

Africa and Globalization: Perspectives on Governance, Public Health Diplomacy, and Resource Conflicts

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*Humankind today, for the first time in five millennia of recorded activity, faces circumstances of global dimensions: possible nuclear cataclysm, environmental degradation, economic collapse. These are dangers of a quality that may not permit recovery. The circumstances contain margins of error so narrow as to be almost meaningless. Moreover, the combination of today's technologies and yesterday's politics has produced trends that, unless altered significantly, may well become irreversible.*¹ - Ivan Head

I: THE RHETORIC OF GLOBALIZATION AND THE POVERTY OF GLOBAL GOVERNANCE

Globalization, arguably the reigning buzzword in contemporary relations of nations and peoples, is multifaceted, multidimensional and intensely debated. Globalization discourses explore the emergence of dynamic processes that erode the geo-political boundaries of nation-states, and the potential of these processes to transform human lives across societies driven perplexingly by markets, trade liberalization, cultures, transnational environmental threats, travel and tourism, information superhighway and telecommunications technology. As a process that transforms a range of social relations across human societies, proponents of globalization argue that the process is eroding sovereignty of nation-states. Are these boundaries being uniformly eroded in both the developed and the developing worlds? How best can the fingerprints of fairness and

¹ Ivan Head, “The Contribution of International Law to Development” (1987) vol. XXV Canadian Yearbook of International Law 29

legitimacy be part of the unfolding governance architecture of globalization in Africa's development travails?

I shall explore these questions in the context of the escalating HIV/AIDS crisis, and environmental governance deficits in the extractive industry sector in Africa's resource-rich countries: Nigeria, DR Congo, Angola, Sudan and many others. The complex dynamics of public health and environmental governance in an age of globalization face a dual-pronged challenge of placing public health and environmental challenges firmly on the agenda of global governance, and the more complex task of delivering the dividends of health and ecological security evenly across vulnerable societies across Africa. Global disequilibria and the resulting mutuality of vulnerability of societies in both the industrialized and the developing regions of the world are starkly manifested in the multifarious South-North disparities: economics, demographics, disease, and environment. As Mohammed Bedjaoui explored in his influential work, *Towards a New International Economic Order*,² the great North-South divide exemplified by the crushing indebtedness, deteriorating terms of trade and poverty of Third World countries, is inseparable from the “*international order of poverty*” and “*poverty of the international order*”.³

II: AFRICA AND THE CRISIS OF GLOBAL GOVERNANCE OF HIV/AIDS

Today, in an interconnected world, bacteria and viruses travel almost as fast as e-mail and financial flows. Globalization has connected Bujumbura to Bombay and Bangkok to Boston. There are no health sanctuaries. No impregnable walls exist between a world that is healthy, well-fed, and well-off and another that is sick, malnourished, and impoverished. Globalization has shrunk distances, broken down

² (Paris: UNESCO, 1979)

³ Ibid

old barriers, and linked people. Problems halfway around the world become everyone's problem – Gro Harlem Brundtland⁴

The historical decimation of populations by epidemics, the collapse of empires, and the increasing vulnerability of today's nation states to newly emerging and re-emerging pathogenic microbes provide a setting to explore the crisis of global governance of HIV/AIDS in Africa. The epidemic of HIV/AIDS has challenged, in exceedingly complex ways, the normative boundaries of the governance architecture as well as the development orthodoxy in contemporary relations between Africa and the rest of the world. Although the number of people living with HIV has been rising in every region of the world, the latest AIDS epidemic update published by multilateral health agencies states that "sub-Saharan Africa remains by far the worst-affected region". Compared with other regions of the world, Africa's HIV/AIDS prevalence rate remains a disproportionate share of an estimated total number of people living with HIV/AIDS globally. The continent-wide AIDS prevalence in Africa is now a catastrophe that has already started reversing the development gains made by countries like Botswana in decades gone by. Since AIDS, though has no cure, is a treatable disease, questions must be asked why anti-retroviral drugs are not accessible to millions of African populations living with HIV/AIDS? If health ideally is global public good, why have Africans living with HIV/AIDS been largely excluded from the dividends of AIDS therapies including access to anti-retroviral drugs?

As argued by the WHO Commission on Macroeconomics and Health, there is convincing evidence of the linkages between poverty, development and disease, and how the endless

⁴ *Global Health and International Security*, 9 Global Governance (2003) 417

cycle of poverty, disease and underdevelopment could be addressed in multilateral health governance. According to the Commission:

The linkages of health to poverty reduction and to long-term economic growth are powerful, much stronger than is generally understood. The burden of disease in some low-income regions, especially sub-Saharan Africa, stands as a stark barrier to economic growth and therefore must be addressed frontally and centrally in any comprehensive development strategy. The AIDS pandemic represents a unique challenge of unprecedented urgency and intensity. This single epidemic can undermine Africa's development over the next generation.⁵

There are many other reasons why the G8 and other industrialized countries should take the African AIDS crisis seriously, chiefly among these reasons are altruism, enlightened self-interest,⁶ and 'mutual vulnerability' based on the globalization of health threats and risks.⁷

Despite the Declarations made at the World Trade Organization on intellectual property rights and public health, especially the Doha Declaration of 2001 and WTO General Council Decision of 2003, difficult questions still remain on the best ways to maximize access to essential medicines, especially anti-retroviral drugs for HIV/AIDS in the countries of what Paul Collier called "The Bottom Billion", most of them in Africa.⁸ The entire gamut of contemporary economic diplomacy that is propelled by the engine of free trade is now shaped by the "neo-liberal dogma of minimizing intrusions on the market, and 'downsizing' the role of government in relation to the provision of public goods that

⁵ WHO, *Report of the WHO Commission on Macroeconomics and Health* (Geneva: WHO, 2002) p.1

⁶ D. Yach and D. Bettcher, "The Globalization of Public Health I: Threats and Opportunities" and "The Globalization of Public Health II: The Convergence of Self-Interest and Altruism" (1998) 88 *American Journal of Public Health* pp735-741

⁷ Obijiofor Aginam, "Between Isolationism and Mutual Vulnerability: A South-North Perspective on Global Governance of Epidemics in an Age of Globalization" (2004) 77 *Temple Law Review* pp297-312

⁸ Paul Collier, *The Bottom Billion: Why the Poorest Countries are Failing and What can be Done About it* (Oxford University Press, 2007)

compose the social agenda”.⁹ Thus “the sort of global civilization that is taking shape will be widely perceived, not as fulfillment of a vision of unity and harmony, but as a dysutopian result of globalism-from-above that is mainly constituted by economic ideas and pressures”.¹⁰ The establishment of the WTO has challenged the actors in global governance (both states and non-states) to take the task of balancing neo-liberal ideology with the promotion of global public goods seriously. In the context of African HIV/AIDS crisis, how best then could the “Dark Continent” be salvaged?

IV: AFRICA, GLOBALIZATION AND GLOBAL ENVIRONMENTAL GOVERNANCE

The life of all people, including the poor of the Third World, or the life of the planet, are not at the center of concern in international negotiations on global environmental issues. ...Global environmental problems have been so constructed as to conceal the fact that globalization of the local is responsible for destroying the environment which supports the subjugated local peoples. ...Multilateralism in a democratic set-up must mean a lateral expansion of decision-making based on the protection of local community rights where they exist, and the institutionalization of rights where they have been eroded –
Vandana Shiva¹¹

Five years preceding the 1992 World Conference on Environment and Development in Rio de Janeiro, Brazil, the World Commission on Environment and Development (“the Brundtland Commission”)¹² had, in 1987, popularized the term “sustainable development” to strike a much-needed balance between environment and development. *Our Common Future*,¹³ the widely cited report of the Brundtland Commission, defined

⁹ Richard Falk, “The Coming Global Civilization: Neo-Liberal or Humanist”, in A. Anghie and G. Sturgess, eds., *Legal Visions of the 21st Century: Essays in Honour of Judge Christopher Weeramantry* (The Hague: Kluwer, 1998) 15

¹⁰ Ibid

¹¹ “The Greening of the Global Reach”, in W. Sachs, ed., *Global Ecology: A New Era of Political Conflict* (Halifax: Fernwood, 1993) pp149, 151, 155

¹² Dr Gro-Harlem Brundtland was former Prime Minister of Norway, and the immediate past Director General of the World Health Organization, Geneva, Switzerland.

¹³ (Oxford University Press, 1987)

sustainable development as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”,¹⁴ and asserted that environmental protection and developmental challenges are inexorably linked. The Rio Declaration on Environment and Development proclaimed in Principle 4 that, “in order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it”.

What then does sustainable development mean in the ecological struggles across societies South and North? Ten years after Rio, world leaders met in Johannesburg, South Africa, 26 August – 4 September 2002 in search of concrete initiatives to move sustainable development forward in the multilateral ecological relations of states. The Johannesburg Summit, according to former UN Secretary-General Kofi Annan, would make a difference in five key areas: water and sanitation, energy, health, agricultural productivity, biodiversity and ecosystem management, all identified by the acronym ‘WEHAB’.¹⁵

An acrimonious South-North debate, socio-economic inequalities, and increasing ecological insecurity in most of the South have stained the balance sheet of sustainable development in the years since Rio. The pressures that global environmentalism exert on customary/indigenous approaches to conservation of floral and faunal resources in societies of the South are now aptly exemplified by the tensions between entrenched land and resource use by local communities, and the pressure of global environmentalism catalyzed by the economic need of the South to attract powerful multinational corporations as foreign investors. Bedjaoui’s “*poverty of the international order*” offers useful insights on the ‘timidity’ and indifference of international law as an engine of

¹⁴ *Ibid.* at 43

¹⁵ United Nations, *Press Release DPI/2277*, July 2002

ecological injustice, for instance, in the interaction of local communities and multinational corporate giants in oil producing regions of Nigeria, DR Congo, and other resource rich societies of the South. International law's indifference is not limited to the indiscriminate exploitation of natural resources in the South by influential multinational corporate actors; the phenomenon is a feature of international environmental law as a whole. One way to address the local-global environmental tension is to "universalize" ecological concerns by genuinely placing humanity at the epicenter of sustainable development. To humanize this universalizing agenda, global environmental governance must tap the wealth of customary conservation practices across cultures.

V: TOWARDS HUMANE GOVERNANCE: A POSTSCRIPT ON GOVERNANCE AND AFRICAN DEVELOPMENT

The conspiracy between HIV/AIDS epidemic, environmental struggles and the conditions of chronic underdevelopment in Africa has challenged the mainstream orthodoxy of post-colonial global governance agenda. If health and environmental concerns come within the emerging architecture of human security, why then have the dividends of health and environmental security eluded Africa in an age of globalization? Challenges posed by HIV/AIDS and ecological struggles require a global policy universe and humane governance framework involving a multiplicity of actors – international organizations, private and corporate actors, African States, and civil society. An indispensable part of this governance architecture, in an era of globalized public health and environmentalism lies within the normative boundaries of Richard Falk's 'law of humanity'.¹⁶ Humane

¹⁶ Richard Falk, *Law in an Emerging Global Village: A Post-Westphalian Perspective* (Ardsley, New York: Transnational, 1998) 33.

governance is further compelled by the fact that normatively, contemporary global governance is distorted in so far as it promotes the interests of the most powerful states and global social forces, and restricts the realization of greater global social justice and human security thereby propelling the dynamics of inequalities of power between states, and the structural privileging of the interests and agenda of global capital.¹⁷ Evolving governance structures must focus on the 'world' as its primary constituency, and humanity (human life) as the endangered specie that it seeks to conserve. In the new millennium, the search for durable and sustainable post-colonial governance of Africa's HIV/AIDS and ecological crisis must unfailingly be built on this vision.

¹⁷ D. Held and A. McGrew, "Introduction", in D. Held and A. McGrew, eds., *Governing Globalization: Power, Authority and Global Governance* (Cambridge: Polity Press, 2002) p. 13