

## POST COVID 19: RETHINKING THE FREEWILL OF INSTITUTIONS THAT PREVENTS POVERTY IN AFRICA

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### Abstract

*The African Union Agenda (2063) in its preamble presents Africa's History (usable past) as a means to understand the continent's setbacks. In this regard, stakeholders support anti-poverty innovations after recounting contributory factors of slavery, colonialism and further post-independence mismanagements. Without prejudice to "Africa's Historical Misfortune", this paper posits that, the continent should create more institutions to dissuade defeatist mentalities. This paper is qualitative dominant, with reliance on treaties and laws. This research argues that notwithstanding her past, Africa has her "freewill" towards prosperity. Incidentally, this "freewill" is often presented in her arrays of laws in two dimensions: Pan Africanism and Renaissance. These two are principles that are especially reflected in the African Charter on Human and Peoples Rights 1981, the AU Constitutive Act 2002 and other Continental Development structures. The conclusion is that, affected nations need to partner through history, then progress with purposive activities that uplift citizens' socio-economic wellbeing. This is even more pertinent considering the impact of Covid-19 on world's economic managements.*

**Keywords:** African Laws, Extreme Poverty, Usable Past, Freewill, Determinism, Covid 19

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## 1. Introduction

It was Nelson Mandela who opined that overcoming poverty is not a task of charity but an act of justice. Like slavery and apartheid, poverty is not natural. It is man-made and it can be overcome and eradicated by the actions of human beings.<sup>1</sup> This statement of the former South African President reiterates the fact that irrespective of failed attempts at aids; issues on poverty are not mythical. They are caused by human beings and can therefore be eradicated by them. However, the above view appears restricted if compared to the notion that causes of poverty are both external and internal; both man-made and natural. Just as there is no single cause of poverty, there is no single solution. According to Delice Williams, understanding the ways in which complex forces like these interact to create and sustain the conditions of widespread global poverty is a vital step toward combating poverty around the world.<sup>2</sup>

These views represent prominent attempts at understanding the concept of “poverty”. Away from academic theories, poverty is generally defined as the inability to satisfy basic needs<sup>3</sup>. Although commonly viewed from monetary earnings,<sup>4</sup> such as a person’s USD income per day, authors have variously assessed the phenomenon from non-monetary and multidimensional perspectives.<sup>5</sup> The discourse on

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<sup>1</sup>Make Poverty History Campaign, A speech delivered at Trafalgar Square London United Kingdom, on 03 February 2005 at [www.nelsonmandela.org](http://www.nelsonmandela.org) Accessed September 25 2021.

<sup>2</sup> Top 5 Causes Of Poverty By Délice Williams Analysis at [www.cram.com](http://www.cram.com) Accessed September 26, 2021

<sup>3</sup>Food which includes water, Clothing, Shelter, Energy and Security.

<sup>4</sup> According to the World Bank the first indicator of poverty in monetary terms is the GDP (Gross Domestic Product) per Capital PPP (Purchasing Power Parity). The world average income, being the basis for the categorization of nations into the high income countries, upper middle income countries, lower middle income countries and the income countries. See the World Development Indicators of the World Bank.

<sup>5</sup> The MPI (multi dimensional perspective index) and the HDI ( Human Development index) are as introduced by the UNDP for the purpose of considering multiple deprivations through the utilization of other dimensions such as health, education, standard of living , long and healthy life, knowledge and decent standard of living.

poverty has therefore expanded beyond economic metrics of growth, income and lack. It has transcended to further examinations of the immoral and unjust implications of depriving person(s) of their capability to live good lives. The capability perspective, in fact defines poverty through those factors that deprive persons of the capacity to navigate or chose between different types of valued lifestyles and functioning combinations.<sup>6</sup>Trends into the morality of poverty have therefore exhumed human right lens on the attending injustices relative to poverty. For example, the UN Secretary-General António Guterres in 2018 remarked that Overcoming poverty is not a gesture of charity.<sup>7</sup> It is an act of justice. It is the protection of a fundamental human right, the right to dignity and a decent life. While poverty persists, there is no true freedom.

As regards the above, international human right regimes have couched the manifestations of poverty, especially “extreme poverty”, as indictments on universal base lines on human dignity and freedom. Therefore, on the eradication of poverty, African laws<sup>8</sup> have so far reiterated the universal anti-poverty principles of; *justice, equality, equity, democracy and good governance*. These are in addition to terms that resonates Africa’s post-colonial respect for her own history, institutions and cultures. According to the Preamble of AU Constitutive Act, progress should happen only when African nations;<sup>9</sup>

RECALL the heroic struggles waged by our people and our countries for political independence, human dignity and economic emancipation...

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<sup>6</sup>“Sen Amartya Capability Approach”, by Thomas Wells ,*The Internet Encyclopedia of philosophy* ISSN 2161-0002, [www.iep.utm.edu/](http://www.iep.utm.edu/), Accessed 12 April 2022

<sup>7</sup> Press release of an event to celebrate Nelson Mandela’s centenary, in New York, SG/SM/19138-OBV/1806, 18 JULY 2018 at<[www.un.org](http://www.un.org)> Accessed 25 September 2021

<sup>8</sup>The primary ones being the UN Sustainable Development Goals 2030, AU Agenda 2063,NEPAD among several others

<sup>9</sup> an instrument portraying Africa’ continental values for its own historical and cumulative development architecture

ARE DETERMINED to take up the multi faceted challenges that confront our continent and peoples in the light of the social, economic and political changes taking place in the world...

GUIDED by our common vision of a united and strong Africa and by the need to build a partnership between governments and all segments of civil society, in particular women, youth and private sector, in order to strengthen solidarity and cohesion among our peoples...

ARE DETERMINED to promote and protect human and peoples' rights, consolidate democratic institutions and culture, and to ensure good governance and rule of law...

ARE FURTHER DETERMINED to take all necessary measures to strengthen our common institutions and provide them with necessary powers and resources to enable them discharge their respective mandates effectively.

The above precedents hence prescribed the dimensions of “determinism and freewill”, through which contemporary African Union laws,<sup>10</sup> continue to attend to developmental challenges. African Determinism and Freewill are also often represented in dual-ideologies of Pan Africanism and Renaissance. The former is part of treaties and agreements that acknowledge and promote Africa’s common history. Pan African thoughts seek to connect the historical similarities in African institutions and cultures. Perceptions are that, it is through this connection that Africa would forge ahead in unity. On Renaissance, this ideology is often reflected in the background of instruments that voice the desires of nations to promote African values. This latter principle regards African cultures and values that can enable the continent to overcome the implications of histories. For example, according to the Preamble to the AU Agenda 2063;

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<sup>10</sup> Especially the AU Agenda 2063

We, the people of Africa and her Diaspora, united in diversity, young and old, men and women, girls and boys from all walks of life, deeply conscious of history, express our deep appreciation to all generation of Pan-Africanists. This is in particular, to the founders of the OAU, for having bequeathed on us an Africa with exemplary successes in the fight against slavery, colonialism and apartheid.

Agenda 2063, rooted in Pan-Africanism and African Renaissance, provides a robust framework for addressing past injustice and realization of the 21st century as the African Century

This paper adopts the general conclusion that although Africa's poverty situation bothers on shared common history of exploitation; the condition also persists due to inherently African institutions. Nonetheless, this paper examines contents of African laws that proffer solutions to extreme poverty. This research assesses the ideological coherence and progression of these instruments.

## **2. Historical-Determinism and Freewill-Purposive Approach to Extreme Poverty in Africa**

Most analysts would agree that there is no single root cause of poverty everywhere throughout human history. However, even taking into account the individual histories and circumstances of particular countries and regions, there are significant trends in the cause of poverty.<sup>11</sup> The threshold for defining poverty varies. The international community has addressed poverty from multi-dimensions which are characterized by visible society related features. While prominent studies have concluded that poverty could be relative or absolute, recent reviews have exposed another dimension of poverty considered as "extreme." Extreme poverty is singled out as the condition that is peculiar to poor countries especially those in Africa. Therefore, Africa with her population of over 1.2 billion (as of 2018), with prominent

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<sup>11</sup>Top 5 Causes of Poverty. Délice Williams Analysis at [www.cram.com](http://www.cram.com) Accessed September 26, 2021

and scarce natural resources in abundance, hosts a high population of people living in extreme poverty<sup>12</sup>.

Thorough Determinists opine that this continental “curse” is path dependent on slavery, colonization, apartheid, neo-colonialism, and exploitations among others. In other words, Africa cannot thrive due to her unfortunate historical experience that saw to the relegation of Africa’s cultural values, cultural property and cultural heritage through characteristic use of force, iconoclast, looting, illicit trade and the likes.<sup>13</sup> Determinism thoughts underscore the proposition for the use of “usable past”<sup>14</sup>, in explaining the national development.<sup>15</sup> Information therefore abounds on how Atlantic and transatlantic Human Slave trade structures decimated victim nations, due to forceful exploration and exportation of human and natural resources. Although slavery was eventually abolished in the early 19<sup>th</sup> century,<sup>16</sup> the abolition still created the pathway for colonization. Colonization instead ensured the introduction of ideological agents that erode typical African terrain of their indigenous, rules, cultures and economies.<sup>17</sup>

On the contrary, Pan African movements have been credited with the intensive campaigns that led to African’s independence. Within the continuing impact of neo colonization and imperialism, Pan Africans

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<sup>12</sup>The World Bank Annual Report 2017:*End Extreme Poverty, boost Shared Prosperity*

<sup>13</sup>Arua, G.N., et al, Cultural Heritage Looting and Trafficking in Nigeria, 2019 IFLA WLIC.

<sup>14</sup>Brooks V.W(1918) “*On Creating a Usable Past*”, The Dial, April 1918

<sup>15</sup> Alan Kimball, *The Meaning of Victory in World War II: The Soviet Search for a Usable Past*, 2015 text based on public lectures in the year 1985, early in Ronald Reagan's 2nd presidential term

<sup>16</sup> Abolition of Slavery Act 1807 and the slavery Abolition Act of 1833. Prominent international human rights documents against slavery are; The Declaration Relative to the Universal Abolition of the Slave Trade, the Article 4 of the Universal Declaration of Human Rights 1948 and Article 8 of the International Covenant on Civil and Political Rights 1966.

<sup>17</sup>The era witnessed the creation of legislations that maps out<sup>17</sup> colonies in manners that sufficiently benefit masters, with little consideration for the attending indigenous deprivations and peculiarities.

promote a purposive attitude towards African renaissance. Contrary to obvious defeatist tendencies from historical recounts, the Freewills' strongly propound that Africa's development would only come from inside-out. That is, through processes innovated and promoted by African citizens, especially their leaders. In this regard, the freewill/purposive concludes that Africa may not develop until her citizens consciously channel the best opportunities towards their own good.

These local shortcomings have in fact redirected the OAU's shift from anti-colonization campaigns to contemporary African Union's human rights and good governance aspirations. Despite the fact that a key objective of the AU is to defend the sovereignty, territorial integrity and independence of its Member States, African governments still interact in distrust. It is the fact of sovereignty that is used to defeat many attempts at continental cohesion. Lack of political will to enforce human right strategies against poverty, compliments the lack of enforcement powers. Apart from the monitoring role of African Peer Review Mechanism, the African Union only aspires to interfere, sanction<sup>18</sup> and influence state parties. This is notwithstanding their obligations under applicable socio-cultural and economic regimes. This lack of stamina corroborates the notorious fact that, prominent states still battle extreme poverty in their territories. Many of these states continue to escape responsibilities citing the essence of state sovereignty and domestic independence under international law.<sup>19</sup>

For example, African countries obey continental courts judgments at will. In addition, the African Continental Free Trade Area was to establish free trade among 54 African States by 2017. As at 2021, the current level of trade within African states is only 12%. This is compared to 60% for Europe and 40% for North America and 30% for

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<sup>18</sup>Article 4(g) of the African Union Constitutive Act. This is without Prejudice to Art 30 of same on the right to suspend states that make unconstitutional changes of government

<sup>19</sup> Article 3 the African Union Constitutive Act

the Association of Southeast Asian Nations<sup>20</sup>. Also, the most pressing need for peacekeeping and security intervention exists in Darfur, yet the government of Sudan, which is an AU member, rejected the proposal except to protect the observers.<sup>21</sup> In another development, Guinea's new military government has exercised powers in manners that undermine the AU's African Governance Architecture on Good Governance and Rule of Law. Between 2019 and 2021, at least four African countries<sup>22</sup> have had their democratically elected presidents toppled by military governments. Coup planners cite deposed presidents' greed, incompetence, corruption and bad governance as necessitating these interventions.<sup>23</sup> These and many other continentally instigated circumstances have well explained the manifestations of extreme poverty in Africa. Also, the situation is predicted to have nosedived during Covid-19 pandemic. African Continental coherence, has been additionally put on line where African nations have depended heavily on the good will of the United Nations and regular donors, to tackle home grown covid-19 implications. This situation further exposes the inability of the continent to live off aids, despite the fact that the whole world battling with the epidemic.

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<sup>20</sup> If successful the ACFTA, would establish the world's largest single market. When combined with good governance and political stability, intra-Africa trade and deepening market integration will significantly increase economic growth, job creation, employment, poverty reduction, inflow of foreign direct investment, industrial development, and better integration of the continent into the global economy. It will also decrease the continent's current heavy reliance on the outside world for its growth. See Angelle BK(2017) Making Africa Great Again, Reducing Aids Dependency, *African in Focus*, Thursday, April 20, 2020 at [www.brookings.edu](http://www.brookings.edu) Accessed 21, February 2022

<sup>21</sup> The African Union by Makaria Green, Review Digest: Rights-Based Approaches to Development at [www.du.edu](http://www.du.edu). Retrieved 27, September 2021

<sup>22</sup> Mali, Sudan, Ethiopia, Central African Republic, Niger

<sup>23</sup> Guinean Forces Announce Detention of President, Dissolution of Government, 5/9/2021, World Africa at [www.aa.com.tr](http://www.aa.com.tr) retrieved September 26,2021



Furthermore, with reliance on development data, a World Bank report<sup>24</sup> reveals three reasons why Africa still records extreme poverty despite their economic growth. These causes are African peculiar;

- i. Less of Africa's growth translates into poverty reduction because of high initial poverty, including low asset levels and limited access to public services, which prevent households from taking advantage of opportunities
- ii. Africa's increasing reliance on natural resources for income growth rather than agricultural and rural development excludes the 85% of the poor population living rural areas
- iii. Africa's high fertility and resulting high population growth mean that even high growth translates to less income per person.

Accordingly it takes African governments to undertake genuine innovations towards addressing the incidental areas for attention, which included;

- a. Reduction of fertility
- b. Increase agricultural productivity, especially food crops
- c. Address risks and conflicts
- d. Increase domestic resource mobilization of the poor

Issues on how Africa has fared and way forward appears historical but as the situation is also inherent to indigenous structures. While the Determinist and Free wills conflict on these facts, the Compatibility theme appears neutral. This third thought cites the Determinism and Freewill ideas as complementary. The intermediate position is therefore that, the progressive regard of Africa's history can propel sustainable development. Many continental frameworks equally reflect the intermediate position of the Compatibility themes. For example, the NEPAD is anchored on the determination of Africans to extricate themselves and the continent from the malaise of underdevelopment and exclusion in a globalizing world. In this regard, the unity provided

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<sup>24</sup>Beegle K. Christiaensen L. (2019) Accelerating Poverty Reduction in Africa. Washington, DC: World Bank. © World Bank. <https://openknowledge.worldbank.org/handle/10986/32354> License: CC BY 3.0 IGO."

by the AU, and African leaders—increasingly being elected by democratic means will likely provide more stability to the African continent, thus making it more appealing to foreign investment<sup>25</sup>

### **3. Tackling Extreme Poverty within African Continental Legal Architecture**

The African Union (AU) which is the main legislative body of the continent was established on July 8, 2001. The body inherited the missions of the OAU towards accelerating the process of integration in the continent, and also addresses the social, economic and political problems that derive from globalization. Other plans of the OAU were, inter alia: to rid the continent of the remaining vestiges of colonization and apartheid; to promote unity and solidarity among African states; to coordinate and intensify cooperation for development; to safeguard the sovereignty and territorial integrity of Member States; and to promote international cooperation within the framework of the United Nations<sup>26</sup>. The body has four organs: the Assembly of Heads of State and Government, the Council of Ministers, the General Secretariat and the Commission of Mediation, and Conciliation and Arbitration.

In addition to the above, a preview of the AU structures against poverty reveals various agreements, institutions, treaties, policies and special purpose agencies. The independent regional blocks through their Regional Economic Communities (REC) and implementing organs for the African Union<sup>27</sup> have been central to various transformative programs of the continent, including the New Partnership for Africa's Development (NEPAD) which was adopted in 2001. The background to NEPAD progressed on the conclusion that, Africa's natural and human resources could lead to equitable and

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<sup>25</sup> The African Union by MakariaGreen, REVIEW DIGEST : RIGHTS - BASED APPROACHES TO DEVELOPMENT <https://www.du.edu/korbel/hrhw/researchdigest/development/au.pdf>

<sup>26</sup> The African Union by MakariaGreen, REVIEW DIGEST : RIGHTS - BASED APPROACHES TO DEVELOPMENT <https://www.du.edu/korbel/hrhw/researchdigest/development/au.pdf>

<sup>27</sup> Article 3 of the AU Constitutive Act 2002

sustainable growth if properly harnessed to reverse the impoverishment caused by slavery, economic mismanagement, and corruption. The list of Agreements also includes the AU's Agenda 2063. The most contemporary and encompassing normative framework for Africa, is the African Governance Architecture. The AGA prescribes *Africa's Shared Values* and the various institutions through which they would be sustained and manifested<sup>28</sup>. The AGA is to synergize interacting regimes for development, based on the essential elements of good governance, rule of law, justice, accountability, equity, sustainability, inclusivity, transparency, empowerment, access, and equality.

Apart from the above, most programs to tackle extreme poverty in Africa are as differently promoted by non-African programs for aids and assistance.<sup>29</sup> Economists as Dambisa Moyo,<sup>30</sup> have however, argued that so far, aid does not lead to development, but rather creates problems including corruption, dependency, limitations on exports and dutch disease, which negatively affect the economic growth and development of most African countries and other poor countries across the globe<sup>31</sup>. Also, Africa's progression from poverty to extreme poverty the billions of dollars aids granted so far, underscores arguments foreign assistance cannot succeed without requisite

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<sup>28</sup>The Architecture is designed to accelerate the ratification, domestication, implementation and monitoring of African Shared values instrument; deepen synergy, coordination, cooperation and harmonization of shared values instruments among AU organs, institutions and RECs on democracy, governance, human rights affairs; enhance the capacity of AU organs, institutions and RECs to support for strong States

<sup>29</sup>IMF Factsheets "The IMF's Poverty Reduction and Growth Facility (PRGF)", September 2000, <http://www.imf.org/external/np/exr/facts/prgf.htm> and "Debt Initiative for the Heavily Indebted Poor Countries

<sup>30</sup>Moyo, D. (2009). Dead aid: Why aid is not working and how there is a better way for Africa. Macmillan. In Thapa, I.(2020), Foreign Aid: Positive and Negative Impact in Developing Countries, at [www.researchgate.net](http://www.researchgate.net) Accessed September 26, 2021.

<sup>31</sup> Kin Boon Tang and Diya Bundhoo, "Foreign Aid and Economic Growth in Developing Countries: Evidence from Sub-Saharan Africa," *Theoretical Economics Letters* 7, 2017: 1473

continental will, cohesions, and purpose. Impact of foreign aids would only manifest where African leaders are within a common drive to rid the continents of socio-economic ills. As expressly opined by the former World Bank president<sup>32</sup>;

*“Corruption, bad policies and weak governance will make aid ineffective”*

#### **4. Characteristics of African Cultures, Institutions and Values that Promote Extreme Poverty**

Emancipation regimes have emphasized the protection of civil and economic freedom of persons as a panacea to development. Such liberties are to be upheld and enforced through procedures and institutions, whether legal, physical, ideological or cultural. These procedures and institutions are those through which the society is seen to express itself.<sup>33</sup> Not all institutions that embellish extreme poverty in Africa are expressly prohibited by universal and continental ideals. They include cultures and attitudes that are although legitimate, process other means by which penury is perpetuated.

##### **a. Wasteful Democracy**

Democracy is entrenched in the Universal Declaration of Human Rights 1948 among other regimes<sup>34</sup>. It is supposed to be a political system that allows for the choice of government through free and fair elections and also the active participation of the people, as citizens, in politics and civic life. Unfortunately, the impact of Democratic dispensations in Africa has questioned its sufficiency within African peculiarities. Democracy in Africa has generally plunged nations into status of haphazard constructs. African political structures create time and resources on elections that are eventually manipulated. The larger

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<sup>32</sup> James D. Wolfensohn, “Keynote Address delivered at the Woodrow Wilson at International Center,” Washington DC (2002).

<sup>33</sup>The Oxford English Dictionary 2<sup>nd</sup> Edition, p 142

<sup>34</sup>It is generally described as the type of is a system of government in which the citizens exercise power directly or elect representatives from among themselves to form a governing body. Legal equality, political freedom, good governance, accountability and rule of law as espoused in contemporary goals are the attributes of democracy.

percentage of national resources is used to service redundant officials and massive governmental structures. Elected leaders engage in corrupt practices and wastefulness within inequitable resource allocation plans for the grassroots. Struggles for powers within African Democracy have increased intra-trades of ammunitions. Religion, ethnicity and inequality are politicized to instigate civil unrests and terrorism. The forms of democracy in Africa has for some reasons tolerated ‘forever presidents’. These include heads that choose to remain in powers despite local and international resistance which have put their jurisdiction into perpetual state of unrests, wars and penury. Lack of political and economic coherence is also reflected in African nation’s capacity to respond, and appropriately manage human made and after natural emergencies.

#### **b. Patriarchal Concept of Marriage**

Queries have arisen on whether the consortium impact of marriage is an incidental boost to couples economic potentials.<sup>35</sup> Marriage is a universal institution which is equally well entrenched within the African multicultural settings. African marriages, stipulate the man as the head of the household and the utmost decision maker on all issues. Generally marital rules against conflicts in marriages subjugate women. Prominent socio-cultural and religious ideologies are geared towards the total submission of the woman to the husband. While the woman is traditionally assigned with domestic gender roles, the structure frames the man towards the capability to financially cater for his immediate family and extended ones. On the other hand, from the birth of the female child, the African peculiar mentality is that a woman must be eventually owned by the man. As such, lesser emphasis is laid on the ingenious potentials of the girl child. She is expected to end up within the domestic setup of her marriage as predicted.

With contemporary economic redefinitions, the incapacity of a typical African woman to contribute adequately to the financial needs of her

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<sup>35</sup> The New York Times Magazine; Can Marriage Cure Poverty , Annie Lowrey, February 4 2014;

immediate family is a major cause of penury. This inequity is in fact more impacting where women do not have control over their own reproductive rights. While the women bear children, men are often the primary decision makers on issues relating to family sizes and their partner's use of family planning methods.<sup>36</sup> Such dependence on husbands for the exercise of their own reproductive rights promotes unplanned family sizes. Research has shown that excess children beyond the parent's economic capacity and the impact of STDs/HIV especially within polygamous and multi parties sexual arrangements are prominent causes of penury and child suffering in Africa.

African Patriarchy also presents child "marriages", a process through which girl-children are deprived of their rights to self-actualisation from as early as their adult husbands or parents prefer. Within economies that relegate women's human capital development, African matrimonial structures have not only accommodated more women for only one man, in other instances, African nations lay credence to monogamous arrangements that enable the stigmatization of single parents and children that are born out of wedlock. Unfortunately, the plight of children that lack acceptable parentages has not influenced the general perception that the "African man is inherently polygamous/fertile notwithstanding his financial capacity. Meanwhile, family dysfunctions and parental economic disabilities contribute to illegal child fostering, child trafficking, child labor and other activities that market extreme.

Invariably, the AU Agenda also signifies the need to address retrogressive sexual and marriage practices in Africa, providing in Aspiration 72(k) that Africa seeks to achieve gender parity in public and private institutions, and the removal of all forms of gender discrimination in the social, cultural, economic and political spheres. There is also a concerted drive towards immediately ending child

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<sup>36</sup>World Health Organization, UNFPA, World Bank. Trends in maternal mortality: 1990 to 2010 World Health Organization Geneva. 2012 Available at: <[http://www.unfpa.org/webdav/site/global/shared/documents/publications/2012/Trends\\_in\\_maternal\\_mortality\\_A4-pdf](http://www.unfpa.org/webdav/site/global/shared/documents/publications/2012/Trends_in_maternal_mortality_A4-pdf)> accessed on February 2014

marriages, female genital mutilation and other harmful cultural practices that discriminate against women and girls.

### **c. Communal, Religious and Social Mis-orientation**

Religion is a fundamental set of beliefs and practices generally agreed upon by a group of people. These set of beliefs concern the cause, nature, and purpose of the universe, and involve devotional and ritual observances. Unfortunately and especially in Africa, religion is also used as the driving force of worst atrocities imaginable. A major problem that has ravaged African communities is that of religious fundamentalism, intolerance, and mutual hatred among practitioners of several beliefs. Religious doctrines are to be obligatory funded, often times by adherents who take from government's confines. Politicians, who have covertly impoverished citizens, largely constitute the population of philanthropists who sustain some criminal communism with the aid of deprived believers who are re-oriented with stipends.

Religious verses have also become instruments used to further explosive rate of reproduction and child marriages. On the down side, Africa societies sustain regular beggars and recipients of alms who refuse to engage in productive economic activities. Evidence abounds of recalcitrant beggars who would decapitate themselves and bond their dependents, in order to attract religious goodwill. Other attending detrimental beliefs include that; children are investments; misfortune is predestined; class discrimination is divine standard; perception of "evil in western knowledge" or presumption that "indigenous knowledge is inferior to its western counterparts." African version of religious faithful prescribes the avenue to improve their own lots through prayers and miracles as against accountability, hard work, accountability, equity and justice. These have also created some set of exploiters who indoctrinate, then demand spiritual financial obligations from subjects. These above cited conditions corroborate other arguments on the existence of a peculiar "African culture of poverty".

#### **d. Unguarded Reception of Foreign Aids and Assistance**

On Locke's permissive account<sup>37</sup>, small elite may appropriate the entire huge cooperative surplus produced by modern social organization. But these elite must not enlarge its share even further by reducing the poor *below* the state-of-nature baseline to capture *more* than the entire cooperative surplus.

Prominent social developmental policies often present financial aids to Africa as part of the responses that solidifies partnership her and other members of the international community.<sup>38</sup> In reality, the possibility of healthy partnerships between jurisdictions of varying economic status is still form of aspirations. The inability of a party to reciprocate or refuse aids when necessary has resulted in the continuous subjugation of acclaimed independent African nations. Contemporary rappings among former colonies and their colonials have been likened to neo-colonialism. That is, the continuous indulgence in policies that ensures Africa's dependence on super blocs. Loans that indebt Africa are not only from individual or government-to-government aid programs, but also from international development programs of global institutions such as the World Bank<sup>39</sup> and the IMF. Unfortunately reports have revealed that largest recipients of foreign aids are in Sub-Saharan Africa, which happens to be highly ranked in terms of corruption and extreme poverty<sup>40</sup>. The structures for assistance simply reinforce the

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<sup>37</sup>Thomas W. Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge: Polity Press, 2002, For a fuller reading of Locke's argument, see Pogge, *World Poverty and Human Rights*, ch. 5.also, See Thomas W. Pogge, "Human Rights and Global Health," *Metaphilosophy* 36, nos. 1–2 (2005), pp. 182–209.

<sup>38</sup>AU Agenda 2063, The Lagos Plan of Action, The Abuja Treaty, The Minimum Integration Programme, the Programme for Infrastructural Development in Africa (PIDA), the Comprehensive Africa Agricultural Development Programme (CAADP), The New partnership for Africa's Development (NEPAD), Regional Plans and Programmes, National Plans.

<sup>39</sup> The World Bank, a major participant in global interactions operate according to its Article of Agreement which prevents the institution from engaging with issues of human rights.

<sup>40</sup>Corruption Perceptions Index 2017- Transparency International;www.cpi.transparency.org



amount of resources available to compromise African politicians and contractors, who are unaccountable. Dependent governments with access to free money in predictable instances have no reasons to plan or improve internally generated revenue for national self-sustenance. Humanitarian arrangements regard African nations as “tag along”<sup>41</sup> for developmental ideals. As SDG 2030 replaces the MDGs, the reality is that most African nation are well behind the standards prescribed by the latter arrangement. Unfortunately, universal goals continue to shift posts. Nonetheless, the global society constitutes the avenue for developing nations to learn best standards for economic and socio-cultural development.<sup>42</sup>

#### **e. Indulgence of Usury and Pillage of African Wealth**

Without prejudice to related lofty aspirations, African nations heavily service international debts and devalue their own economy in order to meet of with international financial obligations. Inordinate agreement with detrimental global initiatives equally excludes citizens from sustainable human capital development. An example flows from the inequitable exposure of small scale industry and indigenous workers to foreign and multinational market forces. According to J.W Smith, highly mechanized farms on large acreages can produce units of food cheaper than even the poorest paid farmers of the Third World. When this cheap food is sold, or given, to the Third World, the local farm economy is destroyed. If the poor and unemployed of the Third World were given access to land, access to industrial tools, and protection from cheap imports, they could plant high-protein/high calorie crops and become self-sufficient in food. Reclaiming their land and utilizing the unemployed would cost these societies almost nothing, feed them well, and save far more money than they now pay for the so-called cheap imported foods”<sup>43</sup>

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<sup>41</sup>Article 2, 5 and 9 of the International Labour Organizations Minimum Age Convention 1973 on the child labour.

<sup>42</sup> Such assistance includes the facilitating of technical assistance in the use of trade, investment, finance, and technology as vehicles for inclusive and sustainable development.

<sup>43</sup> *J.W. Smith, The World's Wasted Wealth 2*, (Institute for Economic Democracy, 1994), pp. 63, 64

Inequitable interferences in citizen's human capital development is also not in tandem with Aspiration 72(a), a plan to eradicate poverty in the coming decades, through enhanced investment in the productive capacities (skills and assets) of our people, improving incomes, creating jobs and providing basic necessities of life.

Unfortunately, in extreme cases of Usury, exploiting participants include African representatives who have entered into contracts with disproportionate shares and protection clauses. Corporate corruption has ensued undiversified economies, where standards for exploration of resources do not fit universal guidelines. The impact of usury or unguarded exploration is often revealed in environmental degradation, emergence of rebel groups and eventually the manifestations of helplessness and extreme poverty on the vulnerable populace, especially on women and children.

*Expectedly, the AU Agenda 2063 also flags these risks as influential to Africa's development through the Aspiration 72(o), under the mission to strengthen domestic resource mobilization, build continental capital markets and financial institutions, and reverse the illicit flows of capital from the continent, in order to among other factors:*

- a. Reduce aid dependency;
- b. Enhance domestic savings
- c. Eliminate all forms of illicit flows
- d. Double the contribution of African capital markets in development financing;
- e. Render fully operational appropriate continental financial mechanisms/institutions;
- f. Elevate Africa- multilateral lending institutions to global status;
- g. Reduce unsustainable levels of debts;•
- h. Address the particular challenges of island states in continental and global development financial regimes; •
- i. Create an enabling global environment for Africa's development, including the mobilization of resources from all

funding mechanisms for implementation of Africa's priorities as defined in Agenda 2063

**f. Relegation of Cultural Heritage**

*The attack on Africa's cultural heritage by the colonialist serves as leeway for the present day neglect of the gains attributable to proper harness of economical values of cultural heritage resources embedded in tangible and intangible cultural property.<sup>44</sup>Traditional knowledge, traditional cultural expressions, genetic resources and all other forms of traditional heritage resources are veritable means by which individuals and indeed traditional communities can provoke economic growth.<sup>45</sup>Sadly, westernization of Africans has clogged the heart of many thereby rendering the continent more impoverished than it should be if African heritage is consciously harnessed for economic growth.*

**5. Human Rights and Extreme Poverty in Africa: Aspirations and Reality**

The protocol to the statute of the African Court of Justice and Human Rights<sup>46</sup> was adopted in 2008. The Protocol has jurisdiction over all cases and legal disputes that relate to “the interpretation and application of the AU Constitutive Act, African Union treaties, and all subsidiary legal instruments. Unfortunately, the low level of ratifications limits the Court's role as the human rights watchdog for Africa. While the court remains the primary judicial organ of the AU, its effective performance is still suppressed as a result of its interwoven jurisdiction with the International Criminal Court. In addition, judicial bodies within REC are more privy to regional issues than the ACJHR. For example the ECOWAS Court of Justice equally sits over human rights matters from African state parties. Nevertheless

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<sup>44</sup>Onyima, Blessing Nonye. ‘Nigerian cultural heritage: preservation, challenges and prospects.’ (2016) OGIRISI: a new *Journal of African Studies* 12, 273-292.

<sup>45</sup> WIPO, Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions (WIPO, 2020)

<sup>46</sup>The Assembly adopted the 2008 Protocol on the Statute of the African Court of Justice to merge the courts (Assembly/AU/Dec.196 (XI)). Article 28 of the 2008

a common issue bothering the existing overlapping Judicial arrangements is that, the internal sovereignty of states over their domestic affairs have ensured that international courts can only result to persuasions, protests and threats of sanctions to curb leaders from outright breach of human and community rights.

The Pan African Parliament,<sup>47</sup> the primary legislative organ of the AU has consultative and advisory powers only. It is unusual that till date, the ultimate aim the parliament, according to the Article II of the 2014 Pan African Parliament Protocol is to evolve into an institution with full legislative power, whose members are elected through universal adult suffrage. Another body is the African Peer Review Mechanism 2003 (APRM), a self-monitoring mechanism of the AU. The mandate of the APRM is to encourage conformity of values, standards and socio-economic development with AU instruments and prescriptions. APRM therefore approves of standards that are in line with the New Partnership for Africa's Development, Sustainable development Goals 2030 and the AU Agenda 2063. Unfortunately, APRM's mandates have been threatened by States hesitation to submit external assessments. The procedure for breaking down reviews on states' social cultural realities is also complex.

The advantages of lawful participation of African States in the UN are not lost. However, a reference to the successes of the European Union as a regional body would underscore the need for utilization of instruments that are nearest to national domestic institutions. African States cannot oblige UN's universal approach to the eradication of poverty, while they equally draw continental arrangements restating pan African norms. Sometimes there are deviations and contradictions. Notwithstanding, states with worrying rate of extreme poverty equally service international commitments with budgets that have not eradicated citizens' status of penury. Many African states do not or cannot service their financial commitments under the AU and other structures. AU contextual instruments on human rights are equally largely unexplored. The emergence of more sub-regional agreements

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<sup>47</sup>Article 17 of the AU Constitutive Act

has merely encouraged competition, abandonment of issues, and forum shopping.<sup>48</sup>

## 6. Conclusion

This paper presents laws that affirm the existence of an African international human right order. The order is basically channeled, considering the unpleasant part of history, and the zeal and optimism to notwithstanding craft a developed Africa. However, a major problem that confronts Africa's renaissance is the level of uncertainty in allegiances and commitments of parties. There is therefore need to revisit their common purpose considering the vulnerability of most nations post Covid 19 pandemic. If the continent is to thrive within the call for interactions and brotherliness, in search of cures, vaccines, laws and socio-economic palliative, African states would less indulge cultures that undermine universal mandates on equality, accountability, and good governance among others.

Until the conscience of the nations are penetrated enough to consider each civil and political misdirection as a strain on the higher socio economic order, the medium of laws would be in-adequate machineries for liberating Africans from extreme poverty. African communities should therefore insist on efficient institutions that reject oppressive foreign arrangements without compromising their own legitimate benefits as independent members of the global space. Also, there is the need to refrain from proliferating intercontinental agreements. Instead, existing, treaties and soft laws should be sustained and integrated until development goals are accomplished. Operational policies within the African zone, especially by the global banks and international trade units should be mindful of previous injustices and failures. Such institutions must begin to channel funds through other realistic means that are more rewarding than the existing structures that promote embezzlement of monies and mismanagement of humanitarian aids.

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<sup>48</sup> See Geldenhuys DJ(2006), 'Brothers as keepers: Africa's new sovereignty regime', *Strategic Review of Southern Africa*, 28.1, May 2006, pp. 1–2, 9–14

It is clearly not enough to write great constitutions and enact good laws. Nor do elected legislatures and executives automatically usher a culture of justice, or create a human rights state. Enforcement institutions and stakeholders remain beholden to superior political and economic interests. These superior interests must reflect the true state of forgiveness and the will to present a progressive African culture, powered by resistance to exploitative offers and respect for indigenous conceptions of rule of law. It is through sincerity, optimism and good conscience that African complex problems would be resolved.

In the final analysis, partnership serves to strengthen the legitimacy of public policy-making through a greater involvement by the agents of development in the definition and implementation of the policies that concern them. As such, it has undeniable heuristic values in Third World countries in general, and in Africa in particular, where the existence of economic, cultural, and social imbalances seriously jeopardizes the development policies being implemented. Only the under-developed states have in common certain ills, namely, extreme poverty, lack of economic and financial resources, the anarchic occupation of space and the spread of shantytowns that is blighting the habitat...<sup>49</sup>

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<sup>49</sup> El HadjMbodj. 2002. "Prospects for partnership among African cities." *International Social Science Journal*. 54(172): 233.