

Globalization and the Sovereignty of African States in the Post-Colonial Era: A Contemporary Afrocentric Legal Perspective

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Abstract

Globalization eases human interactions by integrating national systems into one international uniform system. Whereas globalization has proven to be more beneficial for advanced and wealthier countries, poorer and developing economies, including African countries, often get the short end of the stick albeit accompanied with short-term benefits. Major international decisions geared towards fostering a globalized order are often reached and implemented without significant participation and input of African nations, with lasting impacts on their respective political and socio-economic sovereignties. Against this backdrop, this article offers an advisory to African policymakers and peoples that African states tread with caution while engaging on the global stage so that the benefits accruing from a globalized order are not a bait to perpetuate Africa's accumulated underdevelopment. The article advocates a path towards rediscovery and recovery for African sovereignty. African states should overhaul their international engagement strategies in order to have their voices heard, add value, and preserve their pride of place in global affairs.

Keywords: Globalization, State sovereignty, Neo-liberalism, Neo-colonialism, Africa.

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1. Introduction

The description of the world as a Global Village ([McLuhan 1996, \[1\]](#); [McLuhan 1962, 31](#)) probably has its *fons et origo* in the phenomenon popularly termed Globalization, which slowly but steadily manifested from the 18th century to current global realities ([Heshmati 2004, 2](#)). Then, the phenomenon was used to describe the village-like effect that mass media holds in the public space ([McLuhan 1962, 21 and 31](#)). There is hardly any gainsaying that globalization has now permeated virtually every aspect of human existence and interaction, from politics and public administration ([Srivastava 2009, 2](#)) to transnational trade and financing, and culture and lifestyle ([Heshmati 2004, 15](#); [Upadhyay 2014](#)), the positive and negative consequences thereof all intertwined and interrelated. Presently, globalization has borne its proboscis of influence into law, justice administration, and legal practice ([Romero 2005](#)). In the light of these experiences, globalization is a salient phenomenon that continues to influence events at both national and international arenas, thereby cementing the Global Village.

Globalization means different things depending on who is performing the analysis. It has generated interests and divisions amongst political and socio-economic scholars and commentators ([Adangor 2016, 7](#)). It is perceived either as an elixir to the underdevelopment of the Third World or a tool of neo-colonialism by the

West. In other words, it has been observed that in developed countries, globalization is recommended as a recipe for the liberation of the underdeveloped and developing countries from the shackles of poverty and technological backwardness, while underdeveloped and developing countries believe that globalization is a mere face-lifting or rebranding of economic, political, social and cultural imperialism ([Kellner 2002, 285-286](#)).

There are mounting examples about the growing influence of globalization on political and economic decisions at the national and international levels to the detriment of developing countries ([Srivastava 2009, 9](#)). Globalization was initially driven by transnational trade (including slave trade) in pre-colonial Africa and subsequently by colonialism. Globalization in post-colonial Africa is now driven by neo-colonialism and neo-liberalism ([Haag 2011](#)), which increasingly aids transnational economic interdependence “through increasing volume and variety of cross-border transactions in goods and services, free international capital flows, and more rapid, widespread diffusion of technology” ([IMF 1997, 45](#)). This article postulates, with contemporary examples, that despite its benefits, globalization adversely impacts on the sovereignty of African states which inhibits them from acting as the masters of their own destinies and making valuable, afro-inspired contributions to global civilization and advancement.

This article is not to incite resentment or opposition towards globalization as totally undesirable for Africa’s political interests and socio-economic development. There exist valuable benefits that the phenomenon portends for the continent. But how sustainable are these benefits? Are they a bait to perpetuate the underdevelopment of Africa, undermining her potential to be a major influencer in global affairs? This article expatiates on these issues and proposes a viable path forward for Africa to adopt in order to take her pride of place in world affairs. African peoples and governments at national and Pan-African levels need to ask themselves certain hard questions, such as whether it is sustainable to sacrifice their identity, homegrown (traditional) knowledge, and sovereignty on the altar of global integration, and how to manage the interplay between globalization and sovereignty in all imaginable ramifications.

Beyond preserving their political and economic sovereignties, African countries ought to re-think, re-mold, and re-strategize their individual and collective engagements in world affairs. This would not be easy to achieve as it requires sustained concerted efforts to pull through ([New African 2012](#)). This is particularly important and sensitive especially when the divergent colonial histories and affiliations of African states manifesting in African affairs are brought to the fore ([Nkrumah 1970](#); [Akwei 1987](#); [Wengraf 2016-17](#)). Specifically, that African countries are usually categorized according to their colonial history—Anglophone Africa, Francophone Africa, and Lusophone Africa—sometimes contributes to incidences of discord and distrust amongst African countries. There are insinuations that the Economic Community of West African States’ plan to float a common West African currency was hijacked by France with Francophone West African countries being either complicit or powerless (or both) in preventing the occurrence ([Smith 2020](#)).

We attempt to elucidate on the key indicators and agencies of globalization in the twenty-first century and analyze its consequences on the current world order, especially in Africa. The article examines the extent to which globalization has affected Africa’s sovereignty over time and proposes a path forward for African states in the face of neo-colonialism, to rediscover and recover their essence and strategically position themselves in order to etch their political and socio-economic independence for the intergenerational sustenance of African peoples through the vehicle of globalization.

2. Globalization: A Twenty-First Century Reality

Globalization is the interpenetration of the universalization of particularism and the particularization of universalism ([Krossa 1992](#)). It is a multifaceted and complex phenomenon which manifests in political, economic, social, technological, cultural and legal dimensions ([Wiseman 1998](#)). Globalization involves the interactions among countries for the main purpose of creating a common global market for cross-border exchange of ideas, information, technology, capital, goods and services. Controversies surrounding globalization are reflected through historical divisions between developed and developing economies. Western countries appreciate globalization as the ‘messiah’ that facilitates third world countries’ rapid development, improve economic prosperity, upscale technological innovation, enhance living conditions, and deepen democracy, while third world countries view globalization as synonymous with neo-colonialism which would bring about undue interference in their internal affairs by Western countries and consequently weaken their sovereignties and independence. Thus, globalization can be either a remedy to underdevelopment or a new instrument of imperialism. These different perspectives on globalization have birthed numerous analyses on the dimensions of globalization such as global trade and investment, global financial markets, international mobility of labour, and the globalization of laws and legal systems ([Ott n.d.](#); [de Souza Santos 2002](#); [Shapiro 1993-4](#); [Bonell 1992](#)). A cursory examination of these dimensions of globalization are sustained by various indicators namely trans-border commercial transactions, alternative dispute resolution (ADR) mechanisms, cyberspace activities, and debt financing by multilateral development banks and financial institutions.

2.1 *Some Contemporary Indicators of Globalization – Legal and Economic Influences*

2.1.1 Trans-border Commercial Transactions

Globalization has encouraged economic interdependence between countries. Scholars write about “international business” to describe all commercial transactions which occur between two or more countries beyond their territorial borders for the purpose of meeting global demand ([Daniels et al 2007](#); [Rugman et al 2006](#)). These transactions include the import and exports of goods and services, foreign investments, tourism, transportation, technology, retails, constructions and advertisement.

Globalization influences technological innovation for the global expansion of the supply of goods and services and the development of viable international economic and financial markets. Companies are no longer restricted to countries of incorporation and can now do business globally. Trade barriers are steadily fading away as there is now a global increase in trans-border transactions, even competing with domestic commerce. A company cannot now assume that domestic markets alone would bring about long-term profitability. Thus, they have escalated investments in different countries because the flow of money across national borders has been made more flexible. Markets (economic and financial) ([Hill 2008, 57](#); [Cavusgil 1993](#)) and production ([Hill 2008, 59](#); [Islam 2015](#)) have been successfully globalized, with the globalization process facilitating shifts of distinct norms, values, preferences, and cultures towards the patronage of common products, services and norms.

2.1.2 Alternative Dispute Resolution (ADR) Mechanisms

The global marketplace is very competitive and disputes between participants are inevitable. Not many multinational companies want to afford the time, rigours, expense and business risks associated with litigation. Recourse to ADR mitigates these risks. ADR mechanisms include mediation, arbitration, negotiation, conciliation, expert determination and a hybrid of two or more of these mechanisms. ADR allows for the resolution of disputes arising out of transnational contracts. Here, globalization comes to the fore as trans-border disputes can be resolved largely speedily at international fora, and the resolutions, depending on the ADR mechanism such as arbitration, are automatically binding on the parties.

Potentially, the continuous referral to ADR results in globally acceptable processes for the settlement of transboundary commercial disputes outside litigation. Enforcement of a foreign arbitral award can be achieved through the [New York Convention](#) adopted by over 145 countries. The [New York Convention](#) mandates that signatories to enforce arbitral awards except on very limited, stringent objections. Some other ADR processes provide somewhat less formality and do not necessarily result in a binding solution. Nevertheless, mediation or dispute boards may be better suited to the parties’ needs as they tend to be more equitable, compromising and conciliatory.

2.1.3 Cyberspace Activities

About 30% of the global population actively live in the cyberspace in real time ([US Government, 2011:3](#)). Today, many transactions take place via online platforms. With this positive development comes negative consequences. It is imperative that laws are introduced to cater for the issues and challenges arising from doing business within the cyberspace. While many developed countries have enacted laws to maintain the integrity of cyberspace activities, most developing countries lack (strong) legal protection for online transactions posing great risks to businesses, individuals, and even governments whom have fallen victims to cybercrimes with no adequate legal framework for seeking redress.

Another adverse consequence of the cyberspace is the infringement on state sovereignty. The world has witnessed how popular sovereignty can be interfered with via the manipulation of the cyberspace as alleged by the US against Russia ([Peelroth et al 2017](#)). It appears that the sovereignties of developing countries are being impacted by the situation where more than 50% of the websites in the world are hosted on servers domiciled in just one country — the United States ([Knoema n.d.](#)). While the upside of this cybermonopoly is the effective monitoring of fraudulent and terrorist activities, this can give the cybermonopolists access to the classified information of smaller countries, creating an imbalance of negotiating power in economic, diplomatic and even military interactions, which ultimately weakens their sovereignty.

2.1.4 Multilateral Development Banks/Development Finance Institutions (MDBs/DFIs) Services

MDBs/DFIs propagate globalization by creating sector standards and urging developing countries to adhere to them as ‘global best practices’ for the sector. Adhering to global best practices has its pros and cons. The pros are the intended goals of achieving simultaneous development in a sector while the cons are the failure to achieve required outcomes in certain countries for omitting to consider and address national peculiarities, with possible impact on state sovereignty. Examples of MDBs/DFIs are the World Bank and IMF.

The World Bank lends capital to countries to fund to critical infrastructure projects. The IMF works to stabilize global financial systems against volatilities ([IMF 2021](#)). Citing Nigeria as an example, these institutions issue financial and economic policy recommendations for Nigeria to implement. Remarkably, these policy recommendations are sometimes tied to the receipt of certain, often short-term benefits that would accrue to Nigeria if she implements them. The IMF often called for Nigeria to devalue its currency for economic reasons ([Kokim 2015](#)). The Nigerian Naira had higher value than the US Dollar but years of devaluation contributed to

the poverty net of the country, thereby reducing its purchasing power. Currency devaluation is often a criterion for benefitting from grants or incentives. The World Bank over the years influenced Nigeria to make biased (preferential) investment in certain projects over others, particularly those that tend to generate revenues faster ([Okerefor 2018](#)). This advisory drove Nigeria to invest more in brick-and-mortar infrastructure rather than human capital.

Nigeria is still paying dearly for decades of biased investments as urged by the World Bank — particularly the underdevelopment of her education and health sectors ([Okerefor 2018](#)). Probably, such biased investment advisory is hardly given to developed countries, but more importantly, as sovereignty has several facets, such influences have impaired on Africa's political and socio-economic sovereignty to a larger extent.

2.2 Consequences of Globalization

2.2.1 Opportunities

Globalization presents diverse opportunities such as increased specialization and efficiency; competitiveness; better output and quality of products at reduced prices; managerial capabilities and technological improvement. Globalization ensures that consumers derive high satisfaction since the best quality standards are maintained through specialization, productivity and competition ([Castells 1997](#)). The increase in FDI flows facilitates the growth in world trade by increasing the international mobility of capital and ensures efficient use of technological and other resources in the production process. Through investment and trade, firms specialize in the production of goods and services through a specialized process. Furthermore, globalization also facilitates FDI through technological innovation and efficient deployment of resources to achieve lower unit costs of production. Trade and investment can aid efforts at restructuring an economy to make it more competitive and advance the globalization process. Global financial systems integration has aided the efficient mobilization and investment of foreign capital in developing economies and enhanced the depth and efficiency of the domestic financial market ([Prasad 2003](#)), which positively impacts on output and employment. These processes aid global wealth creation, improve living standards, ensure poverty reduction and better quality welfare.

2.2.2 Challenges

The contagion effect of a global financial crisis spreads rapidly and destabilizes economies as gains recorded in economic growth can be easily eroded. Consequently, this leads to the spread of shocks across financial markets ([Prasad 2003](#)). Thus, economic overheating may become manifest with dire consequences for future FDI flows. If not well managed, capital flight may follow economic overheating.

Globalization influences population growth. Developing nations have far higher birth rate than developed states. An unintended consequence of high birth rates is uneven economic growth wherein developing economies with escalating populations without proper socio-economic planning to address it lagged behind developed nations ([Sinding 2009](#)). Consequently, modern day migration from the Global South to the Global North is on a much greater scale as the numbers of migrants in 2017 alone was 258 million people ([UN DESA 2021](#)).

Globalization spurs national development and prosperity, but minority reports emphasize its problems such as increasing wealth inequality, loss of local jobs through international trade, and exploitative capitalism. Contemporary globalization seems to be at a crossroad vide the rise in modern nationalism as championed by former US President Donald Trump who promoted anti-immigrant laws, a protectionist stance against globalization ([Rachman 2018](#)). Despite such outliers, globalization has still brought us one step closer to one another than our forebearers would have imagined; however, like all aspects of the process, the benefits have been uneven in its spread and impact ([Robert et al 2014](#)).

2.2.3 Implications for Africa

The UN identified three major trends on globalization, namely the changing nature of production through outsourcing and mechanization likely to occasion greater income inequality; technological advancement; and the socio-economic effect of the interplay between climate change and globalization ([UN DESA 2020](#)). The challenges associated with these trends are billed to continue unless African governments and enterprises work together to reform cross-border economic regulations with a view to limiting the occasion of higher costs than benefits. The interconnectedness of a globalized economy means that problems caused by developed economies can have knock-off effects on Africa. Globalization has given rise to dominant multinational corporations. Nevertheless, smaller enterprises are responding to globalization by harnessing technology to refine their operations and increase growth. The next era will witness the upscale of artificial intelligence, presenting Africa with new vistas and adaptation strategies.

3. State Sovereignty, Globalization And Neo-Colonialism In Africa

3.1 The Principle of State Sovereignty

The United Nations' Charter 1945 ("[UN Charter](#)") guarantees the respective sovereignties of all States. It provides that "[a]ll Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the

Purposes of the UN” ([UN Charter](#); [Crawford and Koskenniemi 2012](#)), and prohibits the UN from intervening in domestic matters falling within the domestic jurisdiction of any country except where authorized ([UN Charter](#)). Sovereignty enables an independent country to set up and run its own government to the exclusion of interference by any other country. A sovereign country has the power to legislate, interpret, and execute the laws that best suits its citizens. There are various forms of sovereignty, one of which is domestic sovereignty, which relates to the establishment of a governing authority. There is interdependence sovereignty which relates to border delimitation. Also, there is international legal sovereignty relating to sovereignty as a legal entity and Westphalian sovereignty from which territoriality and exclusionary authority are derived ([Anca 2018](#)).

The principle of state sovereignty is sacrosanct but not absolute when considering international laws which tends to strip the monopoly of authority from a country within its territory and places same on a group of countries that have agreed to work together through ratification of treaties or bilateral arrangements. It was clearly held by the International Court of Justice (ICJ) that under international law, in order to guarantee the sovereignty of a State, “there are no rules except the rules that are entered into by the country through consent, treaties and other ways” ([Nicaragua v United States](#)).

We observe that the principle of sovereignty under international law seems vague and contested. This submission probably has merit as there seems to be disagreement about where and when to draw the line in the event of an interplay between the concepts of state sovereignty for a country and state functions of another country, the latter concept denoting the exercise of routine or expected responsibilities of the government of a country in given situations which may likely infringe on the sovereignty of another country. Nevertheless, the ICJ’s decision has helped to clarify the parameters for determining sovereignty as a subject of international law jurisprudence. It is worthy to note that the concepts of sovereignty and state function are intersected to the extent that where a state refuses or lacks capacity to act in the face of activities against another state, the state that is adversely affected can take actions to terminate those wrongful activities against it. This analysis is reflective of the Israeli response to the 1976 Entebbe attack in Uganda captioned *Operation Thunderbolt*, when Israeli commandos were mobilized by the Israeli government to attack terrorists in Entebbe to secure the release of Israelis held hostage in Uganda ([Lowe 2017](#)).

[Article 2\(1\) of the UN Charter](#) stipulates that UN members are guaranteed equal rights as sovereign states. The provision can be expanded to mean that all countries are equal; entitled to delight in their sovereignty; guaranteed political independence devoid of any form of interference; and must respect obligations and commitments collectively entered into for global peace. In *Nicaragua’s* case, the ICJ justified [Article 2\(1\) of the UN Charter](#). The Court was able to pronounce that even though Nicaragua was a less powerful country, the country had every right as that of powerful countries in the UN to institute lawsuits successfully and assert her sovereignty when infringed upon by another country ([Nicaragua v United States](#)). The ICJ declared that the US had no right to interfere in Nicaragua’s domestic affairs and reaffirmed the position that a country infringes on the sovereignty of another country where it instigates elements in that country, either by direct or indirect arming and training of insurgents, to dislodge or destabilise the other country. Another aspect of the case that was well addressed by the ICJ was the unveiling of countries as distinct personalities when addressing issues of sovereignty. The Court was emphatic that the grounds of the US’ justification for invading Nicaragua was baseless as member states of the UN have the right to enjoy whatever form of government or economic or socio-cultural activities that suit them ([Nicaragua v United States](#)).

The tendency for more powerful countries to bear their heavy weight on weaker countries is oftentimes imminent. It is common knowledge that most African countries can be classified as politically and/or socio-economically weak. Globalisation is a potential vehicle for the integration of socio-economic systems in which weaker countries tend to either ignorantly accede to or are strategically railroaded into doing so, even without their input or the consideration of same. Weaker countries, such as African states, need to tread with caution to ensure that the principles, philosophies and idiosyncrasies which define their political, economic and socio-cultural backgrounds are not significantly distorted or lost to this global trend.

3.2 Sovereignty of African States in a Globalized World

Hitherto, the concept of national identity in post-colonial African countries was primarily centered around citizenship, territorial boundaries, ethno-religious affiliation and cultural nostalgia. However, national identity has transcended beyond these spheres and is permeating other new vistas such as geo-politics and economic independence. This trend is largely attributable to globalization ([Ngwa and Akgün 2021, 1760](#)). This article aligns with this position and expands its scope to say that the need for the renaissance and promotion of African identity and sovereignty in the political, socio-economic and all other ramifications is also driven by the realities of a globalized world. Africa, in the post-colonial phase of her evolution, is unassumingly expected to flourish in a globalized world with interconnectedness of political, economic, and social magnitudes. The continent is expected to unleash her ‘54-man army’, armoured with the shield of sovereignty on the one hand and armed with the sword of globalization on the other hand in international relations from a position of strength. A continent

with huge human and natural resources should be the major beneficiary of an open and integrated world.

While Africa has largely remained docile or unable to advance satisfactorily, the individual feats of Africans and persons of African descent across the globe in many aspects of human endeavor cannot be overstressed. In science, Africans have been credited for innovations in computers/internet, medicine/vaccines and construction projects. From sportsmen such as Mo Farah to Usain Bolt; Michael Jordan to Kobe Bryant; Muhammed Ali to Mike Tyson and Anthony Joshua; Israel Adesanya to Kamaru Usman; Pelé to George Weah and Samuel Eto'o, the narrative is similar. The FIFA World Cup 2018 was won by a French team of footballers 90% of whom were of African origin. In world politics, Barack Obama led the most influential country in the world, while the affairs of UN, WTO, OPEC, IMF, ICC, ICJ, UNGA, WHO have either previously been or are currently being stirred at the very highest levels by African sons and daughters.

Although globalization is an iconic and important socio-economic processes of recent decades, it does not always present an all-rosy platform, depending on choices made (Owusu et al 2019). Africa has long been held back. What holds her back is not the lack of resources and human capital, rather it is a systems problem. And do we blame Africa entirely for its predicament? These systems were created and imposed by 'former' imperialists who forcefully occupied and annexed African pre-colonial nations before reluctantly handing independence back to her individual nations in phases. Departure from the old order risks strategic international economic and diplomatic ostracization. Nowadays, following globalization, African states seem to be unwittingly but systematically surrendering their respective sovereignties by not intensifying regional integration and self-sufficiency but rather becoming hugely dependent on foreign aids/loans. The following discussions interrogate how this assertion plays out.

3.2.1 Systematic-Systemic Underdevelopment of Africa

The end of the World War II was a precursor to the abrogation of colonization and the attainment of independence by many African nations. However, this abrogation was never meant to translate to an altruistic return to autonomy for the newly independent states, but one that opened a new vista of domination by the withdrawing colonial masters. What took place was a mere physical withdrawal from the newly independent African states to be replaced by a carefully implemented strategy of controlling their political structures and socio-economic affairs (Hodges 1972, 12). Through a carefully designed educational system which only prepares an average African for civil service employment (in effect, to serve rather than to attain and utilize skills for nation building); a political class structured to favour foreign ideologies and instructions over locally sourced ideas to foster national development; and an import-dependent economy, Africa continues to be dependent on foreign handouts for its survival than any other continent of the world (Owusu et al 2019, 8). In view of this, we attempt to further analyze the role of development aids in impugning Africa's sovereignty.

3.2.1.1 Foreign aids: support or 'sore port'?

Foreign aids refer to the injection of funds and assistance in the form of grants, loans or FDIs by a foreign country or international organization to either serve humanitarian purposes or advance an economic interest. Newly independent African countries started receiving foreign aids in the 1960s, and since then, there has been an ongoing debate on the institutional objectives of the donors, as well as whether such aids pose threats to the recipients rather than support their true economic development (Murshed and Khanaum 2014, 33). Despite consistent foreign aids over the past decades, Africa remains the poorest region in the world with debts remaining at high levels, weakened currencies and increasing level of poverty (Gosselin-Pali 2019). Currently, Sub-Sahara Africa accounts for about 60% of persons living in poverty worldwide, while 80% to 90% of African countries may not eliminate poverty by 2030 (Donnenfeld 2020).

Public sector corruption and misappropriation also playing huge roles in this process. Many times, the terms of the aid agreement granted to African countries are deliberately designed to guarantee the interests of the donors to the detriment of the recipient nations. Why not? The donors actually see most of these aids as 'business' while some African leaders see same as free money for lavish spending. More so, the nature of the foreign aids injected into African countries are built on an exploitative strong-weak relationship which advancing the socio-economic and political agenda of the donors (Murshed and Khanaum 2014, 35). Experience shows that the World Bank prefers going to Africa to negotiate loans and work on projects. This is not because of the bank's deep love for the continent but because in Africa, the already prepared loans and project proposals simply get signed by African countries without deep interrogations due to their technical and other disadvantages, and the World Bank gets the best deals (Ezeanya-Esiobu 2017).

Nigeria has a total external debt of ₦13.7 trillion (US\$334.6 billion) which accounts for 38.66% of the country's total debt portfolio and the official exchange rate of ₦409.66 to US\$1 (Debt Management Office 2020). South Africa's debt is reported to have reached US\$257.5 billion (CEIC 2021), while Egypt's external debt stands at US\$137.8 billion (Trading Economics 2021). These counties are currently among Africa's biggest economies, and like most African countries, their funding and capacity to stimulate their economies, address their huge infrastructural deficits and to meet budget financing requirements is heavily dependent on aids, with little to show for it. Debts are not ordinarily bad; even advanced economies like the US and the UK are hugely

indebted. Debts are beneficial if they are tied to critical and productive infrastructural projects. This has not been the case in Africa where as more aids are injected into specific sectors, the more borrowings are required to address the same sectors. For example, in the mid-2000s, over US\$16 billion was invested in Nigeria's power sector with unsatisfactory outcomes ([Ogunleye 2017:11](#)). Likewise, huge public investments in the health and transport sectors have not improved sectoral infrastructures and services. Africa's continuous reliance on foreign aids has watered down their economic sovereignty by making them largely reactionary to the politics of their paymasters rather than identifying, defining and addressing their individual national priorities ([Kwemo 2017](#)).

3.2.1.2 Sore port: impact on regional integration

The weakness of individual African states stems from their dependence on foreign aids and impugns on the African Union (AU) to maintain an influential voice in international affairs and promote a common African diplomacy ([Nagar and Nganje 2016](#)). Yet, this scenario is not too surprising as African countries still struggle politically and socio-economically in their respective national fronts. The AU heavily relies on foreign aids to perform its obligations ([Williams and Boutellis 2014](#)), even as the building of the AU headquarters was executed and funded by China. The African Development Bank (AfDB) has Japan, Germany and USA as the countries with the highest voting powers ([AfDB 2021](#)), while the UK is the largest donor to the African Development Fund (ADF) ([ICAI 2020](#)). AU's reliance on foreign benefaction ensures the endurance of a perception of frailty when compared with other regional organizations.

3.2.1.3 Foreign aid also aids the unthinkable?

Foreign aids have been used to compromise government officials with the inability to repay debts used as bait to advance foreign interests. Aids to third world countries tend to increase and decrease depending on how much foreign relevance is derived from or through them ([Pozen 2017](#)). They have served as inducement from jostling superpowers to get favorable resolutions and market entry for goods and services at international levels, and where such countries no longer serve their foreign interests, the trend that seems to follow is civil unrest engineered by such superpowers ([Pozen 2017, 171](#)). Africa's socio-political necessities are irrelevant as far as the donors' vested interests are served. Considerable links exist between aids and voting at the UN. Studies have shown that countries such as the US and China use loans from multinational banks and NGOs to reward allies, while the distribution of aids is normally tied to interests and foreign policy preferences of the donors ([Carter and Stone 2014](#)).

3.2.2 Neo-Colonialism and the New Scramble for Africa

Colonialization served as a precursor to globalization in Africa. Globalization-induced socio-economic changes played a key role in the realization that with trade and technology, caging of the body has become apparently otiose — more effective is the caging of the mind. It helped reset the stage of hegemony to one built on economic influence and foxy partnerships. Some foreign donors identify countries whose leaders will serve their foreign interests and 'impose' them on their citizens. Due to systemic-systematic corruption and poverty, Africa remains fertile for this tendency to thrive.

Post-independence, Europe, the US and more recently China, continue to establish ties with African countries. Africa prominently features in US and China's foreign policies that it now appears that the battle for superpower status lies in dominating Africa. Although the US had a longstanding and robust engagement with Africa, its firm hold on Africa has notably declined ([Cooke 2013](#)). With US foreign assistance budgets coming under intense parliamentary scrutiny ([Cooke 2013](#)), together with the fallout of the former Trump administration's handling of African affairs ([Schneidman 2021](#)), the country is fast losing its hold in the region to China, who in 2015 became Africa's biggest trading partner with investments around US\$300 billion ([Nagar and Nganje 2016](#)). Notwithstanding, The new Biden-Harris administration has committed to undoing most of Trump's policies towards Africa and Africans in a bid to regain US dominance in Africa's economic market ([Schneidman 2021](#)).

Undoubtedly, US and China's interests in Africa are hinged on access to natural resources, export markets, and political alliance on international issues ([Hanauer and Morris 2014](#)). To ensure that these vested interests are protected, they have designed different approaches to pursue their agenda in ways that preclude direct competitions and/or confrontations ([Hanauer and Morris 2014](#)). While the US protects its growing investment and political interest in Africa through the push for democratization and enhanced economic growth, China does so by funding infrastructure projects. Both approaches of democratization and infrastructure financing could be counterproductive open up the vulnerability of African states' sovereignty.

A leaked memo in 2003 exposed how the US and its allies, knowing that a war in Iraq would be illegal without a favorable UN Security Council (UNSC) resolution, planned to blackmail non-permanent UNSC members, notably Angola, Cameroun and Guinea, to swing votes in favor of the war ([The Irish Times 2004](#)). Despite AU's communiqué rejecting any military intervention of whatever form in Libya, of which Nigeria and South Africa were members of the AU Peace and Security Council, Nigeria, South Africa and Gabon as African members of the UNSC in 2011 voted to imposing a no-fly zone order over Libya ([Williams and Boutellis 2014](#)). Several motions to censure China over her human rights violations were blocked with African votes at the UN

despite the long term unfavourable consequences of China's engagement in Africa ([Hanauer and Morris, 2014](#)). The US usually withholds selling weapons to governments it deems 'autocratic' or accuses of fronting objectionable policies, while China will likely sell arms to virtually any party in an armed conflict ([Hanauer and Morris 2014](#)). Interestingly, the US is alleged to support rebel groups to oust legitimate regimes opposed to its interest or silence opposition to regimes loyal to its interest with or without a UNSC resolution. For instance, Hosni Mubarak of Egypt attained power in 1981 and enjoyed staunch support and alliance of the US despite Amnesty International and Human Rights Watch's continued criticism of him. But after openly condemning the war in Iraq followed by frequent votes at the UN against the US ([Carter and Stone 2014](#)), he was ousted in an uprising believed to have had the backing of the US and her allies. US state actors were also allegedly behind the elimination of an erstwhile Prime Minister and independence leader of Congo DR while he struggled for control of power in the then newly independent country ([Mangi 1986](#)).

Very stringent, one-sided loan terms negotiated from a position of strength by foreign development partners continue to tie Africa to perpetual unsustainable indebtedness. Again, the importation of foreign goods mostly by deliberate acts of dumping have led to the closure of many African businesses. Large investments in the peace and security of Africa are not to be confused for acts of benevolence by some foreign countries. They are calculated attempts to protect foreign stakes across the region and secure the unalloyed allegiance of their recipients as the 'neo-scramble for Africa' continues.

3.2.3 Rethinking Africa's Stance

Africa's post-colonial predicament vis-à-vis globalization is also a result of certain choices made jointly and severally. The choice to break off the chains of physical colonization was made by Africans but designed for them by the same people who would later come back to dominate their minds. We say that the process of being free from alien manipulations and orchestrated mental tardiness should be fully owned by Africans. Africa should take charge of its huge untapped potentials for self-development because she will perpetually remain a baiting ground as long as she continues to rely on external elements to decide what she does with her fortune and future. To benefit from a globalized world, African countries cannot afford to accept any arrangement that forces them to negotiate from a position of weakness. Africa should look inwards and develop an international influence buoyed by the realization of her political and economic strengths while interacting and integrating with the rest of the world.

4. The Way Forward

While we are incrementally grappling with the effects of globalization on Africa, her sovereignty is being systematically usurped under a creeping neo-colonialism. While it remains a viable tool for institutionalizing uniform standard practice(s), it is essential that all countries equitably benefit from globalization and that its negative externalities on developing countries, especially in Africa, are contained. Notably, African countries have slightly improved in the advancement of common positions at international fora since the mid-1990s ([Oloo 2016](#)). This improvement should be built upon to influence beneficial international diplomacy and trade negotiation outcomes based on our shared interests as her human and natural resources have the maximum potential to deliver the Africa we want. The Way Forward explores opportunities available for Africa to establish her global influence and contribute to globalization through an Afrocentric development model while still maintaining her sovereignty.

4.1 African Leadership and Breaking the Post-Colonial Jinx

The journey towards empowering Africa and realizing the Pan-African Vision of "an integrated, prosperous and peaceful Africa" ([Agenda 2063](#)) begins with African leaders' political willingness to end the systematic servitude mentality of the African people since the colonial era. Also, Africans must turn a new leaf by electing competent leaders who would put Africa's interest first in diplomatic relations. Until this is achieved, the potential of her human and natural resources will be perpetually undermined.

The educational grandeur of contemporary Africans, having gained international prominence, is in paradox with the questionable qualifications of some current African leaders. The lack of exceptional academic and professional qualifications of African leaders in times past was indeed excusable, as Africa lacked sufficient numbers of highly educated and skilled workers. This is no longer the case. African talents are now replete but Africa's systemic-systematic challenges limit their potentials to make impact and are increasingly being exported across the globe for expat services in what is commonly referred to as brain drain. Many Africans are now fully invested in the academia and are also beneficiaries of several international scholarships, grants, fellowships and merit awards.

Africa's future is in the hands of this new generation of competent Africans. However, whereas youth in governance is supported in theory, it is barely encouraged in practice across African states mostly governed by the older generation of leaders who are used to employing analogue and archaic governance methods inappropriate for this digital and fast-paced generation. Some African leaders have been in power for substantial

parts of their countries' post-colonial experience. As at 2020, three sitting African leaders have been in power for over three decades, with more than a dozen other African leaders for at least ten years ([Felter 2020](#)). Africa's political structure has allowed for recycled leadership, modern oligarchy and gerontocracy which have resulted in institutionalizing corruption, anarchy, social inequality, extreme poverty, and human rights violations. This situation limits the potential of the youth in governance as opposed to politics in the western world.

African nationalist leaders, many of whom were appointed during the early post-independence years, were arguably not the choice of majority of their citizens. However, these nationalist leaders managed to garner considerable power to affix themselves in national politics and positions of influence with a leadership style imposed by the colonial masters and alien to indigenous ideologies ([Sen 1999](#)). Thus, it remains a subject of controversy that Africa is yet to attain 'political freedom' — the ability of its people to *really* choose who governs them on determined principles. Colonialism-inspired forms of governance emphasized the differences amongst Africans within the same country, even when those differences were either nonexistent or trivial, to facilitate their domination and exploitation of a divided people ([Alemazung 2010](#)). In Nigeria, political power has long been aligned along regional lines since the colonial indirect rule system, leaving some other sections of the nation-state, major contributors to the economy, feeling marginalized. This sectionalization is also a strategy to frustrate national unity, peace and cohesion to serve foreign interests.

This is not to argue that Africa will not require external assistance. Rather, it is suggestive that Africa-wide development requires Africans to develop "African solutions to African problems" ([Frauscher 2016](#)). Certainly, the West was instrumental to the development and sustenance of democracy in Africa. However, the key to ending the trend of post-colonial influence is the emergence of a new generation of African leaders willing to build a new legacy for the African people; leaders who will not compromise our African-ness in the wake of a globalized order. The next generation of African leaders should inspire an Afrocentric leadership model, review old treaties, and promote beneficial foreign policies. Theoretically, while most African foreign policies place primary focus on Africa's interest at the bilateral level, it is important to remain active and vigilant and maintain engagements that practically promote Afrocentric ideas in the global space.

4.2 Role of the AfCFTA in Promoting Regional Development

With the [Agenda 2063](#), the AU has designed an ambitious long term vision for Africa's development for the next 50 years. The process of its creation was characterized by a bottom-up approach centered on consultation with Africans ([Frauscher 2016](#)). It envisions "Africa as a strong, united and influential global player and partner" aiming to place Africa on an active and influential international pedestal ([Agenda 2063](#)). It foresees Africa as building the capacity to drive its own development while she continues to support global economic growth and sustainable development.

Pursuant to the realization of the [Agenda 2063](#), the [Agreement Establishing the African Continental Free Trade Area](#) ("[AfCFTA](#)") has been signed by fifty-four out of fifty-five African countries ([African Union 2021](#)). This event marks a significant milestone in AU's history and its aspirations of realizing a continental free trade area and customs union. The [AfCFTA](#) was created to bolster intra-African trade which has notoriously been the lowest in the world — 18% as at 2015 ([UNCTAD 2017](#)). As discussed earlier, the ease of trade and commerce in the global space has been the highlight of globalization, hence globalization can be a viable tool for an inclusive development of the African States where the appropriate channels are created and implemented, as a major objective of the [AfCFTA](#) is integrating Africa's market and promoting the African agenda worldwide.

Indeed, Africa's participation in multilateral diplomacy has grown significantly. The advantage of having fifty-four states in multilateral diplomacy would be valueless unless Africa takes concerted and coherent stances during international negotiations on global issues that affect Africa one way or the other. How then can African states leverage numerical advantage to ensure Africa's growth and improve her macroeconomic stability? For African countries to attain beneficial outcomes in the international space, they must first project a united front and then develop Africa's economy. Now that African states have displayed strong political will and unity in signing the [AfCFTA](#), implementing it will present another milestone for African unity. Remarkably, the agreement which required twenty-two signatories to be operational has been signed by fifty-four out of fifty-five African countries with Nigeria approving the signing of the agreement ahead of its December 5, 2020 deadline, which is indicative of a new Pan-African political commitment towards intra-African trade liberalization and continental unity. The highlight of the [AfCFTA](#) is that member states will feel the significant impact of the removal of trade barriers and markets will be readily accessible, thereby significantly increasing trade flows between African countries.

If effectively implemented, the [AfCFTA](#) can unlock intra-African trade by 52.3%, primarily through tariff reduction and trade facilitation ([Nigerian Office for Trade Negotiations 2018](#)). Between 2010 and 2016, the major exporting countries in terms of intra-African exports were Swaziland (Eswatini) (70.6%), Namibia (52.9%), Zimbabwe (51.6%), Uganda (51.4%), Togo (51.1%), Senegal (45.6%), Djibouti (41.9%), Lesotho (39.9%), Kenya (39.3%) and Malawi (38.3%) ([UNCTAD 2019](#)). Contrastingly, countries with the lowest share

of intra-African exports were Chad (0.2%), Guinea (1.6%), Eritrea (2.3%), Equatorial Guinea (3.5%), Cabo Verde (3.6%), Angola (3.9%), Libya (4.5%), Guinea Bissau (4.7%), Liberia (5.1%) and Algeria (5.5%) ([UNCTAD, 2019](#)). This fragmented and unevenly distributed nature of intra-African trade presents an opportunity for the *AfCFTA* to upscale economic transformation in the continent. Compared to other regions, Africa's intra-regional trade was a lowly 15% between 2015 and 2017 ([UNCTAD 2019](#)), a decline from 18% in 2015 ([Njoku 2017](#)). Thus, maximizing the benefits of *AfCFTA* requires proactive national strategies identifying opportunities and constraints and setting tariff commitments for improved trading of African produced goods and services within the continent.

4.3 Harnessing Africa's Greatest Resource

Africa is globally esteemed for its natural resources but her greatest resource remains human capital. Africans are noted for their tenacious spirit, hard work and strength of character, characteristics which sets them apart in the global community. However, African skills and qualifications are not adequately utilized in Africa's labour market ([AfDB 2020](#)). About a half of Africa's employed youth perceive their skills as mismatched to their jobs, yet retain them due to high levels of unemployment ([AfDB 2020](#)). Interestingly, around two-thirds of the youth are either overeducated or undereducated ([AfDB 2020](#)); but the former is not accredited to African governments. Thus, in addition to the skill and education shortfalls, African countries failed to maximize the available skills and qualifications of African youths as well as underinvested in the growth and promotion of the educational sector to secure her intergenerational future. Government expenditure per student in Africa has been ranked to be the lowest in the world at only US\$533 for primary education and US\$925 for secondary education ([AfDB 2020](#)). This under-expenditure vis-à-vis the actual annual budget for the education sector partly explains the poor quality of education in many African countries, resulting in large numbers of African applicants for international public and privately funded scholarships to obtain quality education and better career opportunities.

Mobility, being a notable feature of globalization has enabled commerce, technological innovations and human capital development across the globe and developed nations have maximized the opportunity to expand their know-how and knowledge economy ([Hossain 2020](#)). The transfer of skilled African migrants to developed countries continues to widen the already existing knowledge gap in the economy of African states. The increase in the migration of skilled workers from developing countries (pull-up migration) is not due to lack of patriotism, but rather a survival strategy of Africans to secure their future and contribute to the global economy. Developed countries have created immigrant-friendly policies and Africa should, in turn, create policies to retain its skilled class.

The freedom of movement is a legally enshrined fundamental human right that cannot be ordinarily curtailed. Thus, Africa is at high risk of an extensive brain drain if it fails to set in motion existing strategies to retain its human capacity by taking proactive steps to create a push-pull approach as adopted by the Chinese. The brain drain of young African professionals is prevalent in South Africa's health sector ([de Vries et al 2010](#); compare with [Wynchank and Granier 1991](#)) and Nigeria's health sector ([Osigbesan 2021](#); [Imafidon 2018](#)). Perhaps, a non-financial reward-based framework for returnees may serve as a viable tool to attract African migrants back home. As seen in China, a deliberate improvement in the economy is equally fundamental in the push-pull strategy ([Ma and Pan 2015](#)). Africa should intrinsically apply the human resource management tool of talent retention by creating preferential policies for African immigrants willing to return home and contribute to its workforce with feasible rewards for technological innovations. Whilst these may seem outlandish for the continent's already struggling economy, reference is made to the valuable contribution of returnees to the development of China's economy. As wages and living conditions in China are comparable with the US, most Chinese PhD graduates from US universities, especially in STEM, prefer to return home.

It is noteworthy that the UN UNCTAD has estimated that each migrating African professional represents a loss of US\$1,184,000 to Africa ([Oyowe 1996](#)). Ironically, Africa spends about US\$4 billion a year on the salaries of 100,000 foreign experts ([Oyowe 1996](#)). In mitigating the risk of the total loss of skilled African professionals to developed economies, African leaders can adopt the Chinese brain circulation technique to counterbalance the foreseeable brain drain. Brain circulation is an innovative approach that China took to entice their lost talent to return home, even for a short or scheduled period ([Ma and Pan 2015](#)). Some studies suggest that human capital flow in the globalized world could be better understood through the concept of 'brain circulation' which enables highly skilled personnel with marketable expertise to move freely in the international labour market, unlike brain drain or brain gain ([Johnson and Regets 1998](#); [Saxenian 2002](#)). The brain circulation methodology also comes with its incentives for highly skilled professionals willing to make a fair contribution in their home economy, regardless of where they reside as long as they heed the call of their home country whilst still contributing to the global market.

Whilst the brain circulation approach is viable in talent retention and distribution, Africa must also address the inequality in spending by using progressive universalism as a guiding principle for financing education, consequently closing the education deficit gap. Progressive universalism includes prioritizing lower levels of

education first where social returns are highest, and supporting the complementary role for private financing and cost recovery for higher levels of education where appropriate by establishing more government-financed scholarships and negotiating extensively beneficial international skill acquisition programs with global partners ([UNICEF 2019, 26](#)).

4.4 Reviewing Economic Policies

While having earlier considered the nexus between foreign aids, international politics, globalization and neo-colonialism, we reiterate that Africa is not a charitable project. These aids, though bearing short term benefits, are not a lasting solution to Africa's developmental challenges. Africa is in the midst of an economic crisis of unprecedented magnitudes due to international indebtedness caused by both short and long term factors. Historically, Africa's civilization and development were undermined under exploitative and brutal colonial rule with destruction so intense that post-colonialism, the continent could not sufficiently develop itself without foreign assistance ([Alemazung 2010](#)). Development aid, which was to foster development in receiving countries, instead resulted in underdevelopment due to corruption and undue economic interference ([Alemazung 2010](#)). African leaders that later realized this failure and attempts to implement revolutionary policies to liberate their economies were met with stiff penalties.

During the early millennial years, other geopolitical players became essential partners for African development, with the IMF and World Bank as umbrella bodies as far as fiscal policies, tax reforms and interest rate liberalization are concerned. Starting in the 1980s through the 1990s, this policy promotion was done in form of structural adjustments and conditionality. To access funding from multinational development banks and donors, African countries had to agree to certain terms. As Stokke describes, "[w]ith few other sources of finance available, individual debt-ridden Third World governments had little choice but to accept the conditions" ([Stokke 2009](#)).

These lending programs are not without their socio-political and socio-economic impacts. At the AfDB Summit, Beijing in May 2007, China pledged to double its aid to Africa and established the China-Africa Development Fund to fulfil this pledge ([Reisen and Ndoye 2008, 35](#)). This fund encourages Chinese firms to invest in Africa especially in the construction, manufacturing and telecommunications sectors. Thus, China has become the largest creditor in the group of 'new' active international donors in Africa. It is argued that corruption is enhanced, democracy is impaired and debt tolerance is weakened by China's financing practices ([Reisen and Ndoye 2008, 39](#)). As business is often operated on a barter basis, the China-Africa Development Fund is not an exception, as financial transparency and accountability becomes less likely to be maintained. The big question remains whether these aids have in fact aided Africa, and what other options are available to African countries. They have been narrowed down to good governance, accountability and fiscal policy reforms. Although, some African countries may have experienced strong growth episodes as an offshoot of these aids, relatively few have posted significant declines in extreme poverty and inequality, which remain higher than in other regions. Debt continues to rise, public and publicly guaranteed debt levels remain high with the median ratio of government debt-to-GDP climbing over 56% in 2018, up from 38% ten years earlier ([AfDB 2020](#)).

While the debt ratio of developing nations is on the increase, public policy efficiency and accountability is paramount in the long-term. These aids are to be channeled appropriately to the areas of deficit in the African economy such as education; micro, small and medium-scale enterprise promotion; manufacturing and export promotion; and critical infrastructure development. For example, fiscal policy needs to be continually prudent to rein in debt build-ups and monetary policy needs to continue stimulating the economy while stemming inflation and disorderly exchange rate fluctuations. Thus, in sustaining macroeconomic stability and improving financial management, policy makers need to ensure that the gains in these areas are sustained through effective monitoring, evaluation and peer reviews.

5. Conclusion

This analysis on globalization vis-à-vis state sovereignty in diverse ramifications is reflective of the fact that the phenomenon is a double edged sword — globalization poses both positive and negative consequences, especially for the developing countries of Africa. We submit that in the context of the experiences of African states, the positive effects of globalization (e.g. harmonized sectoral development on a global scale) are increasingly proving to be short-lived, while the negative effects (e.g. brain drain, neo-colonialism, data harvesting) are long term. This is not the case for developed nations who have shown to maximally benefit from the global village project. One major cause of these imbalanced globalization outcomes is that Africa have been incapable of procuring favourable outcomes in international conversations and negotiations that drive the globalization process over the years, and so the peculiarities and aspirations of developing countries are not sufficiently considered and reflected in the decision and implementation processes for a globalized order.

There are pros and cons of any system or concept. Globalization is not an exception. Despite its negative impacts on African sovereignty, it has improved global welfare to a significant extent. Many countries that have

not benefitted from globalization have failed to implement sound macroeconomic policies towards financial and exchange rate stability; apply policy measures to achieve current account convertibility through the removal of non-tariff barriers to trade; and adopt adequate prudential measures to stem banking system distress. Hence, African countries must strive to adopt regional policies and legal frameworks that are in consonance with the current reality of the rapid integration of world economies, yet influencing the process too. The *Agenda 2063* and the *AfCFTA* are one of such regional policies and legal frameworks which are currently being gradually implemented across the continent. Considering their infancy, this article calls for future research on the extent to which the implementation of the *Agenda 2063* and *AfCFTA* would have successfully driven the achievement of the Afrocentric agenda of political and socio-economic sovereignty in the coming years.

The task before African leaders is to develop a strategic way forward to pivot on the global trend by achieving unity of purpose and proffering afro-inspired solutions to global issues and challenges. Multi-sectoral and multi-stakeholder approaches are essential to achieving a balance of globalization outcomes by maximizing the gains of globalization and containing the adverse effects. While not entirely opposed to globalization *per se* as it does portend substantial benefits, as legal counsel specialized in public administration, commerce, energy and extractives, and banking and finance, we consider this article an advisory to African leaders and peoples to tread with cautious optimism and ensure that the benefits accruing from a globalized order are not a bait to perpetuate Africa's accumulated underdevelopment. Africa should re-think, re-mold, and re-strategize her engagements with the international community in order to have her voice heard, add value, and preserve her pride of place in global affairs.

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