as an international reserve currency that was directly linked to the prevailing price of gold and so it became the world sought after currency. The Bretton Woods conference also proposed that currencies should be convertible for trade and all types of current account transactions. The IMF was empowered with the mandate to intervene whenever there was an imbalance of payments. The IMF was in fact established to lend countries short-term loans to cover crises in their balance of payments. Only the United States has veto power in the IMF and this body is thus a front for the propagation of American policy and hegemony. The financier George Soros has stated that the IMF uses a plan designed to fight excesses in the public sector (government spending), for a global crises which is caused essentially by excesses in the private sector, namely, money seeking high rates of return in emerging economies, followed by capital flight when currencies implode (Soros, 2002). Both the IMF and the World Bank have since the mid-1970s aligned neoliberal interests to assimilate and deregulate global markets. In the 1980s and 1990s, the IMF and the World Bank came up with a number of packages in the form of an Economic Recovery Programmes (ERPs), and Structural Adjustment Programmes (SAPs) had to be implemented by many African countries as a precondition for African countries to chart their way out of the choppy seas of ever-increasing debt crises. The IMF and World Bank would then supply much needed loans. These policies became known as the 'Washington Consensus' since the United States was the major power, and was aimed primarily at nations with large foreign

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debts. In this turbulent process, the state would facilitate the economy rather than control it. This was clearly a new type of colonialism in which the United States in particular and to a lesser extent the United Kingdom were rather bumptious. The IMF demands that poorer nations open their borders to what are free flows of capital, has the effect of devastating the economies of these nations. When wealthy developed nations face a crisis they simply pump money in to solve the problems they face. The weaker nations of Africa are hit with policies from the IMF that drain the little money they have left and this is exacerbated by ruthless global investors who exacerbate their malaise. The IMF, World Bank and World Trade Organisation should not micro-manage the economics of Africa but rather assist in developing effective strategies that focus on continental poverty reduction and growth and sustainable development and which create a suitable climate for stability and growth.

The notion of State capitalism that was extensively supported during the colonial and post 1960s is however, now considered to be a stumbling block to national development. There is now a far greater emphasis attached to market forces for the provision of resources. From about 1980, many African nations have pandered to the whims of the IMF and the World Bank, and have removed government subsidies and price controls. Many have also devalued their currencies and relaxed foreign exchange controls. Africa's calamity is mostly associated to its 'pre-colonial and colonial heritage which has gravely handicapped the region in the intensely competitive global environment engendered by the USA response to the crisis of the 1970s' (Arrighi, 2002). Many nations also privatised industries and drastically reduced public expenditure and in the process laid off thousands of workers in their public sectors. A major problem was that large portions of the development loans made to African nations by the IMF and the World Bank have been plundered by dictators and their 'partners in crime' some large MNCs and TNCs. Consequently Africa is still in dire need of economic support. "By 2002, the Human Development Index, measured in terms of life expectancy, educational attainment and adjusted real income by the United Nations Development Programme (UNDP) showed that only Mauritius (ranked 64 out of 177), Cape Verde (105), Equatorial Guinea (109) and South Africa (119) are in the top two-thirds of the UNDP's assessment. Most others rank "low, with Burundi, Niger, Burkina Faso, Mali and war-ravaged Sierra Leone (most in the West African region) occupying the bottom positions. Even though Nigeria had not obtained any fresh loans since 1999, the debt stock increased from US\$30.99 billion in 2003 to US\$32.9 billion in 2004" (African Review of Business and Technology, September, 2004: 6). Large amounts of national budgets are spent on servicing outstanding debts. Many poor nations that rely on their natural resource commodity exports and that have relatively poor economic performance are reliant on trade. If one argues that these nations indeed are globalised, their poor economic performance suggests otherwise and thus queries the submission that nations with high but stable trade levels to GDP are indeed globalised.

The wealthiest areas of the world are in Western Europe, Oceania and North America where the mean income is US \$10 012.00, while Africa's average income is US\$1.310.00 per capita per annum (Milanovic & Yitzhaki, 2002). Trade rules favour the rich at the expense of the poor as is the case with Mali, for example. Mali's per capita income is US\$270 per annum. The most important commodity which enables Mali to obtain a measure of economic sustainability is cotton which is exported. The United States government however chooses to subsidise its own farming sector to grow cotton which reduces income for Mali's cotton producers by about 30%. Consequently Mali cannot compete and becomes poorer. There are numerous other examples one could cite. In the period 1960-1969, Africa enjoyed 5.3% of

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world exports and her imports amounted to 5.0%. In the period 1990-1998, Africa's exports dropped to merely 2.3% and her imports also plummeted to 2.2%. Africa is today worse off than two decades ago and although the trend is gradually improving. Despite this however, the gap between the rich and the poor is increasing.

The modern world-system is a thus global-economy which has greater power than any government. It is inextricably economically linked to the capitalistic global-economic system in which the accumulation of private wealth is more often than not, obtained through the exploitation of weaker African nations that possess vast rich natural endowments. Wealth is obtained through the commodification of just about everything. Governments that are victim to the system protect the vested interests of the wealthy elites in their society, to the detriment of the impoverished masses. In this system, the powerful TNCs and MNCs discover methods to cushion any potential economic losses. In the rapidly moving global economy, they seek to increase their returns and limit costs as far as possible. They essentially strive to keep Africa in servitude. This is an ironic situation given the continents rich natural endowments. Africa's gradual growth is due to global woes and a huge demand for export commodities, and the consequential high price of minerals and crude oil. Africa supplies the world economy with much of its diamonds, gold, vanadium, platinum and cobalt, and other strategic minerals.

There has also been a huge increase in Foreign Direct Investment to Africa from 2006 - 2008 especially in the unprocessed raw material sectors. The oil producing states, namely Nigeria, Sudan, Chad, Algeria, Angola, Egypt, Equatorial Guinea accounted for roughly 48% of the continent's investment inflow. A major problem is that many MNCs and TNCs wish to increase their bottom-line at the expense of Africa's poor. They exploit resources, favourable production conditions and labour by paying low wages and manipulate certain governments by supporting corrupt dictators and the elites in the social hierarchies. It is difficult to imagine that the turnover of many MNCs and TNCs is greater than the GDP of developing nations. TNCs and MNCs have consolidated their operations in Africa and globally so much so that there revenue even surpasses that of developed nations. Wal-Mart Stores is a prime example. Their 2007 revenue was US\$351 139 million as opposed to Portugal whose GDP was US\$173 085 million. It is clear that corporations are in control of the largest share of the globe's investment capital, technology and access to global markets (Fortune Magazine, 23 July 2007). The African nations regulatory functions are also greatly influenced by supranational organizations including the WTO (Swank, 2002). Various free trade agreements like GATS and NAFTA also limit the ability of nations to create economic policies to promote domestic interests.

# NEPAD and entrapment

Many African scholars believe that globalisation is nothing more than a form of entrapment for Africa. Apart from the powerlessness experienced by dependent states, globalisation creates a process through which the "poor countries (in Africa) are dominated and exploited by the rich countries (Wohicke, 1993). The process of globalisation as far as Africa is concerned began with its integration on the side-lines the global capitalist system. The 'conspiracy' of the International Monetary Fund (IMF) and the World Bank signalled a huge offensive in effecting a 'long-term' strategy for transforming the African social structure (Stein, 1992). A makeover strategy of this type relies on a rational-deductive methodology and, therefore, is undoubtedly a perpetuation of the modernisation by design and the civilizing mission thesis (Onoge, 1995) started during the colonial period. Sadly however, the

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dismal failure in attempts to develop in African states is seen as part of the failure of internal processes and structures in African nations, which is in essence based on external factors (Olutayo and Bankole, 2002). We are thus back at the neo-classical model, which takes it for granted that a free market economy mechanically leads to pointers that reveal scarcity and free choice and that the free sway of the market will lead to efficient selections being made about what to produce and how to produce it. The 'strategy' is thus a means to introduce Americanisation and especially Europe's modality of life and philosophy into Africa and indeed, the rest of the world (Ben Hammouda, 1999). The rate of impoverishment in Africa is deteriorating annually as many governments are forced to drastically reduce public expenditures and restrict their imports so as to safeguard foreign exchange. This is due to IMF or World Bank economic restructuring programmes and this is not conducive to development as it inhibits investment in the productive sectors (Cornia, et. al., 1987; World Bank, 1989).

The integration of human rights with the activities of the AU is desirable and a great challenge to African governments is to demonstrate that the AU can make a difference in the realisation of human rights in Africa. The IMF and World Bank should not thus be able to dictate terms that are not conducive to the rights of the masses. It is therefore a huge challenge to ensure that the AU becomes the instrument which delivers real change for ordinary Africans. By integrating human rights with the activities of the AU in globalisation issues, African governments will show that the AU can make a difference in the realisation of peoples' and human rights in Africa.

Even South Africa which has a number of advantages in its legal system may still fall short of the standards required by international human rights law. The AU will thus have to embrace a system that will assist it to meet its pressing objectives and provide assistance at all levels of the human rights needs relating to globalisation, of the continent.

Globalisation does not necessarily mean: "that the state has lost, or is likely to lose, the means of functioning as a separate entity in the world. Nor does it mean that manoeuvrings amongst states will cease to be the chief component of geopolitics... they show no sign of creating any alternative to the state as the basis unit of international affairs. The boundaries between states may be blurrier than they used to be, but they are still there (The Economist 31.7.1999).

A number of African politicians have colluded and continue to collude with neoliberalism. A prime example is the New Economic Partnership for African Development (NEPAD). In 1963, The Organisation for African Unity (OAU) was established to promote unity and solidarity of the African states and this was replaced by the African Union (AU) in 2002. It is critical that African leaders recognize the centrality of human rights and the need to incorporate it in all the work of the AU as it seeks stability and sustainability for Africa. The AUs stance has been to try to take the lead in promoting stability and at the 37<sup>th</sup> session of the Assembly of Heads of State and Government in July 2001, this body created the NEPAD programme to strengthen peace, security, economic and social governance and was also tasked with promoting regional integration.

NEPAD seeks a different global partnership between the rich North and the poor South, which is centred on shared responsibility and the fulfilling of mutual interests through the drive towards political democracy and economic development in Africa. National

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governments are undoubtedly responsible for protecting their economies in order to minimize the losses and maximize the benefits that globalisation supposedly provides. Consequently, an active economic policy is required as African nations cannot rely exclusively on the free market. In food security issues, NEPAD is for example, promoting endeavours to imitate the high quality value agriculture of South Africa *inter alia*. This is essentially promoting contract production systems. Consequently African governments should thus actively engage in building alternative structures of power for organizing production which is based on newfangled values of humanity and concern for the sustainability of the environment. NEPAD purports to want to permanently reverse the pauper image of Africa via sustained engagement with the developed world. It seeks to stop the ever-deepening poverty of Africans by redefining the relationship between the rich North and the poor South. Little is done to alleviate trade barriers for Africa that are in reality unethical and environmentally devastating. Africa is still primarily dependent on primary commodities.

The Lome EU-ACP agreements have to all intents and purposes destined Africa to fulfil the function of merely producing primary commodities for Western manufacturing utilization. NEPAD seeks to make Africa more than just a lackey of the West and a continent that is able to grow economically and attract international investment. Tariff barriers in wealthy nations are at least four times higher for poor countries than for the industrialized nations. This effectively means that Africa obtains less than 2% of world exports and imports (Schneider, 2003). If Africa wishes to reduce its utter dependency on raw materials, it should support its existing businesses to diversify their activities with support from the G8 and especially the EU who should support Africa with grants rather than loans. Whatever aid is forthcoming must of necessity align with African needs and priorities and not those of the donors. It is apparent that Africa will never be in a position to repay its debt load. NEPAD calls for accelerated debt reduction for the heavily indebted African nations and also wants debt relief strategies for middle-income countries to be fine-tuned. What they should be doing is fighting for debt cancellations. To expect African countries to repay debts is unrealistic, unjust and unsustainable at a time when they are striving to develop themselves to stand on their own two feet.

Each of the nations of Africa has unique policy requirements when it comes to meeting the challenges of globalisation. However, it is to an extent possible to identify a number of key areas which their policies should address. It is especially in sub-Saharan African countries. where the so-called African development "tragedy" is reflected in unrelenting poverty, low economic growth rates and high inequality. What is clear is that African states need to urgently promote trade and investment and explore new avenues and opportunities in trade. There is also a dire need to bring the information age and the latest technologies to Africa so that the continent can compete effectively. The nations of Africa should adopt selective integration and as a matter of urgency take steps to improve governance and the negative image Africa has when it comes to corruption and disregard for the rule of law. The bottom line is that governments must invest in the people and not allow them to be exploited. The creation of business opportunities is essential to growth. Africa must become creative and innovation driven and the workforce of the continent needs to be disciplined. The rate at which African organisations and governments learn and adapt may be the only sustainable advantage that Africa will have. The rate at which Africa learns the globalisation game must exceed the rate of change. This means that grassroots learning must be vigorously promoted

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and all governments should promote a supportive learning environment in which the universities of Africa for example, can share knowledge and have reflective practices.

Most recently, it has been said that less government and more business is probably the most sensible way to resolve Africa's conflict (Games, 2002:46). There is yet another paradigm shift that argues: More business or trade-investment approach must be balanced with the human rights approach, as the plight of marginalised (African) people is addressed. In uncertain terms, this is what is espoused in the NEPAD documents. Remarkably, amongst the NEPAD initiatives, there is no reference to human rights. However, when the notion of human rights is expressed through the mechanisms of civil, political, economic and cultural rights, (Summit Document: 2) the NEPAD initiatives do appear to be quite similar to those stated components. However, the absence of a "Human Rights Initiative" leads to a conclusion that there will be greater reliance on a trade-investment-based approach towards (NEPAD) programme implementation. A Human rights approach to implementing NEPAD in which measures are put in place to defend basic human rights is what is required as a matter of urgency.

NEPAD is thus to all intents and purposes inadequate to respond effectively to Africa's underdevelopment and the Structural Adjustment Programs (SAPs) have greatly damaged the economic capacity of many African nations. What is sorely needed is an African solution to African problems, whether these are economic, social or political. The Economic Commission for Africa (ECA) which is the main agency of the "governance" section of NEPAD promotes the notion that a reversal of African economic decline necessitates that the governments of Africa take the initiative with improved capacity to frame policies effectively, eliminate corruption and demonstrate transparency and accountability. It assists in enhancing competence in the sphere of governance and promotes effective and ethical governance practices in Africa. NEPAD seems reluctant to view Africa's underdevelopment as a result of colonialism and what is clearly poor politics on the part of many of the continent's leaders who are corrupt and pander to the whims of those holding big cheques.

Structural adjustment programmes and massive third world debt undoubtedly cripples capital markets and destabilises entire economies. South Africa needs to adopt a multifaceted approach, but the absence of a "Human Rights Initiative" leads to the conclusion that there will be great dependence on a trade-investment based approach which negates human rights as a priority. Consequently an environment not conducive to human rights is nurtured and further disempowers the already impoverished masses. Such an approach feeds rebellion and dissent. The respect for human rights and the rule of law are prerequisites to any efforts to make Africa economically stronger. These are, simply put, the cornerstones of good governance. By signalling its commitment to building a society in which all can live freely, a government can demonstrates commitment to building a society in which all can live freely (Annan, 1999: 147). Africa needs to see beyond its current constraints and those that are self-inflicted must be fixed.

NEPAD also purports to be promoting the halting of the mounting and intensifying poverty of Africans by working towards altering the basis of the association between the nations of the rich North and those of the poor South. A new global partnership is sought which engenders mutual respect, based on shared responsibility and mutual interest through the mechanisms of democracy and economic growth in Africa. Africa may be rich in natural

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endowments but requires productivity to lead it to prosperity. Innovation and entrepreneurship are critical and the rate at which African nations learn and adapt may be the only sustainable advantage that the continent has. The learning rate of the continent must exceed the rate of global change and learning must be driven from the grassroots levels as this is what will ultimately lead to innovation and entrepreneurship that promotes required job creation. The governments of Africa should be instrumental in helping companies to find new ways of addressing market needs as well as commercialising new technology (Howells, 2003) but this should not be at Africa's expense by exploitation from any quarter and especially not TNCs and MNCs. The United States is currently the singular global superpower and Africa is at its mercy even though China has made huge inroads on the continent. The four main drivers of NEPAD are South Africa, Nigeria, Algeria and Senegal. They are sensitive to Western interests since they need Western aid to fund what they wish to achieve and should thus be careful not to become desensitised to the problems plaguing the continent. Globalisation is widely considered to be the economic-business environment in which NEPAD will be implemented; however, the argument exists that globalisation has done as much harm as good. How can NEPAD be optimally implemented in an environment that has not been conducive to human rights? Globalisation is good for the entire world economy, however resistance from the international human rights community and special interest groups suggests otherwise. With regard to globalisation, the major and direct challenge will be the incorporation of principles of human rights and democracy in all initiatives.

Africa has an annual resource gap of about 12% of its GDP so cancelling debts is crucial to allow Africans to obtain fair wages that can support their families and even begin to save. This process would allow African enterprises to attract desperately needed foreign investment. The huge burden of debt in Africa has been in a sense promoted by decades of foreign aid. African governments must promote the notion of foreign investment as it is vital for the emergence of new companies since these are critical actors in bringing innovation to the marketplace. Furthermore, African governments must support TNCs and MNCs but on terms which favour Africans. Research and Development must also be supported as this leads to learning and growth and thus important technological advances which Africa needs to keep up with the pack. The continent needs to become a developmental state that has the innate ability to formulate and put into practice policies enabling it to exploit the power of global markets with comparative autonomy. Only in this way will the masses benefit socially and economically. Africans are global citizens and need to respond to problems facing the Africa and the rest of the globe in a unified manner (Robertson 1992: 8). The Commission for Africa and various other donors perceive Africa as a place beyond the typical international community. They see Africa as a lawless and violent place that is not truly incorporated into the global economy, requiring strong governance and control by its own leaders who are perceived to be corrupt for the most part. The do not believe that Africa is capable of development without donor aid and simultaneously continue to exploit the continent and intervene militarily as, and when they see fit. The economic policies in Africa are to a large extent influenced by the IMF and World Bank. Globalisation has brought some simple changes to Africa, however these are mainly negative, (Biersterker, 1998). Globalisation works in favour of TNCs and MNCs both in the developed as well as the developing worlds and much less for the poor in developing world nations whose governments transfer vast amounts of export earnings to foreign institutional creditors so as to service existing debts.

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The international trade dispensation comprises the multilateral structure of the World Trade Organisation (WTO), several regional trading arrangements and a number of bilateral agreements. The WTO is a rule-based legal structure responsible for implementing the different trades. There are two basic objectives namely laying down rules and standards for furthering liberal trade under conditions of fairness and non-discrimination and creating structures to implement these rules and to provide for the settlement of trade disputes between states (Erasmus, 2000:16). These objectives can be achieved through legal arrangements between states, and the main instrument for doing so is public international law. Its main manifestation is treaties and international agreements. Owing to the sovereignty of states (there is no world government) legal obligations binding states *inter se* can in principle only come about through treaties or customary international law. International trade law is, for all practical purposes, to be found in international agreements. MNCs and TNCs or individuals (both foreign and local) must rely on domestic legal rules for conducting trade. A failure to adopt the necessary legislation will impact negatively on the potential to trade and may involve violations of international obligations for example anti-dumping measures.

#### CONCLUSIONS

The UNDP stresses that globalisation should develop and benefit all people but does it do this? The IMF and World Bank believe that globalisation is good but the bottom line is that Africa needs debt relief to promote its capacity to develop. Africa also needs severe introspection on its internal governance and take the lead to create a sustainable future for itself. National production in Africa should be structured so as to achieve the greatest integration in global markets and also maximize market competitiveness. What is happening now is the rich become richer and the poor become poorer. Political power plays, market fundamentalism and greed have undermined the dream of globalisation Africa which turns out to be a myth. The G8 nations in particular have a critically positive role to play in the world economy but many have inflicted huge costs on especially the developing nations. The global economy is stagnating and undergoing recession which is promoting huge social unrest which is in especially developing nations but also in some supposedly developed European countries. The often rapid changes brought about by globalisation make it very difficult to summarise either the benefits or the problems attached to globalisation as both exist in abundance. It is true that more nations now have access to information, communication and easier trade, but many developing nations are left worse off. Globalisation should allow especially developing nations the chance to increase income and their standard of living, through the creation of new jobs but this becomes difficult as for example, the Structural Adjustment Policies have been utilised to open the economies of African nations in order that TNCs and MNCs can derive benefit from having easy access to abundant and cheaper resources. The measures that are proposed by NEPAD are largely unrealistic and bound to fall short since they do not challenge the status quo which promotes greater poverty and foreign domination for what should be a wealthy autonomously economically controlled continent. This scenario does not benefit African nation states. Clearly economic issues cannot be dissociated from social issues. As poverty increases in Africa, crime and violence increases as desperate people try to improve their meagre existence. Globalisation brings greater wealth and new markets are created but it causes chaos as developing nations are exploited by more developed nations. So it is a source of repression as well as a catalyst for global movements of social justice and emancipation (Global Policy Forum, 2009). Globalisation carries poverty and inequality into Africa as a result of the uneven assimilation into the global economy. Under globalisation, Africa has

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become even more marginalised and the sovereignty of many nation states is diminishing and the TNCs and MNCs influence grows. Africa's often poor internal politics have contributed to the continents economic backwardness. Be that as it may, the West has infiltrated Africa far too much to allow Africa to chart its own course. Austin (2000) states "there is no easy bridge between those who want to reform the world in their own image and those who question both the motive and remedy."

The main issues faced are how to tackle the challenges of globalisation and international trade, and how we can ensure domestic growth and development in South Africa without compromising human rights. Although growth rates in Africa rose to 6.5% in 2007, the economic down-turn in the world economy as a whole from 2008-2012, which was the direct result of irresponsible bank lending in the West, especially southern Europe, and resultant ripple effect causing a huge crises in profits, is jeopardising even the small gains made by Africa in its attempts to stand on its own two feet. National governments are responsible for protecting their economies in order to minimise the losses and maximise the benefits that globalisation purportedly provides. Consequently, active economic policies are required as nations cannot rely solely on the free market for their development. Governments in Africa should actively engage in building alternative structures of power for organising production based on sustainable new values of humanity and genuine care for the environment. The main hope for the future is thus not to be found in free trade and open markets but rather, in a concerted opposition to the negative impacts of globalisation on the part of especially African labour, and the development of an alternative African future where Africans can determine their own future from a position of strength rather than servitude. Globalisation has marginalised much of the African continent and is viewed by many analysts as a 'neocolonialism (Birdsall, 1999). The masses continue to be impoverished and battle to make a living which heightens unrest and promotes instability leading to less investment and thus greater poverty in a vicious cycle leading to chaos. According to the World Bank, the developing nations' burden of external debt was a staggering two trillion dollars by 1994 (World Bank, 1994). TNCs and MNCs are increasingly controlling African industry. Globalisation in Africa has essentially become a competition between semi-developed nations such as South Africa, Nigeria and Egypt, and the less developed such as inter-alia Rwanda, Central African Republic and Mozambique where most of the people sink deeper into poverty. It is mercantilistic in nature and immoral and is far removed from the promotion of human rights. It is not international trade and neither focusses on needs of people but rather on those of TNCs and MNCs and includes a drive for profits at all costs and global government. It supports dictators and totalitarian regimes and panders to the whims of the IMF and the World Bank.

If globalisation is to work for African people, the way its supporters say it does, and not merely serve the profit interests of MNCs and TNCs, governments and management have to play decisive roles. The emphasis may be on rolling back the state from economic activities, but not from the responsibility of governance, both at the national and international levels. Governments as well as the TNCs and MNCs must provide the required enabling environment in which citizens can benefit from global opportunities in trade and capital flows by negotiating favourable provisions in multilateral agreements. It is also for governments to put in place national and international measures to shield people from the excesses of globalisation in the form of global financial volatility. In a nutshell, the primacy of human rights must be upheld and reflected in all international trade-investment agreements. The

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denial of human rights and adequate protection for minorities in the NEPAD (policy) document should be regarded not only as a moral or ideological concern but as conflict prevention and a precondition for sustainable development. It should be accorded greater prominence as a tool of analysis. What is required with the implementation of NEPAD is a balanced approach in economic development and self-sustainability. Essentially, this is an approach that employs a trade-investment based approach along with a human rights approach. The IMF and World Bank cannot dominate finances as they do and corporations must also have limited power in this 'new world order'. Africa cannot and should not become an American client state that is enslaved by TNCs and MNCs. Africa with its rich array of natural endowments should be in a position where no one needs to starve and were stability and sustainability reign.

#### **Implications and recommendations**

It would be foolhardy to say that globalisation has no benefits for Africa when the opposite is true. The trick is to develop the economies of Africa in a sustainable manner while not destroying the ecology. African governments should seek African solutions to African problems. Since as it stands, globalisation creates a process through which the "poor countries (in Africa) are dominated and exploited by the rich countries" (Wohicke, 1993) and it is vital that good governance prevail which does not allow such exploitation by TNCs or MNCs or any other role players. The leaders in Africa should seek democratic rule where the people will take 'ownership' of all the reform agendas and desirable development programmes that governments promote. Africa is in dire need of sound macroeconomic policies and effective local governance. The AU as well as NEPAD must vigorously promote good governance and investment in capacity building. There should be transparency and accountability on the part of governments and TNCs and MNCs who should all adhere to acceptable codes of conduct. Corruption needs to be curbed and governments must operate transparently (Weiss, 2000). It is also critical that conflict be prevented and that peace and security reign. Only in this way will Africa attract sorely needed foreign investment inflows from international investors. Governments need to carefully consider which policies make a contribution to growth, stability and innovation in the long term. Innovation and entrepreneurship must be viewed as the main engines of job creation. African Governments should support TNCs and MNCs and other companies to seek ways of tackling their needs in the market while supporting African development. Stability must reign supreme and nations such as South Africa, should for example, not allow violence, scare tactics and unreasonable labour demands to threaten national growth. African nations should seek greater regional economic integration and TNCs and MNCs that are instrumental in driving the economic competitiveness of nations, must be welcomed but should be obliged to operate within the limits of each nation's social and economic objectives. Trade must be made easier with urgent reforms of customs and related regulatory measures. Transport and communication also requires an urgent revamp. As long as the paradigm in which development for Africa is being sought stays the same, the longer underdevelopment will reign.

If Africa remains in a state of stagnation this will have serious repercussion elsewhere as legal and illegal migration will intensify. Consequently Africa should also have a greater voice in the IMF and World Bank as well as other multilateral organisations. The huge constraints forced on African nations by globalisation, make it virtually impossible for governments to meet demands for housing, education and health care. Investment is critical

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for the development of new companies in African nations as these will bring innovation to the market and governments must thus support them and encourage a strong work ethic to promote productivity as this will lead to prosperity. Sustainability should be the watchword and basic human rights and social welfare as well as ecological issues must be given priority. It is ultimately each state that should ascertain the economic actions that are required in a nation which will lead to greater competitiveness. If there is to be a modicum of meaningful transformation, governments, TNCs and MNCs, and the communities at large must be directed by ethical and moral and principles of fairness and justice and human rights must be promoted, not the accumulation of wealth at all costs. It is time for Africa to take its rightful place on the world stage since the current scenario in which powerful nations and TNCs and MNCs rule the roost, is meretricious and deleterious to the African psycho-social and economic mind. It is time for the wealthy nations to realise that the identity of each and every nation, whether it be rich or poor, is inextricably bound up with the global community which is morally bound to demonstrate sincere solidarity.

It is clear that free trade is an agent of globalisation and that the active participants in the globalisation process are reaping great benefits including increased economic output and activity (International Monetary Fund). Economic growth has improved modestly, and the manufacturing capital stock again shows some growth. The challenge now is to improve growth at least to the pre-stagnation levels. Despite these improvements, some areas of economic concern with reference to human rights remain. For one, poverty must be reduced with a view providing infrastructure and social services and the education gap must be bridged with the main emphasis on upgrading facilities and strengthening universities in South Africa. Health care services need to upgraded, making drugs accessible to the needy, eradicating diseases, and building capacity for primary health care systems and HIV/Aids interventions. There must be a relationship between openness and inequality. It is the policies of governments which determine whether inequality rises or falls (Maasdorp, 2001:507). Africa needs to become efficient, hyper-connective in trade and interdependent and her unique strategy for globalisation must be custom-designed as meaningful poverty alleviation programmes recognize both the centrality of individual freedom and the social influences that impact on the extent and reach of individual freedom. It is thus necessary to externally reintegrate African nations into the fast globalising economy and to catch up with the industrial countries. Internally, the poor and marginalized elements of African society should be integrated into the economic mainstream and be given opportunity to catch with the living standards of the wealthier parts.

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