



Rights & Democracy

International Centre for Human Rights
and Democratic Development

Human Rights and Democratic Development in Africa

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INTRODUCTION

Policy Considerations for Africa's Development in the New Millennium

In Preparation for the G8 Summit

The focus on Africa as one of the three priorities of the upcoming G8 Summit, to be held in Kananaskis, Alberta on June 26th and 27th, 2002, is both timely and welcome. The Summit holds the potential to be an opportunity for Canada and the G8 leaders to promote and protect human rights and democracy through building a long term plan that will address the poverty and inequality affecting millions of Africans. The severity of escalating economic and political crises in Africa demands the immediate attention of the leaders of the world's most industrialized nations.

Much of the discussion on Africa at the G8 Summit will focus on the New Partnership for Africa's Development (NEPAD), a broad policy framework for development programming drafted by several African Heads of State. NEPAD was endorsed by the summit of the Heads of State in Lusaka and launched in October 2001 at a meeting of the steering committee appointed by the OAU (Organization of African Unity) Summit. It proposes to "halt the marginalization of Africa in the globalization process" by eradicating poverty through a variety of means. It aims to place African countries "on a path of sustainable growth and development" while "promoting the role of women in all activities." (1) NEPAD identifies peace, security, democracy and political governance as conditions for sustainable development, defines sectoral priorities and outlines strategies for mobilizing economic resources, primarily through economic liberalization.

While a number of its objectives are laudable, NEPAD's core strategy strengthens and consolidates many of the same factors which have created obstacles to a sustainable and equitable development in Africa in the first place. An analysis of NEPAD within the African context shows that the proposal fails to adequately define democracy or to examine the relationship between development, peace, democracy and the realization of human rights. It also fails to effectively address the external constraints resulting from structural imbalances within international trade and financial regimes, which impede national and regional initiatives to alleviate poverty and promote growth in Africa. Taken together, these shortfalls jeopardize NEPAD's ability to meet its stated goals.

1.1 - The Need for a Rights-Based Approach to Development

The focus on Africa at the G8 Summit, and NEPAD itself, comes at a time when we are re-examining the meaning of international cooperation in its relationship to global security - not only in the context of terrorism and armed conflict, but also in terms of the root causes of insecurity. Heads of Government meeting for the Millennium Summit in September 2000 - the culmination of a decade of international summits aimed at ending poverty and supporting a new era of global security - declared that "the central challenge we face today is to ensure that globalization becomes a positive force for all the world's people" and committed themselves to "making the right to development a reality for everyone". (2)

Behind this commitment is the growing recognition that every citizen in every State has the fundamental right to a process of development through which all human rights can be realized. This vision of development as a human right is articulated in the UN Declaration on the Right to Development, which affirms that:

The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. (3)

The Vienna Declaration and Programme of Action, adopted by 171 States at the UN World Conference on Human Rights in 1993, reaffirmed the right to development as "a universal and inalienable right" (I, 10) and placed the responsibility for its realization not on

market forces, but on governments:

Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments. **(4)**

The UN Independent Expert on the Right to Development describes this rights-based approach to development as one which embraces the interdependence of rights - civil, political, economic, social and cultural - and "follows the procedures and norms of human rights laws, and which is transparent, accountable, participatory and non-discriminatory, with equity in decision-making and sharing of the fruits or outcomes of the process". **(5)**

In fact, it is these characteristics which, taken together, define democracy in a much more comprehensive way than the often-used formal and minimal characteristics, such as free and fair elections and political pluralism. Democratic development, based on the entire family of human rights, cannot take place in the absence of a participatory, accountable, transparent and representative institutional framework, which allows the empowerment of the diversity of citizens and groups in the decision-making that affects their well-being.

A human-rights approach to development in Africa depends not only on prudent fiscal management, foreign investment and expanded market access, but also on the re-orientation of development objectives towards meeting the human rights obligations of States within a transparent, accountable and non-discriminatory process. The immediate responsibility of the developed world, particularly G8 countries, is to ensure adequate resources are available - either through fair trade, development funding, debt cancellation or other measures, to meet these objectives.

KEY CHALLENGES FOR HUMAN RIGHTS AND DEMOCRATIC DEVELOPMENT IN AFRICA

According to a recent United Nations Development Programme report:

Although a number of poverty-reducing programmes are being implemented in almost all [Sub-Saharan African] countries, little positive impact has been recorded ... the continent's worsening degree of vulnerability to life and welfare-threatening calamities is unmatched. **(6)**

At the forefront of this development crisis in Africa are poverty and conflict. Both issues are interrelated in many African countries and, taken together, present the greatest challenges to human development in the region.

2.1 - Poverty

A continuing cycle of economic failure characterized by a long history of exploitative integration within the global market lies at the root of Africa's crisis. After independence, most African nations were encouraged to maintain their roles as suppliers of cheap labour and raw materials while assuming huge loans from western commercial banks. The drop in commodity prices during the oil crisis of the late 1970s devastated savings and industrial development across the continent. By the early 1980s, many African nations had declared their inability to pay back loans. At the insistence of Western governments, these African States were left with no choice but to assume loans from international financial institutions on the condition that they implement structural adjustment programmes (SAPS), which liberalized financial and trading policies alongside measures for macroeconomic adjustment requiring reduced public expenditures. **(7)** The result was a downward spiral; SAPS further subjected fragile economies to the volatility of international markets, and the levels of terms of trade in Sub-Saharan Africa at the end of the 1990s were 21% of those attained in the early 1970s. **(8)** Interest on debt payments forced countries to spend their export earnings on debt servicing instead of basic social services. And now, although only 5% of the world's income goes to Africa, the continent's debt burden is twice that of any other region in the world. **(9)** As explained in a recent International Monetary Fund (IMF) paper

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[...] for many countries in the [Sub-Saharan African] region the stock of external debt has built up over recent decades to a level that is widely viewed as unsustainable. For example, in 1975 the external debt of sub-Saharan Africa amounted to about \$18 billion. By 1995, however, the stock of debt had risen to over \$220 billion. The standard ratios reflect this huge buildup of debt. The region's aggregate debt-export ratio rose from 51 percent in 1975 to about 270 percent in 1995 (excluding South Africa, the ratio was above 300 percent).

For all low- and middle-income developing countries, the average ratio of debt to exports was less than 150 percent. Similarly, the debt-GNP ratio for sub-Saharan Africa was 14 percent in 1975, but by 1995 it had reached more than 74 percent. **(10)**

These economic conditions have greatly affected most Africans. With their States unable to satisfy basic needs such as access to housing, drinking water and health care, many are in a critical state of absolute poverty. This situation is rendered even more urgent given the HIV/AIDS pandemic, which presents a grave threat to millions of Africans. At the same time, powerful mining and oil corporations with headquarters in the North have taken advantage of liberalized markets and a lack of social and environmental regulations to make a quick buck. In several cases, this has resulted of atrocious human rights violations. **(11)**

2.2 - Political Stability and Conflict

Problems are compounded by a grave democratic deficit in many countries. Over the past ten years, some advances have been made in establishing more pluralist and participatory political systems, yet most of the newly-established or re-established democracies are fragile and crumble easily, leaving their citizens in the midst of crisis. (12)

It is not surprising that this dynamic of economic collapse and political instability has led to volatile conditions in many countries. Since 1970, more than 30 wars have been fought, and, in 1996 alone, conflicts in Africa accounted for more than half of all war-related deaths worldwide and resulted in more than 8 million refugees, returnees and displaced persons. (13) Most wars have been intra-state in origin and are linked to the exclusion and marginalization of large segments of society from both political participation and access to resources. Conflicts are fuelled by outside corporate interests that profit from these resources, as explained by UN Secretary-General Kofi Annan:

In the competition for oil and other precious resources in Africa, interests external to Africa continue to play a large and sometimes decisive role, both in suppressing conflict and sustaining it...The ongoing risk of conflict [in Angola] has also demonstrated further, how access to resources by warring parties can foster violence, and has highlighted the impact that international business interests can have on the success or failure of peace efforts. (14)

Sierra Leone, the Democratic Republic of Congo and Liberia are prominent examples of how innocent civilians are caught in the cross-fire during gruesome wars for control and exploitation of diamonds, timber and other raw materials. The role of Canadian transnational corporations in wars in Africa was brought to the public's attention through Talisman Energy's involvement in the oil fields of Sudan, where a bloody and protracted conflict has cost thousands of lives. Meanwhile, a steady influx of arms from countries outside Africa render countries who fail to regulate or stop transfers complicit in gross violations of international human rights and humanitarian law. Several of these countries are key members of the UN Security Council.

NEPAD: TOWARDS A MORE EQUITABLE WORLD?

NEPAD cannot be separated from the context of the global imbalance of economic and political power in the world, much of which is vested in the G8 countries. The first question facing G8 leaders in Kananaskis, therefore, will be whether NEPAD's current strategy will allow African countries to redress those inequities and thereby meet their human rights obligations while developing strong democratic states. As African civil society, academia and other stakeholders assess and debate NEPAD's policy prescriptions, G8 leaders must take the time to reconsider their approach to development in Africa in light of the following key points:

- i. The primacy of human rights
- ii. Democratic participation and institutions
- iii. Women's equal participation in development policy-making and projects
- iv. The HIV/AIDS pandemic and communicable disease
- v. The impact of armed conflict on development
- vi. The imbalance of North-South relations

3.1 - The Primacy of Human Rights

As Africa's integration into the global market continues, its people are engaged in an often solitary struggle to reclaim their human dignity and respect for their fundamental human rights and freedoms. The Universal Declaration of Human Rights and its two Covenants reaffirm that human rights include not only civil and political rights but economic, social and cultural rights as well. (15) All are universal, indivisible, interdependent and interrelated. The first obligation of States is to ensure that these rights are protected, even while vigorously pursuing foreign investment and trade. As we have explained before:

The challenge before the world today is how to influence the process of globalization in such a way that human suffering, poverty, exploitation, exclusion and discrimination are eliminated. Trade and investment are the driving engines of globalization, and, at the absolute minimum, rules governing them should not violate human rights but rather promote and protect them... [yet] trade and human rights regimes need not be in conflict, so long as the trade regime is applied and evolved in a manner that respects the hierarchy of norms in international law. Human rights, to the extent they are obligations erga omnes, or have the status of custom, or of general principles, will normally prevail over specific, conflicting provisions of treaties such as trade agreements. (16)

While NEPAD holds that African leaders will work towards "promoting and protecting democracy and human rights" (17), it fails to address the means by which a rights-based approach to development can be implemented. Economic, social and cultural rights are vaguely referred to in terms of greater access to services instead of as concrete, inherent rights. The need to strengthen the implementation of existing human rights commitments in Africa is also omitted. Despite a stated focus on women's empowerment, no mention of international mechanisms for protecting women's human rights is made. The document, for example, fails to respond to the need expressed by women's groups to adopt the Protocol to the African Charter on Human and Peoples' Rights on Women's Rights.

NEPAD's disregard for international human rights law is particularly disturbing in light of its commitments to meeting requirements of financial institutions such as the World Trade Organization. (18) As stated by the African Caucus at the UN International Conference on Financing for Development in March, 2002:

... We wish to warn our leaders that NEPAD's strategy of seeking foreign private capital to develop the service and infrastructure will subvert the Human Rights of our people; it would place basic social services and infrastructure in the hands of the private sector, which is dominated by foreign capital. We cannot allow the practice of putting profits before Human Rights form the basis of Africa's development.(19)

More than a formal commitment to human rights is required; development policy for Africa must contain a clear articulation of how governments will be monitored and held accountable to their obligations under the international treaties for guaranteeing the rights of their citizens in the context of increasing international trade and investment interests. It must be mentioned that this cannot be separated from strengthening other international mechanisms for protecting and promoting human rights when States fail to do so.

3.2 - Promoting Democratic Participation and Institutions

According to the United Nations Universal Declaration of Human Rights, "the will of the people shall be the basis of the authority of the government". (20) Both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights acknowledge, in their first articles, the right of all people to self-determination. This entails their right to select state authorities, founded on their freely-expressed will. Citizens have the right to participate in a political process of decision-making through which the creation and distribution of wealth and power is negotiated.

Democracy is seen as encompassing the institutional aspects of governance, as well as the notion of effective citizen participation. An important benchmark of the development of democracy and respect for human rights in a country is reflected in the vitality of its civil society. The institutionalization of norms and practices of democratic governance allows for the creation of effective mechanisms to facilitate interactive relationships between State and civil society organizations. Under these conditions, citizens not only have access to the State but are also equipped to systematically monitor its policies and their implementation. Democratic development, therefore, takes root and proceeds smoothly only when the institutional framework for the implementation of all human rights exists and the capacity of civil society to access those institutions is strengthened.

Any development initiative in Africa must be based on a democratic development framework. This has been recognized in major African development statements, such as the African Charter for Popular Participation in Development and Transformation (ACPDD), adopted by the OAU in 1990. Yet although NEPAD commits itself to democracy, with free elections and pluralism, it fails to deepen its initiative beyond the confines of 'good governance'. International institutions and potential corporate investors have been pressing African nations to adopt formal democratic systems, often as conditions for economic support or trade arrangements. While formal democratization, with elections and a certain level of transparency, has taken place in a number of countries, it continues to be plagued by uncertainty, corruption and violent conflict. In many cases - including Zimbabwe, Madagascar and Congo-Brazzaville - this is caused by a "truncated" version of democracy, where power continues to be vested in authoritarian groups and there lacks a real space for the meaningful political participation of marginalized groups. A deepening of democracy requires more than promoting elections, transparency and political pluralism and more than the technical and administrative measures proposed in NEPAD; it calls for well-defined processes of citizen participation and state accountability at the regional and national levels.

NEPAD contains little in the way of mechanisms for integrating and strengthening regional institutions that have been established to promote democratic development and protect human rights. The African Commission on Human and Peoples' Rights and the Court of Justice are two examples of mechanisms that merit attention but have not been referred to in NEPAD.

NEPAD was drafted by Heads of State - several of which fall short of adhering to democratic principles in their own regimes - without any public consultation whatsoever. At the same time, it lacks tangible mechanisms for citizen participation in the political and economic decision-making that will take place. NEPAD makes no mention of how the right to participation of marginalized groups, such as women and ethnic minorities, will be addressed. Simply stated, it risks being a programme designed, led and implemented by a select group of Heads of States whose strategies fail to represent an inclusive articulation of the interests of the majority of Africans.

This casts doubt on NEPAD's legitimacy as an initiative promoting democratic development, and has generated widespread criticism on the part of civil society groups and parliamentarians alike. It is reflected in NEPAD's incomplete analysis on several important points, as well as its exclusion of the alternative models or visions of development which have long been proposed by African civil society organizations. Despite the absence of any meaningful opportunities for discussion with States, development and human rights activists throughout Africa have shown their commitment to democracy and held meetings and forums to discuss NEPAD and the region's development in general, including the African Social Forum in Bamako, Mali in January 2002, the African Leaders' Forum in Accra in April 2002, the Sahel Forum in April 2002 and the CODESRIA-Third World Network Conference also in Accra in April 2002, among others. The rich traditions of community life and involvement in Africa, reflected in the dynamic response of citizens to NEPAD, is in itself a form of the empowerment necessary for democratic development to take place.

3.3 - Promoting Women's Participation in Development

A rights-based approach to development would have specific benefits for women in Africa. As will be further discussed in the following section, conflicts and poverty have had a particularly detrimental impact on African women, who are often among the most marginalized segments of society.

Political institutions and processes are constructed with a gender bias that fails to translate women's interests and priorities into social and economic policy. Hence, they are often the first to be overlooked in situations of crisis, including persistent poverty.

In Africa, where it is estimated that over 70 % of the poor are women, a gender analysis of economic and development policies and programming is critical in ensuring that women's rights and freedoms are realized. (21) Structural adjustment and trade liberalization policies affect men and women differently. In the words of K.Y. Amoako, Executive Secretary of the Economic Commission for Africa, women are "subject to socially imposed constraints that further limit their opportunities to improve economic conditions or to equal access to public services and consumption goods." (22) Indeed, studies show that nearly all African countries are marked by an unequal access to essential public services based on gender. (23) Yet women's social roles often mean they are responsible for meeting various family needs, such as daily consumption, potable water, education and health care. (24) In this context, widespread poverty, labour conditions, currency devaluation, and cutbacks to essential social services have greatly affected the lives of African women, their families and society on the whole.

The exclusion of civil society is reflected in NEPAD's lack of a gender analysis. While a long-term objective of NEPAD is "to promote the role of women in all activities", it fails to integrate a holistic analysis of the gender dimensions of poverty or to identify clear mechanisms for enhancing their participation in development. As a result, NEPAD bases its strategies on limited and vague measures, such as capacity-building, developing revenue-generating activities and encouraging greater participation, without explaining how they will reverse the pattern of marginalization. According to the Gender and Economic Reforms in Africa (GERA) Programme:

The [NEPAD] equation above does not take into account the social relations within the market, in particular those of power that underlie the rules, access to and control over resources and activities in the market. The NEPAD's simplistic conceptual framework does not include the interaction of entrenched social and gender inequalities, along with differences based on race, ethnicity, regional/rural/urban location, which perpetuates the marginalization of women and other disadvantaged groups in the economy. It is not clear either how women and the large majority of small producers who operate largely outside of mainstream markets can benefit from the "people-centered development" that the NEPAD expects to result from "market-oriented policies." (25)

3.4 - The HIV/AIDS Pandemic and communicable disease

The impact of communicable diseases such as tuberculosis, malaria and HIV/AIDS in Africa is so great that it presents one of the most significant threats to the well-being of millions of people, both now and in the future. Health is a fundamental right recognized in both the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Constitution of the World Health Organization (26), as well as a requisite for all development. Preventing and treating communicable diseases are both a means to achieving development goals related to poverty and an end in themselves. Improvements in health translate into progress in terms of conditions for women, higher incomes, greater economic growth and enhanced family planning. Yet in 2000 alone, 2.4 million people died of AIDS in sub-Saharan Africa and twelve million children have been orphaned (27).

Such staggering statistics clearly indicate why HIV/AIDS and other preventable, communicable diseases destroy the social fabric of families, communities and countries throughout the continent. What may be less apparent at first glance is the role of poverty in driving epidemics, as revealed by the fact that 95 percent of HIV/AIDS sufferers live in developing countries while an estimated 45% of deaths in Africa in 1998 were due to infectious diseases (28). As explained by Africa Action :

The spread of HIV/AIDS in Africa has been facilitated by worsening poverty and by the conditions of inequality intensified by World Bank and IMF policies. Economic insecurity has reinforced migrant labor patterns, which in turn have increased the risk of infection. Reduced access to health care services has increased the spread of sexually transmitted diseases and the vulnerability to HIV infection ... The social and economic effects of the AIDS crisis are reversing post-independence progress and exacerbating conditions of underdevelopment. The policies imposed by the World Bank and IMF have fuelled the spread of the disease and continue to hinder the response to this health emergency. (29)

While poverty and poor living conditions contribute to the spread of many communicable diseases, African health care systems have been particularly overwhelmed by the drastic increase in individuals suffering from HIV/AIDS. Meanwhile, spending on health fell by 50% in the 42 poorest countries in Africa during the 1980s, resulting in clinic and hospital closures, chronic understaffing and a lack of essential medical supplies (30). At the same time, in 1997 it was estimated that sub-Saharan Africa was transferring four times the amount they were spending on health to Northern creditors (31).

It has been estimated that interventions against communicable diseases and malnutrition could save 8 million lives per year by around 2010 (32). In the case of HIV/AIDS, however, the lack of necessary funds to implement large-scale prevention and treatment programs have led many African politicians to avoid discussing the pandemic. For HIV/AIDS sufferers, this has meant that they are denied the life-prolonging treatments which people living with HIV/AIDS in Northern countries have benefited from. The user-fees that result from the privatization of health care and the high cost of medicines from Northern corporations create even larger barriers within Africa, limiting access to treatment to smaller, more privileged segments of society. As described in a recent World Health Organization Report:

These individuals [HIV/AIDS sufferers] will leave behind grieving families, tens of millions of orphans, and social and economic devastation in the hard-hit regions. Treatment is not just a moral necessity, but a necessary component of economic stabilization and

an ultimate return to economic development in high prevalence parts of the world **(33)**.

The report touches on the fact that the spread of infectious diseases - especially HIV/AIDS - jeopardizes Africa's development on several interrelated fronts. Dr. Chinua Akukwe from the Global Health Council further explains that :

By picking off the most productive segments of the society, AIDS creates a cascade of poverty, enhancing the effects at family, community and national level ... [it] is difficult to contemplate a serious attempt at jumpstarting development in Africa without urgent attention to HIV/AIDS, a condition that can negate not only the vision of NEPAD but also its goals, priorities and current areas of focus ... With 28 million Africans living with HIV/AIDS and more that 20 million already dead, the number one development emergency in Africa deserves priority and attention in NEPAD, the touted vehicle for the continent's accelerated development **(34)**.

NEPAD, however, fails to not only articulate a strategy for addressing HIV/AIDS but to acknowledge the severity of the pandemic. The urgency of addressing disease in general and HIV/AIDS in particular through public health infrastructure is not listed as a priority for immediate attention. No concrete means for ensuring that both care and medicine are accessible to all are proposed, and the potential opening at the Doha WTO Ministerial regarding the manufacture and export of quality generic medicines for developing countries are also omitted.

3.5 - Resolving Major Armed Conflicts

Sustainable human development cannot take place without peace. Africa, however, has been the site of several gruesome interstate and intrastate armed conflicts, ranging from Algeria to Sierra Leone, Liberia, Sudan, Ethiopia and Eritrea, Uganda, Rwanda, Burundi, the Democratic Republic of Congo and Angola, to name but a few. Almost all are or were related to an illegal international arms trade that is shrouded in secrecy. While NEPAD maintains that political measures to reduce conflict are necessary, it simplistically glosses over the issue, failing to identify and address key problems with existing peace processes.

Conflicts over access to land and resources are increasingly common in Africa and linked directly to the commercial interests of Western governments and corporations. NEPAD promotes further investment in resource extraction sectors - especially mining - but makes no mention of how marginalized groups affected by these activities will be involved. The violation of the ability of citizens to develop these resources in accordance with their own interests and priorities appears to have been overlooked.

Not only do the complex international dynamics of many conflicts in Africa require the same UN-based international interventions that have been allocated in other parts of the world, but many peace negotiations have faltered due to a lack of support from influential G8 countries. NEPAD's proposal of strengthening conflict-prevention regional institutions is inadequate because these institutions cannot hold international actors accountable. At the same time, ensuring the rights of civilians in war-torn countries requires a respect for international laws and a strong judicial system, neither of which is given due attention by NEPAD.

Matters related to women in war zones and their role in conflict resolution have also been overlooked. As described by the UN Security Council in Resolution 1325 (2000):

[...] civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements. **(35)**

Women are often the victims of severe human rights abuses, including widespread sexual violence, in times of conflict. As refugees and internally displaced persons in camps - and in the failure to establish effective safe zones - they continue to suffer from abuse, assault, and sexual bribes. Even after conflicts end, social structures often prevent women from reclaiming their rights to inherited land and housing and ensuring that their emotional and physical needs are met. **(36)**

The very nature of conflict prevention, resolution, peacebuilding and restoring justice calls for women's involvement. In several African regions, including Sudan and the Great Lakes and South Africa, women have played key roles in peacebuilding. Their capacity for mediation and developing alternative, participatory and locally-based approaches to conflict prevention and resolution is both immense and essential. **(37)** As such, the importance of mainstreaming a gender approach into conflict-related operations was recognized by the UN Security Council in Resolution 1325. The Resolution considers not only the impacts of conflict on women but the need to extend the benefits of their potential contributions to society on the whole through their increased participation in local, regional and international agencies and structures. **(38)** Despite its unanimous adoption by Security Council members, however, the Resolution's implementation is weak.

It is clear that there can be no genuine development in Africa until a peaceful solution has been found to the three major conflicts being waged - in Angola, Sudan, and the Democratic Republic of Congo. Given the influence that several of them wield over the warring parties, the G8 nations can play an important role in ending the hostilities that are tearing apart the continent.

In Angola, the death of UNITA leader Jonas Savimbi and the implementation of a cease-fire have led to renewed hope for an end to the civil war that has caused the internal displacement of over 4.5 million people since 1975. The troika - composed of the United States, Russia and Portugal (a member of the European Union) - that supported the Lusaka peace process has a decisive role to play in ensuring the implementation of the peace accords.

In the Democratic Republic of Congo, the G8 countries, and particularly the four permanent members of the UN Security Council - the United States, Great Britain, France and Russia - are in a position to exert greater pressure on Rwanda and Uganda to respect the resolutions of the Security Council. It is essential that these countries end their occupation of eastern Congo in order to facilitate the ongoing political negotiations provided for in the Lusaka cease-fire agreement.

Similarly, steps are presently being taken as part of Phase III of the United Nations Organization Mission in the Democratic Republic of Congo (MONUC) to identify the armed Rwandan groups that are opposed to the Rwandan government and present on Congolese territory, with a view to disarming and demobilizing those forces. The support of the G8 countries for the implementation of the inter-Congolese political agreements is essential in order to allow this country, devastated by six years of war and foreign occupation that have claimed over three million victims, to dedicate itself to the task of reconstruction after 40 years of mismanagement.

Let us not forget all the factors that have contributed to the deterioration of the situation, including: hesitations in qualifying this war (aggression or rebellion?), a refusal to draw lessons from the failure of the Turquoise operation, inadequate management of the refugee question, indecisiveness in acting on the relevant resolutions of the UN Security Council and on the conclusions of the reports on the pillaging of resources, and massive violations of human rights leading to major loss of life. Throughout it all, one gets the impression of a certain indifference and a policy based on a double standard. Civil Society/forces vives dares to hope that the international community will bring its full weight to bear on the parties to ensure that the political process underway in Sun City is not taken hostage by any Congolese party and that external forces (foreign troops, financial and politico-military Mafias, international institutions, etc.) are not allowed to compromise the national reconciliation and the new political order under construction in the Democratic Republic of Congo. (39)

In Sudan, there has been an improvement in relations with the United States since September 11, 2001, thus strengthening the influence that this country already exerted over the SPLM/SPLA rebels in the south of Sudan. Moreover, Great Britain and France each have their own historic relations with Sudan. The peace initiative proposed by former senator John Danforth, U.S. special envoy for Sudan, should be encouraged by the G8 leaders, as should the peace process undertaken under the auspices of the Intergovernmental Authority on Drought and Development (IGADD). In short, G8 countries have important levers at their disposal to help put an end to wars in Africa.

3.6 - Restructuring North-South Relations

Asymmetrical relations between Africa and western countries are at the root of Africa's poverty and conflict. The debt-deadlock emerged from Africa's forced integration into an unequal global economy and led to the imposition of SAPS and debt-servicing conditions. As a result, human rights - including the right to development - have regressed in Africa. As described by UN Secretary-General Kofi Annan:

In many African countries, painful structural adjustment programmes have in many cases led to a significant reduction in social spending and in consequent reductions in the delivery of many of the most basic social services. Especially when this is coupled with a perception that certain groups are not receiving a fair share of diminishing resources, the potential for conflict is evident (para.79). (40)

It is clear that in order for development to set conditions for the realization of the human rights of all African citizens, an economic paradigm which places people at its centre is required. NEPAD is somewhat contradictory in this regard. It recognizes that "in the absence of fair and just global rules, globalization has increased the ability of the strong to advance their interests to the detriment of the weak" and notes that "there is nothing inherent in the process that automatically reduces poverty and inequality". (41) It calls for "a new relationship of partnership between Africa and the international community, especially the highly industrialized countries, to overcome the development chasm that has widened over centuries of unequal relations". (42) Yet its strategies assume that liberalization, privatization and deregulation will form the basis of that new relationship when these policy prescriptions have defined Africa's relationship with the international community since the imposition of structural adjustment in the early 1980's. Without addressing fundamental global inequities, NEPAD may serve to consolidate the interests of western-based corporations and governments.

NEPAD stops short of evaluating the human rights implications of attracting multinationals to de-regulated and poorly developed countries. Foreign investment is not motivated by altruism but rather by profit. It enters Africa, in large measure, to access cheap resources, exploit low production costs and free itself from environmental and labour standards. In the manufacturing sector, the proliferation of sweatshops in Asia, Latin America, and - more recently - Southern Africa is directly linked to trade and investment liberalization. In the agricultural sector, which supports over 70% of Africans, competition with multinational corporations threatens land rights, intellectual property rights and food security. In the mining sector, Western-based multinationals have demonstrated little concern for the human rights violations that have characterized their operations in the developing world. The highly controversial but heavy involvement of Canadian "junior" mining companies such as Rex Diamond, AmCan Minerals, and DiamondWorks in the Sierra Leone diamond trade during the 1990s are but a few examples. (43) A rights-based approach to development requires mechanisms for insuring that international human rights, labour and environmental standards are upheld in the drive for increased trade and investment.

The negative impact that the neo-liberal model has had on the State's capacity to provide essential social services is exacerbated by

NEPAD's development strategy. This is particularly problematic with regards to the privatization of sectors governing the provision of essential services such as water, education, or health care. If such services are opened to international competition, the providers typically charge "cost-recovery" prices to users in order to profit from their investment. Poverty in Africa means that citizens, and especially disadvantaged groups and women, may not be able to access to "user-pay" services. As discussed, the situation is rendered even more critical given the HIV/AIDS pandemic, which presents a grave threat to millions of Africans.

At the heart of this issue is a lack of concern for the right to self-determination, which holds that it is the right of African citizens to choose their own path of development. Inherent in both the right to self-determination and the international human rights system as a whole, is the understanding that regardless of the type of government in place in a given nation, all people in all countries are entitled to the same rights. Protecting human rights must not depend upon the adoption of "conditionalities" which are imposed by multilateral and bilateral financial and development agencies. Nor should the African people be denied their human rights because their governments fail to meet the "conditions for sustainable development" as articulated in NEPAD. Development initiatives for Africa must recognize the interdependence of civil, political, economic, social and cultural rights.

RECOMMENDATIONS

4.1. General Recommendations

4.1.1. G8 leaders should withhold endorsement of NEPAD until public consultations have been held within African nations. These consultations should invite the participation of academics, civil society representatives, trade unions and other stakeholders, be transparent in nature and provide a process for ongoing civil society participation in development policy decision-making.

4.1.2. In their effort to support the sustainable and equitable development of Africa in the new millennium, G8 leaders should consider their commitments under international human rights law and act in the spirit of the principles they have endorsed at the UN conferences of the 1990's and the Millennium Summit in 2000.

4.2. The primacy of Human Rights

4.2.1. G8 leaders must apply a human rights framework as they assess their role in supporting the development needs of Africa. In order to do so, development initiatives for Africa must recognize the interdependence of civil, political, economic, social and cultural rights. The framework must establish compliance with human rights law as the primary objective of development, acknowledge participation, transparency, accountability and non-discrimination among its means, and view full compliance as the realization of democracy.

4.2.2. G8 member States must look to the basic international instruments on human rights that they and many African states have ratified. (44) These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of Discrimination against Women, the Convention on the Rights of the Child, and the African Charter on Human Rights. These treaties should be the basis upon which plans for partnership with African countries are drawn up. Other important international documents, including the Vienna Declaration and Programme of Action and the Declaration on the Right to Development should also be drawn upon for guidance.

4.2.3. Economic policy at both the international and national levels must be coherent with human rights commitments made by states. If these commitments are found to be in conflict with each other, then obligations under human rights law must prevail. NEPAD policies and programmes must be reviewed in light of standards drawn from international human rights law to ensure that this primacy is applied systematically. In the event of a conflict between a universally recognized human right and a commitment ensuing from international treaty law such as a trade agreement, G8 leaders must insist that NEPAD specify that the latter be consistent with the former.

4.3. The Promotion of Democratic Participation and Institutions

4.3.1. G8-leaders should call for greater participation and accountability mechanisms, to acknowledge the rights of African citizens to self-determination in deciding upon their political institutions and economic/social policies. G8 leaders have a responsibility to provide support to the African Union as the legitimate regional African body who should provide participatory mechanisms for the review of policies such as NEPAD. A branch of the African Union should be established to provide financial and other support to human rights monitors and educators in all the countries of Africa, particularly those who are highly under-resourced in this area.

4.4. The Promotion of Women's Equal Participation in Development

4.4.1. Development initiatives in Africa must recognize the differential impact of economic policy on women and men. Understanding that the well-being of women significantly affects the well-being of families and society as a whole, development policy must be based on the systematic analysis of gender disaggregated data compiled from a variety of social sectors. This analysis should be undertaken for the specific purposes of addressing women's poverty and inequality and elevating the level of their

participation in political and economic processes at the national, regional and international levels. It must be accompanied by formal mechanisms at the local, national and regional levels to enable and enhance women's participation in decision-making.

4.5. The HIV/AIDS Pandemic and communicable disease

4.5.1. **G8 leaders must renew their commitment to fight communicable disease** by ensuring adequate support of the Global Fund to Fight HIV/AIDS, TB and Malaria and increased financial assistance through other avenues to fund HIV prevention and access to medicines

4.5.2. In the spirit of the Doha declaration on the TRIPS Agreement and health and public health and expressions of concern by UN human rights bodies, **trade agreements must allow the manufacture of quality generic medicines for export to developing countries that do not have that capacity themselves in any situation which the government deems necessary.**

4.5.3. **Official development assistance for health care infrastructure in developing countries should be increased**, and should be included in the NEPAD and G8 African Action Plan.

4.6. The Resolution of Major Armed Conflicts

4.6.1. **G8 leaders must ensure that the human rights of women in war zones receive attention at the highest levels.** To this end, the implementation of Resolution 1325 must be strengthened and a gender approach mainstreamed in NEPAD by enhancing women's participation in conflict prevention, resolution and peacebuilding agencies.

4.6.2. **G8 leaders must use their diplomatic, political and financial resources toward resolving key conflicts and strengthening peace processes in Africa.** Support should be extended immediately to the UN peace processes in Angola, the Democratic Republic of Congo and Sudan. G8 nations must ensure that international interests are held accountable for their roles in war in Africa, and that the implementation of development policy is strengthened through linkage between international agencies and judicial systems.

4.6.3. **G8 leaders must recognize that development needs and strategies differ between countries with varying levels of peace and democracy.** Attention should therefore be given to the resolution of conflict and the strengthening of democracy in the interest of providing the essential conditions for development while ensuring that the economic, social and cultural rights of all peoples are protected within that process.

4.7. The Restructuring of North-South Relations

4.7.1. **G8 leaders must make clear commitments, within specific timeframes, for the financing of Africa's development. These commitments must:**

- Set clear and identifiable timeframes for achieving .7% Official Development Assistance (ODA) levels.
- Commit to immediate and unconditional debt cancellation for least- developed countries and to a mutually-agreed upon arbitration mechanism for others.
- Create a mechanism for the evaluation of various existing proposals related to currency transaction taxes, specifically the Spahn proposal.
- Establish a committee to study the potential effectiveness of "development pacts" as articulated by the UN Independent Expert on the Right to Development in his Fourth report to the UN Commission on Human Rights. Such development pacts would be adopted in recognition of the different levels of development among African nations and as rights-based alternatives to the Highly Indebted Poor Country and Poverty Reduction Strategy Paper processes administered by the International Monetary Fund (IMF).

CONCLUSION

Many objectives proposed in the NEPAD document are appropriate, as is the effort of African Heads of State to work towards promoting and protecting democracy and human rights and addressing the social exclusion experienced by most Africans. However, for the right to development of African peoples to be realized, a rights-based approach must be the framework of Africa's development strategies. Human-centred development begins with the articulation of the primacy of all human rights, in accordance with international obligations and treaties ratified by both African and G8 States. Democracy must be deepened to ensure genuine participation in debates about African development. A gender analysis is an essential first step in ensuring that women participate economically, socially and politically in development and that their participation is reflected in development policies, programmes and projects. Preventing and treating HIV/AIDS and other communicable diseases must be at the forefront of NEPAD. Resolving major armed conflicts and reducing militarization requires immediate international engagement and a firm commitment to holding the entire international community accountable to human rights norms. Finally, the asymmetrical international relations underpinning Africa's crisis must be reformed in such a way that permits the realization of human rights and democratic development in Africa.

For G8 decision-makers at the Kananaskis Summit, the challenge is to respond to the escalating crisis in Africa with a new vision. This will require a commitment of time, political will and resources on the part of G8 countries. It calls for a long-term commitment to building genuine partnerships with African States and civil society alike so that they may take their legitimate place in the international community. Finally, it will demand creative solutions to problems whose causes are global in nature, structural in scope and deep-rooted. Nothing short of substantive reform of international finance, investment and trade rules will be sufficient. As stated by the Organization of African Unity (OAU) in its recent articulation of Africa's Common Position at the World Summit on Sustainable Development, "poverty degrades not only those who suffer it but also those who tolerate it". (45)

ANNEX 1

Ratification of Key Conventions & International Human Rights Instruments by Country

COUNTRY	ICESCR	ICCPR	Optional Protocol to ICCPR	CERD	CRC	CEDAW
Algeria	X	X	X	X	X	X
Angola	X	X	X		X	X
Benin	X	X	X	X	X	X
Botswana		X		X	X	X
Burkina Faso	X	X	X	X	X	X
Burundi	X	X		X	X	X
Cameroun	X	X	X	X	X	X
Cape Verde	X	X	X	X	X	X
Central African Republic	X	X	X	X	X	X
Chad	X	X	X	X	X	X
Comoros					X	X
Congo	X	X	X	X	X	X
Côte d'Ivoire	X	X	X	X	X	X
Democratic Republic of the Congo	X	X	X	X	X	X
Djibouti					X	X
Egypt	X	X		X	X	X
Equatorial Guinea	X	X	X		X	X
Erithrea	X	X		X	X	X
Ethiopia	X	X		X	X	X
Gabon	X	X		X	X	X
Gambia	X	X	X	X	X	X

X = Ratified

= Not Ratified

ICESCR: International Covenant on Economic, Social and Cultural Rights

ICCPR: International Covenant on Economic, Social and Cultural Rights

CERD: International Convention on the Elimination of All Forms of Racial Discrimination

CRC: Convention on the Rights of the Child

CEDAW: Convention on the Elimination of Discrimination against Women

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