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# RE-CONCEIVING “THIRD WORLD” LEGITIMATE GOVERNANCE STRUGGLES IN OUR TIME: EMERGENT IMPERATIVES FOR RIGHTS ACTIVISM

*Obiora Chinedu Okafor\**

“External involvement with the processes of state formation, *particularly in the Third World*, has been present for a long time . . . However, categorisation as a distinct variant of state formation appears justified, given the extent to which various forms of external, that is, *international pre-occupation with the internal policy frameworks and the structuring of political processes in formally independent Third World countries have come to be concentrated and made concrete in recent years.*”<sup>1</sup>

## I. INTRODUCTION

Despite some differences in the conceptual frameworks and methodologies that guide the contemporary struggles for legitimate governance that rage within most of the states that constitute the so-called “third world”, nearly all of these struggles seem to be rooted in fundamental assumptions about three basic characteristics of governance. These characteristics are:

- (a) the scope/content of local governance in contemporary third world states (i.e. the size of the portion of a state’s

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<sup>1</sup> Martin Doornbos, *State Formation Processes Under External Supervision: Reflections on ‘Good Governance’*, in AID AND POLITICAL CONDITIONALITY, 377 (O. Stokke, ed., 1995)(emphasis added).

governance pie that is effectively available for domestic, as opposed to external, *control*<sup>2</sup>);

(b) *the relative location(s) of governance* (i.e. the relative location(s) of the principal site(s) of real decision-making as regards issues that affect the lives of the peoples of the “third world” state in question);

(c) *the imperatives for the strategies and tactics of the movements* for legitimate governance in “third world” states imposed by (a) and (b) above.

Going by the pre-dominant and preferred theoretical approaches, strategies, and points of focus, it appears that many of these movements for legitimate governance in “third world” states are inadequately cognizant of the basic reality of “third world” governance as we enter this new millennium. Nearly all of these movements seem to imagine that the location(s) and site(s) of major “third world” policy-making (what I shall henceforth refer to as “*framework governance*”) remains internal to the particular “third world” state(s) with which they are engaged. It is not therefore surprising, that nearly every one of these movements seems to be far too domestic-centered to effectively grapple with the changing nature, location(s), and faces of “third world” governance in our increasingly “globalising”<sup>3</sup> world. However, this is not to say that these movements are not completely unaware of the limitations of a domestic-centred agenda of resistance in a globalising and international political economy. Many of them now target a number of international institutions as the sites where the framework governance of their states are now more or less located.<sup>4</sup> Thus, when the do-

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<sup>2</sup> In this connection, it is important to distinguish the exercise of “control” over decision-making from the mere taking of “action” regarding the issue(s) at hand. In the first case, the person or institution involved exercises imperative authority over the decision-making process. In the second case, the person or institution involved is merely involved in implementing decisions that have already been made.

<sup>3</sup> On the nature of globalisation, see OUR GLOBAL NEIGHBOURHOOD: REPORT OF THE COMMISSION ON GLOBAL GOVERNANCE 10-11 (Oxford University Press, 1995). For critical reviews of this report, see also R. Falk, *Liberalism at the Global Level: The Last of the Independent Commissions?* 24 MILLENNIUM: JOURNAL OF INTERNATIONAL STUDIES 563 (1995); C. Prager, *The New World Order: Global Neighbourhood or Ethnic Cleansing Zone?* 102 QUEEN’S Q. 930, (1995).

<sup>4</sup> See, e.g., the recent policy meeting between the leaders of the Nigerian Labour Congress (NLC) (the umbrella association of Nigerian trade unions), led by their president Adams Oshiomhole, with an IMF advance team preparatory to another meeting between the NLC and the Managing Director of the International Monetary Fund (IMF), Michel Camdessus. During that meeting the NLC demanded that

mestic policies and practices they seek to influence or resist are increasingly being mandated by powerful international or external entities, these movements continue to devote far too little of their energies to the processes of seeking to influence or resist the policies and practices of these international or external entities.

The poverty of this conceptual and practical stance is easily illustrated. For instance, if the major portion of the framework "governance pie"<sup>5</sup> available to a particular "third world" state has been largely acquired by an entity that is external to that state (be it a supranational institution, a TNC, or a superpower state), and that external entity authors the framework decisions that constitute the bulk of the governance pie, the relative location of the governance and decision-making relevant to that state inevitably shift in favour of the acting external force.

In this way, the relative framework governance re-locates to the space occupied by that force. In that instance as well, the strategies adopted by those who seek to resist effectively the scourge of illegitimate governance in the relevant state, must invariably alter in ways that reflect the changing face(s) and location(s) of governance regarding that "third world" state. For is not an entity that exercises control over a major portion of a state's framework governance in fact the major repository of framework governance power in the relevant state? Does not the identity of the repository of framework governance dictate the relative location of framework governance, in such a way that if the reins of framework governance in a given state do in fact fall substantially into the hands of external entities, the location of such governance will reflect this external control of the reins of framework governance? Again, must not the location of framework governance dictate the sites and locations where resistance to that specific form of governance would be most effective? And must not the strategies adopted for such campaigns of resistance also reflect the nature, scope, and location, of the specific forms of framework governance against which resistance is mounted? Strategic questions such as these are significant because if its strategies are not re-authored to reflect the real nature and location(s) of governance in the relevant state, a movement that seems to secure legitimate governance in a given state runs the obvious risk of focusing on the wrong targets, and thereby reducing the likelihood of its speedy success.

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the "IMF should be more worker-friendly" and not focus on imposing on the government the presumed need for cuts in the "salary and emoluments" of Nigerian workers. See NIGERIAN VANGUARD, (Mar. 17, 1999) <<http://www.afbis.com/vanguard/n517399.html>>.

<sup>5</sup> My reference to a state's "governance pie" refers to the totality and entirety of the regulatory/decision-making function of the relevant state.

This is a mistake that most movements cannot afford because as they have devastating impacts on the everyday lives of the “third world” peoples who would otherwise greatly benefit from its success.

It would seem, therefore, that the eventual success or failure of resistance to illegitimate governance in a particular “third world” state would to a large extent depend quite heavily on the accuracy of the understandings of the actual nature and location(s) of framework and other modes of governance in that state that is shared by the members of its “movement for the enthronement of legitimate governance”.<sup>6</sup> Put differently, success may largely rest on the relative veracity of underlying assumptions about the extent to which decision-making regarding that state’s policies and practices is local, the identity(s) and relative location(s) of the major site(s) of governance, and the appropriateness of an overly domestic-centred struggle in the face of the increasing re-location of the state’s broad policy-making process to sites that are external to that state.

However, this does not imply a zero-sum equation in which framework governance is in nature either exclusively “here” or “there”: either entirely domestic or external. Governance is relational, and so is governance in “third world” states. What is firmly implied is a vision and imagination that does not reify or fetishize local sites of framework or other forms of governance as the inevitable, invariable, and inexorable location(s) of framework governance. Rather it urges a conception of governance that deeply accounts for the increasing externalisation and internationalisation of governance.

Accordingly this work will critically examine the deep structure of governance in the contemporary “third world” (i.e. the question of the relative appropriation of “third world” framework governance by entities external to the third world) and muse on the implications of this deep structure for the conceptual frameworks and methodologies<sup>7</sup> thus far favoured by con-

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<sup>6</sup> Hereinafter referred to as “the movement”.

<sup>7</sup> I have chosen the plural form here in recognition of the relative diversity of “third world” struggles for legitimate governance, a diversity that ought to be celebrated. Yet I am also aware of the deep connection and resonance that is more often than not experienced by most “third world” scholars and activists engaged in the prosecution of such governance struggles when they listen to each other and when they read each other’s work. In this connection, I am in complete agreement with Professor Karin Mickelson’s characterisation of these diverse “third world” voices as often merging into:

“a distinctive voice, or, more accurately, a chorus of voices that blend, though not always harmoniously, in attempting to make heard a common set of concerns.”

temporary movements for legitimate governance in "third world" states. In particular the deep structure of contemporary "third world" framework governance in the context of the globalising nature of our contemporary and future international political economy<sup>8</sup> will be demonstrated by showing:

- (a) as we begin the new millennium the deep structure of "third world" governance is not just being re-authored, it is altering in an increasingly fundamental way;
- (b) for good or for bad, these changes, involve a highly significant increase in the pace and quality of the relative re-location of the framework governance of "third world" states to entities that are external to these states;
- (c) a recognition of this demonstrable externalisation of "third world" framework governance in our time imposes an imperative on the ways in which otherwise domesticated struggles for legitimate governance, and otherwise domesticated resistance to illegitimate governance, are most effectively conceptualised and conducted;
- (d) this imperative re-conception of struggles for legitimate governance in the "third world" ought to involve a relative re-apportionment of more of the resources and energies devoted to such struggles in ways that acknowledge and factor in the fact of the relative re-location of "third world" framework governance to places external;
- (e) if these relatively re-located "third world" struggles for legitimate governance are to have an enhanced chance of bearing regular fruits, those who lead such struggles must also re-conceptualise and re-stock much of their strategic and tactical repertoire. They must do so in order to reflect adequately the fundamentally changing nature of governance and resistance in "third world" states.

To clarify, the present argument does not imply a call for a hurried de-centering of local/domestic "third world" struggles for legitimate governance. To be sure, such local struggles must remain central to the project

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Karin Mickelson, *Rhetoric and Rage: Third World Voices in International Legal Discourse* 16 WIS. INT'L L.J. 353, 360 (1998).

<sup>8</sup> For further insight into this context, see J.H. Mittelman, *Rethinking the International Division of Labour in the Context of Globalisation* 16 THIRD WORLD Q. 273 (1995).

of rights activists.<sup>9</sup> What is being urged is a devotion of much more activist attention, energy, and resources to campaigns that aim at influencing significantly the external entities and processes that, without any real accountability to anyone in the "third world" so profoundly affect the lives and rights of "third world," peoples. This, is in the end a call for cautious participation as opposed to isolation; a call on the movement to re-orient itself so as to have a chance of influencing the external sites where the decisions they seek to shape are really made.

In pursuit of these stated objectives, I have organised the rest of the chapter into four major sections. In section II of the chapter, I shall examine the nature of the framework governance pie in "third world" states. I shall ask the important question, to wit: after powerful external entities such as the International Monetary Organisation (IMF) and the World Bank (WB) have partaken of that governance pie, what is left for third world states—the core or the crumbs? In section III, I shall examine the connected question of the relative location of "third world" governance today, and the appropriateness of the domestic terrain as the primary site of "third world" legitimate governance struggles. The section will conclude with a brief exposition of the lessons that are suggested by the previous analysis. Section IV will be devoted to the question of strategy: to what extent have contemporary "third world" legitimate governance struggles been based on accurate interpretations of the deep structure of "third world" governance in our time; to what extent have such struggles been based on an accurate appreciation of the relative location of "third world" framework governance? How can the strategies that have been favoured by such movements be modified or altered in order to make them more viable and more in keeping with the reality of the emergent global legal framework and political economy? The paper will be concluded in its fifth section. In Section V, I summarise the major issues raised in the chapter, briefly present the major arguments that were offered in connection with each of these issues, and consider the possibilities for a more effective struggle for legitimate governance in post-20th century "third world" states.

## II. RE-CONCEIVING THE DEEP STRUCTURE OF GOVERNANCE IN CONTEMPORARY "THIRD WORLD" STATES

The fundamental question raised in considering the nature of governance in contemporary "third world" states concerns the extent to which

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<sup>9</sup> See, e.g., Jack Donnelly, *Post-Cold War Reflections on the Study of International Human Rights*, 236 *ETHICS AND INTERNATIONAL AFFAIRS* (Joel H. Rosenthal, ed., 1995).

local struggles for legitimate governance have are reduced to struggles merely focusing on participation in the shaping of what remains of national framework governance after "the master(s)" of the international policy-making process<sup>10</sup> have partaken of the relevant national framework governance pie? To what extent have such struggles been reduced to important, but ultimately very marginal battles over who ought to participate in the shaping of more or less minor or subsidiary aspects of a "third world" state's policy-making function? To what extent are these struggles, as they should be, central battles over the control of the more crucial broad policy-making (i.e. framework governance) powers otherwise vested in the relevant state?

An examination of the relevant mainstream literature reveals a striking paradox. Despite the incessant (yet relatively accurate) references in the mainstream literature to the rapid factual globalisation of human society in our time<sup>11</sup>, and the changing face of state sovereignty<sup>12</sup>, a striking failure of (re)cognition still permeates the literature regarding the inexorable consequences of such global re-ordering for the ability of "third world" peoples in particular to achieve and maintain any kind of effective control over the governance of their lives. It is all-too-often implicitly assumed in the same body of literature that the decline of the more absolutist conceptions of the nature of state sovereignty has had the same kind of impact in all kinds of states, without noting the unequal and much more significant impact it has had on the potential capacity of the weaker states of the "third world" to govern their own affairs.<sup>13</sup> In this way the impact of globalisation on "third world" states been equated with the relatively minor impact that globalisation has had and can have on the capacity of the more powerful states to ultimately regulate their own affairs.<sup>14</sup> Accordingly, most mainstream accounts of the relative triumph of globalisation almost invariably fail to recognise that this grossly unequal world, the march toward globalisation has yielded a deep and steady erosion of most state's capacity of most of these states for self-governance; resulting increased appropriation

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<sup>10</sup> This term refers to those institutions and states that dominate the international policy-making and policy implementation process.

<sup>11</sup> My agnostic acceptance of the notion that various segments of our globe are *in fact* becoming ever more-interdependent does not imply my embrace of the idea that the triumph of "globalisation", especially in its present form, is inevitable, or is the only path to human "progress".

<sup>12</sup> On the changing face of state sovereignty in our time, *see, e.g.*, ABRAM CHAYES AND ANTONIA HANDLER CHAYES, *THE NEW SOVEREIGNTY: COMPLIANCE WITH INTERNATIONAL REGULATORY AGREEMENTS* (1995).

<sup>13</sup> *See OUR GLOBAL NEIGHBOURHOOD, supra* note 3.

<sup>14</sup> *Id.*



of the larger and more important portions of framework governance pies by external entities. Much of this literature also fails to explicitly recognise that the erosion of the capacity of “third world” states for self-regulation and self-governance has crucial implications for the nature of the struggle for legitimate governance in these often severely disadvantaged areas of the world.

For instance, being rooted primarily in Liberal Democratic ideals, the right of popular participation in, and control of soci-economic and political governance,<sup>15</sup> constitutes the *raison d’etre* of the vast majority of local “third world” struggles for legitimate governance. Yet, an ever-increasing majority of the fundamental broad policy decisions that affect the lives of “third world” peoples, i.e. framework governance decisions, are neither made by their state, nor by any institution within it. Most of these framework governance decisions are increasingly the province of supranational bodies such as the UN Security Council (UNSC), the IMF, and the WB. Some of these decisions are even made in the presidential palaces and parliaments of great power states such as the USA, France, and Britain. For example, is there any serious scholar that believes that it is still really open to any “third world” state, the recipient of an IMF or WB loan as most are, to choose to practice socialist economics?

If true then that the major policy decisions that affect the lives of “third world” peoples, (i.e. the framework governance policies), are often pre-determined and pre-established by entities, and in places, external<sup>16</sup> to

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<sup>15</sup> As used in this chapter, “governance” refers to “decision-making” about the issues and things that concern the lives of a given people. The Commission on Global Governance chaired by Shridath Ramphal and Ingvar Carlson similarly define this concept thus:

“Governance is the sum of the of the many ways individuals and institutions, public and private, *manage their common affairs*. It is a continuing process through which conflicting or diverse interests may be accommodated and cooperative action may be taken.”

OUR GLOBAL NEIGHBOURHOOD, *id.* at 2 (emphasis added).

<sup>16</sup> It is sometimes contended that these framework governance policies and decisions are really negotiated between the relevant “third world” state and the relevant external force such as the IMF or the WB. In the context of the extraordinary imbalance in negotiating power that characterises such “negotiations” and the fact that they usually occur in the context of attempting to arrest the collapse of the economy of a given “third world” state, one must be dubious as to the egalitarian actual character of such “negotiations”. See Yusuf Bangura & Peter Gibbon, *Adjustment, Authoritarianism and Democracy: An Introduction to Some Conceptual and Empir-*

the third world: Thus, in connection with the centrality of the right of participation in governance to most "third world" struggles for legitimate governance, several questions arise. Participation in governance to what end? Why should "third world" legitimate governance activists dissipate their scarce resources waging struggles that aim to wrest from their own governments the right of the generality of their peoples to participate in their own

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*ical Issues, in* AUTHORITARIANISM, DEMOCRACY AND ADJUSTMENT 7 (P. Gibbon et al. eds., 1992). Indeed some have characterised such "negotiated" framework governance policies as *impositions* on the part of the IMF and the WB. See for instance O. Morrissey, "Conditionality and Compliance: The Sustainability of Adjustment in Turkey" in O. Stokke, ed., *Aid and Political Conditionality* (London: Frank Cass, 1995) at 297. Indeed, Bungura and Gibbon have noted that "[t]he great majority of countries in . . . [Africa] have adopted - *more or less involuntarily* - programmes of economic reform designed by the international financial institutions". See BUNGURA & GIBBON, *supra*. Credence is lent to this last view by the striking similarity in the framework governance package that has emerged from each of these negotiations. They each embody very similar sets of policy conditionalities. If they were really negotiated, in the context of the great diversity in the nature of the states to which such framework policies have been applied, one would expect to see substantial differences in the broad policy prescriptions prescribed for different "third world" states. Yet, not even one of them has been characterised by socialist economics! For example, Turkey's World Bank-Structural Adjustment Programme (SAP) imposed huge cuts in public spending. See O. Morrissey, *ibid* at 295. So did Ghana's World Bank/IMF-SAP programme. See P. Mosley, J. Harigan and J. Toye, *Aid and Power: The World Bank and Policy-Based Lending V.2* (London: Routledge, 1991) at 170-183. So did Thailand's IMF SAP. See *id.* at 114-135. So did the Philippines. See *id.* at 44-50. And so did Zimbabwe's so-called home grown SAP referred to as ESAP. See S.J. MacLean, *The Effects of Structural Adjustment on Civil Society in Zimbabwe: Implications for Canadian Aid Policy* 18 CAN. J. DEV. STUD. 463, 464 (1997). Even Nigeria's peculiar SAP programme was based on essentially similar principles. See MUSTAPHA, *supra* note 16, at 188. The close similarity, if not sameness, of these SAPs is based on the IMF's and the WB's strong conviction that there is a broad consensus in the world about the rightness of its policy prescriptions as elixirs for all the economic problems of "third world" states, what Beckman has described as fictitious consensus. Yet as Beckman has noted, "[f]ar from being insignificant, opposition to SAP is widespread and keeps on causing obstruction". B. Beckman, *Empowerment or Repression? The World Bank and the Politics of African Development*, see GIBBON, *supra* note 16, at 86-87. Suffice it to note, as the UN Economic Commission has noted in its extensive critique of IMF and SAP policies in Africa, that broad policy formulations such as those contained in the SAP programs that assume Africa's oneness to mean Africa's sameness are inherently defective. See B. Ikubolajeh Logan and K. Mengisteab, *BEYOND ECONOMIC LIBERALISATION IN AFRICA* 1 (1995).

governance, when the very decisions they seek control over have been pre-determined by entities that they neither elected nor sanctioned? Of what eventual use are these struggles when such decision-making powers are already beyond the province of the very state from which they seek to wrest that power? For instance, if the fundamental broad policy decisions, or framework governance power, regarding the extent to which the government of a particular "third world" state can allocate resources to its health care system are substantially made in the boardrooms of the IMF and/or the WB,<sup>17</sup> of what use is it for the relevant "third world" people to dissipate most of their energies in seeking to win from their own governments the right to participate in the governance of their healthcare system? In the event of success, would not the prize for which they had fought so hard still elude them, i.e. would they still not lack control over the framework governance of their healthcare system? It can of course be argued in reply that the relevant people would in that event still be able to govern many other minor decisions regarding the actual day-to-day functioning of their health-care system. That may be true but, the relevant people will not be able to exercise ultimate democratic control, as they ought to in a democracy, over the framework governance of their healthcare system, and that no amount of control over the marginal decisions regarding that system can substitute for this substantial erosion of framework governance power. Moreover, the above-stated hypothetical objection grossly underestimates the extent to which the control of the day-to day functioning of the system depends on the nature of the framework governance decisions regarding the system in question.

A critical assessment of the literature relating to the production and dissemination of international legal/political/economic norms, regulations, and practices, illustrates and reinforces the major points that are being made. These are that the broad policy outlines that guide governance in third world states are not constructed within those states either by a democratic participatory process or by a sectional dictatorial process (in both cases, framework governance), and that consequently, such broad policy decisions, such framework governance policies, are made in places external to "third world" states. In both the norms of global governance and the

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<sup>17</sup> Indeed, in the case of most "third world" states, such decisions as to budgetary allocations as between competing ends are usually the subject of framework governance decisions made by the IMF and/or the WB and are embodied in Structural Adjustment Programme Documents (ostensibly designed in consultation with the relevant government but in reality the adopted in a context in which the government has little choice in the matter). See BANGURA & GIBBON, *supra* note 16, at 7.

practices of international institutions and great power states, can one source graphic illustrations of the above points.

Indeed, it is no longer controversial to assert, as many other scholars have, that the international legal and political system has been, and remains, intensely involved in the production and dissemination of "normal" ideas about what kinds of governance are legitimate and what sorts are not.<sup>18</sup> That there is, a discernible concept of legitimate governance in the international legal/political system.<sup>19</sup> Also, it is neither novel nor controversial to demonstrate, as many other scholars have done, that this same international legal/political system is also intensely involved in the dissemination and implementation of this specific concept of legitimate governance.<sup>20</sup> For instance, Professor Antony Anghie has convincingly shown that not only do these two patterns of international action have a long pedigree, dating back at least to the 15th century European encounter with the peoples of the so called "new world".<sup>21</sup> Professor Makau wa Mutua has demonstrated the specific rootedness of the main stock of this concept in the Liberal philosophical tradition.<sup>22</sup> Thus, the fact that international (and thus substantially external) institutions and processes have, and continue to

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<sup>18</sup> See, e.g., O.C. Okafor, *The Concept of Legitimate Governance in the Contemporary International Legal System* XLIV NETHERLANDS INT'L REV. 33 (1997); T.M. Franck, *The Emerging Right to Democratic Governance* 86 AJIL 46 (1992); D.A. Rustow, *Democracy: A Global Revolution?* 69 FOREIGN AFF. 75 (1990); H.J. Steiner, *Political Participation as a Human Right*, 1 HARV. HUM. RTS. Y.B. 77 (1988).

<sup>19</sup> See, Okafor, *supra* note 18, at 33.

<sup>20</sup> See for example A. Anghie, "Universality and the Evolution of the Concept of Governance in International Law" in E.K. Quashigah and O. C. Okafor, eds., *Legitimate Governance in Africa: International and Domestic Legal Perspectives* (The Hague: Kluwer Law International, 1999) at 21; O.C. Okafor, "The Global Process of Legitimation and the Legitimacy of Global Governance" (1997) 14 Arizona Journal of International and Comparative Law 117; I. Claude, "Collective Legitimation as a Political Function of the United Nations" (1966) 20 International Organisation 367; J. Frowein, "the European Community and the Requirement of a Republican Form of Government" (1984) 82 Michigan Law Review 1311; and D.D. Caron, "Governance and Collective Legitimation in the New World Order" (1993) 6 Hague Yearbook of International Law 29.

<sup>21</sup> See A. Anghie, "Francisco de Vittoria and the Colonial Origins of International Law" (1996) 5 Social and Legal Studies 321.

<sup>22</sup> See Makau Wa Mutua, *The Ideology of Human Rights: Toward post-Liberal Democracy?*, in LEGITIMATE GOVERNANCE IN AFRICA: INTERNATIONAL AND DOMESTIC LEGAL PERSPECTIVES 109 (Edward K. Quashigah & Obiora C. Okafor eds., 1999).

have, a huge impact on the construction of the framework that guides the determination of what kinds of “third world” governance are legitimate, and what sorts are not, is now trite. Yet in an age of globalisation when these international institutions and processes are fully expected to continue gaining more and more influence over domestic decision-making processes, there is little explicit recognition in the mainstream literature that, for the relatively weaker “third world,” increases in the international “share” of the governance pie inexorably entails corresponding decreases in the real domestic “share” of that pie. There is also little recognition that such loss of real self-governance power occurs in ways that often render many “third world” struggles for legitimate governance, based primarily on the assumption of relative domestic control over the governance pie, substantively and ultimately futile.

Again, it is now trite knowledge that, for good or for bad, a number of international financial institutions hold an ever-increasing “share” of third world framework governance.<sup>23</sup> That much is implied by the IMF’s and WB’s self-admitted involvement in the design of the framework socio-economic and even political agenda of “third world” states,<sup>24</sup> as well as by the descriptis of the nature of the IMF and/or WB programmes they adopt that are offered by many “third world” states.<sup>25</sup> Moreover, the literature is

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<sup>23</sup> The major instrument that facilitates this acquisition of “third world” framework governance is the “*conditionality*”. According to Polak:

“In the terminology of the International Monetary Fund, ‘conditionality’ refers to the policies the fund expects a member to follow in order to avail itself of credit from the Fund.”

JACQUES J. POLAK, *THE CHANGING NATURE OF IMF CONDITIONALITY 1* (1991). Another way in which the IMF and WB exact the leverage that is necessary in order to impose their will over “third world” states is via their liaison within international capital exporting states and other entities. For example British Foreign Minister, Robin Cook, recently declared while on a visit to Nigeria that “the international community” (meaning Britain, the USA and other capital-exporting states of the North) are unlikely to consider granting some debt relief for Nigeria if it does not adopt the prescriptions suggested by the IMF for the improvement of its economy. See NIGERIAN GUARDIAN, (March 19, 1999) <<http://www.ngrguardiannews.com/nn743201.htm>>.

<sup>24</sup> See INTERNATIONAL MONETARY FUND, *Good Governance - The IMF’s Role* (1997), <<http://www.imf.org/external/pubs/ft/exrp/govern/govindex.html>>.

<sup>25</sup> For instance Nigerian Head of State, General Abdulsalami Abubakar has described the IMF Staff Monitored Programme that Nigeria has recently agreed to implement if it is to have its debts rescheduled as “*a compendium of policy prescriptions* which aims, over a three-year period, to attain sustainable growth and

replete with suggestions in this direction. For instance, Louis Pauly has shown that:

“The central mandates of both organisations [in this case the IMF and the League of Nations] . . . explicitly in the case of the IMF, involved *the oversight of national policies* . . . and systemic oversight, mainly with a view to overall economic stability.”<sup>26</sup>

Cheryl Payer has noted that “[t]he World Bank is the foremost international development agency. Some call it the best, some call it the worst; but no one escapes its influence.”<sup>27</sup> Again, Professor Manfred Bienefeld has recently offered a rather compelling and quite convincing account of this ever-strengthening capacity of the IMF and the WB (the Bretton Woods institutions) to acquire control of economic decision-making within “third world” states.<sup>28</sup> While Payer has shown how the World Bank is able to “*force* borrowing governments to abandon [their own] progressive policies in favour of [the World Bank’s preferred] harsh austerity programs.”<sup>29</sup> For his own part, Polak has noted that the changing and deepening nature of IMF framework governance has involved a narrowing of its clientele to its developing country members;<sup>30</sup> a phenomenon which is of recent ancestry.<sup>31</sup> Polak goes further to declare, as most other scholars of the IMF and WB have, that:

“The Fund is an international organisation that *wields considerable influence, primarily vis-à-vis members seeking its credit, but also through its surveillance of its membership in general.*”<sup>32</sup>

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development of the Nigerian economy.” See NIGERIAN VANGUARD, (February 15, 1999) <<http://www.afbis.com/vanguard/f2150299.html>>.

<sup>26</sup> LOUIS W. PAULY, WHO ELECTED THE BANKERS? SURVEILLANCE AND CONTROL IN THE WORLD BANK 18 (1997) (emphasis added).

<sup>27</sup> See C. Payer, *The World Bank: A Critical Analysis* (New York: Monthly Review Press, 1982) at 15.

<sup>28</sup> See M. Bienefeld, “Structural Adjustment and the Prospects for Democracy in Southern Africa” (unpublished paper on file with this writer) at 7; and M. Bienefeld, “The New World Order: Echoes of a New Imperialism” (1994) 15 *Third World Quarterly* 31.

<sup>29</sup> See C. Payer, *supra* note 27.

<sup>30</sup> See POLAK, *supra* note 23, at 1.

<sup>31</sup> See *id.* at 2.

<sup>32</sup> See *id.* at 24.

The same scholar then goes further to clearly demonstrate, in a manner that graphically illustrates the nature of the relationship between “third world” states and the IMF, the way in which the IMF exercises control over the framework governance agenda and practices of “third world” states. According to Polak, the approvals of IMF and WB loans to their clients (mostly “third world” states) are preceded by submission of a Policy Framework Paper by the relevant government (drafted by IMF, WB and that governments staff) showing the broad outlines of the socio-economic policies of the relevant country for the coming three years.

Indeed, some of the scholarly and popular discourse on the behaviour of the IMF and the World Bank, and the richer states of the world, do not simply acknowledge the fundamentally external nature of the control of framework “third world” decision-making, but more or less go further to urge its consolidation.<sup>33</sup> Given the fact that both institutions are far from infallible,<sup>34</sup> the extremely controversial record of their involvement in “third world” states,<sup>35</sup> and the fact that economists are hardly agreed as to whether

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<sup>33</sup> Now, even though these calls for the consolidation of the power of the IMF and the WB are usually couched in universal terms, in terms that suggest a corresponding level of control over the policies of both the powerful states of the north and the weaker states of the south, it *seems* clear enough that the ability of such international economic institutions to control the fundamental economic decision-making processes of the much more powerful states is at best minimal. Their capacity to exert pressure and influence the governance of states decreases quite sharply as the relevant state becomes more powerful. Their share of the economic governance pie decreases on a sliding scale of state power; as the state gets stronger, so does the power of these international bodies. Thus, in reality, these institutions can only control the framework governance of the weaker and less powerful states of the “third world”. For examples of more or less favourable views of global governance by the IMF and WB, *see* the accounts in B. Plewes *et al.*, “Sustainable Human Development as a Global Framework” (1996) *LI International Journal* 211.

<sup>34</sup> Indeed, Polak has described the IMF’s recent history as one characterised by “[t]he frequent failures of Fund arrangements in the 1980s” which “appear to have had a sobering influence” on the IMF. *See* POLAK, *supra* note 23, at 64. Again, Nicola Bullard, Walden Bello and Kamal Mallhotra have, in the context of their analysis of the role played by international financial institutions in the recent Asian economic crisis, convincingly demonstrated that neither the IMF nor the WB has what they refer to as “a monopoly of social and economic wisdom (far from it)”. *See* N. Bullard *et al.*, *Taming the Tigers: The IMF and the Asian Crisis* 19 *THIRD WORLD Q.* 505 (1998).

<sup>35</sup> Some have described their policies as outright failures, while some have noted the many defects that characterise these policies. For examples of those who outrightly dismiss past IMF and WB policies in the “third world” as failures (a stance

these institutions are a part of the solution to the economic problems of "third world" states, or a part of the problem,<sup>36</sup> one cannot but flinch at the seemingly inevitable prospect of the greater intrusion of the largely unaccountable IMF and the WB into the socio-economic lives of "third world"

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which these institutions have not quite embraced but which they themselves now come quite close to adopting in their more recent performance reports), see Payer, *supra* note 27, at 21; S.P. Schatz, *The World Bank's Fundamental Misconception in Africa*, 34 J. MOD. AFR. STUD. 239 (1996); and S.P. Schatz, *Structural Adjustment in Africa: A Failing Grade So Far*, 32 J. MOD. AFR. STUD. 679 (1994). For the more generous critiques, see T.M. Shaw, *Prospects for a New Political Economy of Development in the Twenty-First Century*, 18 CAN. J. DEV. STUD. 375, 378; J.Y. Auvinen, *IMF Intervention and Political Protest in the Third World: A Conventional Wisdom Refined*, 17 THIRD WORLD Q. 377; and J. Adams, *Review Article: Structural Adjustment, Safety Nets and Destitution*, 46 ECON. DEV. & SOC. CHANGE 403 (1998). Moderate as he is in his critique of the SAP policies of the IMF and the WB, John Adams could not help but observe that:

International Policy makers cannot allege that they have solved the mysteries of fomenting universal growth while there are two or more billion people living miserably on the planet, with more people of the way. Intoning ritual chants in collective cadence at the annual gathering of the international agency clans in Washington is no doubt an uplifting experience for a minuscule portion of the global elite but is as likely to bring rain on the nearby White House lawn as it is to make a quality-of-life difference in Somalia, Nepal, or Haiti.

*Id.* at 404.

<sup>36</sup> For instance, Ikubojajeh Logan and Mengisteab have while showing that IMF and WB policies have been part of the problem in "third world" states, noted that:

"Structural adjustment programmes (SAPs) have now been in operation for over a decade in many sub-Saharan countries. Yet their appropriateness for overcoming Africa's economic crisis remains as controversial as when they were first introduced."

See B. Ikubojajeh Logan and K. Mengisteab, "Introduction" in K. Mengisteab and B. Ikubojajeh Logan, *Beyond Economic Liberalisation in Africa* (London: Zed Books, 1995) at 1.

The most vocal challenge to IMF and WB claims as to the appropriateness of SAPs as elixirs for Africa's economic problems have been voiced by the UN Economic Commission for Africa, a sister UN agency! See *ibid* at 1. This is a stance that is quite popular on the African continent. See J.E. Nyang'oro, "The Evolving Role of the African State Under Structural Adjustment" in J.E. Nyang'oro and T.M. Shaw, eds., *Beyond Structural Adjustment in Africa* (New York: Praeger, 1992) at 15.



peoples in this new millennium.<sup>37</sup> This is not evidence of some inherent anti-IMF/WB bias, but evidence of discomfort at the ever-consolidating tendency of these external entities to pre-empt the possibility of real local democratic decision-making.

Again, some of the literature even highlights the extent to which these external forces such as the IMF and the World Bank acquire effective control over the socio-economic governance of “third world” states with the active acquiescence of “third world” governments. All-too-often, however, very little is said by these same writers about the real nature of such so-called acquiescence. Very little, if anything at all, is said about the extent to which such acquiescence is likely obtained through the use of intense economic coercion, as for instance, when such control over the governance of a “third world” state is obtained after an external force (such as the IMF) has threatened the relevant state with loss of its international credit rating and credit line;<sup>38</sup> a threat that if actualised could lead to the immediate or eventual economic paralysis of that state.<sup>39</sup>

Just as the IMF and the WB (and a number of other powerful external forces) have substantially appropriated third world framework governance in our time, the United Nations Security Council (UNSC) has, for good or for bad, also partaken of this acquisitive feast. The UNSC and other UN organs are so imbricated in the lives of both “third world” and non-third world states that the United Nations (UN) recently declared in one of its many information booklets that:

“The United Nations deals with the world’s major problems. That much is common knowledge. Perhaps less well known is the fact that this organization is also a part of your daily life. In fact, you probably wouldn’t want to live without it.”<sup>40</sup>

Yet over and beyond this self-confessed intrusiveness of the UN in the daily lives of all of us, and of the peoples of “third world” states in particular, the

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<sup>37</sup> At the moment more and more third world states including those that were thought to have “passed” into the developed world are coming under IMF framework governance and supervisory control. South Korea, Thailand, and Indonesia certainly have. See N. Bullard et al, *supra* note 34 at 510-528.

<sup>38</sup> This sort of threat has been prevalent since the 1980s economic downturn in many “third world” states. See, e.g., M. Bienefeld, *Structural Adjustment and the Prospects for Democracy in Southern Africa* (1998) (on file with author). See also N. Bullard et al, *supra* note 37, at 510, 516.

<sup>39</sup> An international credit line is the basic requirement for international trade.

<sup>40</sup> See THE UNITED NATIONS IN OUR DAILY LIVES iii (United Nations 1998).

most powerful organ of the UN, the UNSC, has enlarged its capacity to shape the framework governance of "third world" states. The extreme manifestations of this capacity of the UNSC and its most powerful member-states to acquire "third world" framework governance include its direct administration of Cambodia for a number of months<sup>41</sup>, and its post-gulf war activities in Iraq.<sup>42</sup> Additionally, the UNSC and its sister UN organs are also involved in the shaping of the norms and rules that are supposed to guide governance in "third world" states, as well as in the attempts to discipline those states that deviate from the established norms or rules. Good examples include norms outlawing genocide, apartheid, military *coups d'etat* against elected regimes. Regimes of discipline imposed against deviant states, such as the establishment of ad hoc international criminal tribunals for Bosnia and Rwanda; the ousting of General Cedras-led and Major Koroma-led juntas in Haiti and Sierra Leone, respectively; when the United Nations Special Commission (UNSCOM) regulating the Iraqi the defence agenda.<sup>43</sup>

A few of the Great Powers have also partaken of this "third world" framework governance feast, and established regulatory arrangements designed to guide, or even dictate, the governance of "third world" states. Whether via the establishment of so-called "no-fly zones" over northern and southern Iraq,<sup>44</sup> the political conditionalities attached to development assistance rendered to "third world" states,<sup>45</sup> or their virtual imposition of treaty frameworks designed to bring peace to troubled areas of the world such as the Dayton Peace Accord,<sup>46</sup> these Great Powers have increasingly attempted to frame governance in most "third world" states within param-

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<sup>41</sup> See M. Berdal and M. Leifer, "Cambodia" in J. Mayall, ed., *The New Interventionism 1991-1994* (Cambridge: Cambridge University Press, 1996) at 25-35; IMF, "Cambodia" (1994) IMF Economic Reviews at 1-7; and United Nations, *The United Nations and Cambodia 1991-1995* (New York: United Nations, 1995) at 9-24.

<sup>42</sup> See United Nations, *The United Nations and the Iraq-Kuwait Conflict* (New York: United Nations, 1996) at 74-110.

<sup>43</sup> *Id.*

<sup>44</sup> See "'No-Fly' Zones: Success or failure?" <http://www.msnbc.com/news/227676.asp#BODY>.

<sup>45</sup> See O. Stokke, ed., *supra* note 1 at 1.

<sup>46</sup> The ways in which these Great powers assume the framework or direct governance of parts of the developing world under such treaty arrangements is illustrated by the recent sack order issued in march 1999 under the Dayton Peace accords to the elected President of the Bosnian Serbs, Nikola Poplasen, by the top international mediator in Bosnia who also acts as the *overseer* of the implementation of

ters established by, and acceptable to, themselves (even if not necessarily acceptable to the leadership and/or population of the relevant state).

Hence “third world” states have lost a measure of control over some portions of their governance agenda and decision-making processes. Nevertheless, before our very eyes, many of the important political and economic decisions that affect the lives of their peoples are, for good or for bad, still made by “third world” governments. Inter alia, important decisions about the detailed nature of electoral rules, rules that guiding imports and exports, women’s rights, the allocation of resources, are still made by “third world” governments. However, while these “third world” governments still make most of the day-to-day (micro) decisions that affect the lives of their peoples, the framework (macro) decisions as well as the most crucial decisions are increasingly being made and outlined by forces external and much more powerful than these “third world” states. The implication being that as the globalisation of the world’s economy and the politics creates the conditions under which entities and institutions that are external to the “third world” enlarge their power over the framework governance of “third world” states, the scope of the governance agenda and decision-making that remains within “third world” states significantly diminishes, and becomes more and more insignificant.

Consequently, as the local share of the governance agenda and decision-making shrinks, the quantity and quality of actual and potential substantive democratic participation correspondingly shrinks; thus “third world” struggles for local participation in governance focused on the popular assumption within the state’s borders of a governance capacity that already lies without the borders of that state, are ultimately rendered futile.<sup>47</sup>

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the accords. See [http://www.bbc.co.uk/hi/english/world/europe/newsid\\_291000/291135.stm](http://www.bbc.co.uk/hi/english/world/europe/newsid_291000/291135.stm).

<sup>47</sup> This raises an important question whether in this way both the formal and substantive democratic participation of the peoples of “third world” states in their own governance is not pre-empted by international technocratic decision-making power? As Thomas Franck has warned:

“Even those who accept that trade, environment and chemical weapons need to be regulated globally, if they are to be regulated at all, will sooner or later manifest unease at the new international regimes’ lack of political accountability.”

See T.M. Franck, “Notes from the President” ASIL Newsletter Jan-Feb 1999 at 4. Manfred Bienefeld, has himself declared that:

“Government and political processes have thus been emptied of political content. Governments have become executive agencies that implement pre-determined, sound policies devised by techni-

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While such struggles are of course very important, they are no longer, central to the success of the movement for legitimate governance in "third world" states as they once were. For after external entities such as the IMF and the WB have partaken of the governance agenda and decision-making with respect to a particular "third world" state, there is little left of the framework governance power of that state for its people to shape. From healthcare to housing, food subsidies to fertilisers, educational spending to the privatisation of economic activities, the powerful imprimatur and fingerprint, of the IMF and the WB is clearly visible and dominant.

Given the increasingly external sources of framework governance in "third world" states, and corresponding decrease of internal decision-making, conceptual frameworks and methodologies for "third world" legitimate governance struggles must now be much more mindful of the location of governance away from "third world" states. And as we shall see, the first step toward this more viable attitude must involve three movements, namely: a re-conception of the relative location of "third world" governance; a relative re-location of the site(s) of resistance, and a conceptualization and re-formulation of the strategies of those minded to participate in the struggle for legitimate-governance in the "third world."

### III. RE-CONCEIVING THE LOCATION(S) OF GOVERNANCE AND RESISTANCE IN CONTEMPORARY "THIRD WORLD" STATES

Flowing from a recognition of the relative control exercised by external entities over the framework governance agenda and governance practices of "third world" states, is the very consequential question of whether and to what extent the identity of the repositories of "third world" framework governance has affected the relative location of "third world" governance. A correlate question is whether the relative re-location of governance that has stemmed from such a shift in the identity of the repositories of "third world" framework governance has correspondingly dictated the identity and nature of the sites where resistance to such specific forms of governance would be most effective? These are the primary questions that I will address in this section of the paper. Following that discussion, I will move on to section IV where I will deal with the question of the implications of the relative re-location of "third world" framework governance for the strategies adopted by legitimate governance movements that operate in those areas of the globe.

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cal experts . . . That is why both the struggle and debate . . . must focus on the substance, not the appearance of, democracy."

See M. Bienefeld, *supra* note 38, at 15.

It seems clear enough from the analysis in section II that the relative location of governance in most “third world” states has shifted considerably in the direction of entities external to these states (be they the IMF, the WB, or the UNSC).<sup>48</sup> At the very least, the framework governance of the fundamental issues that affect the daily lives of the peoples of “third world” states, such as healthcare, housing, job security, food security, defence, political participation, childhood, womanhood, and education, is increasingly the province of entities external to these states.<sup>49</sup>

Despite the relative externalisation of “third world” framework governance, the relevant literature has not been sufficiently cognisant of the necessity for a corresponding externalisation of resistance to “third world” governance. It has failed to clearly recognise the imperative for a relative but substantial shift in the nature of the sites at which resistance to the repositories of such framework governance would be most effective. A shift that is clearly suggested by this fact of the relative re-location of “third world” governance (in the form of the ever-increasing externalisation of “third world” framework governance) in our time.

Yet, ultimately, a cognitive lapse as serious as a lack of awareness of the actual location(s) of “third world” framework governance could be paralysing for most “third world” legitimate governance movements. This potential for paralysis is easily illustrated. For instance, a campaign of civil disobedience directed at the Health Ministry and/or Presidency of “X” (a

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<sup>48</sup> This is of course not the first time that the governance of the areas of the world that are referred to as the “third world” has re-located in favour of forces external to those areas. This has happened in earlier phases of human history such as during the European colonisation of the Americas from the 15th century on, and during the European colonisation of Afro-Asia between the middle of the 19th century and the middle of the 20th century. See for instance, A. Anghie, “Francisco de Vittoria” *supra* note 21. It has also been contended by many scholars that the formal end of colonialism in most parts of the “third world” in the 1960s and 1970s did not in fact put an end to the retention by European states of framework governance over most of the emergent “third world” states. This phenomenon is candidly referred to in the literature as “neo-colonialism” or less candidly subsumed under the rubric of “globalisation” or “global governance”. See for instance, B. Beckman, *supra* note 16, at 88 ( who declares that: “[t]he ‘conditionalities’ linked to the foreign finance that goes with SAP are the hallmark of rising neo-colonial domination”); and K. Nkrumah, *Neo-Colonialism: The Last Stage of Imperialism* (London: Nelson, 1965). See also M. Doornbos, “State Formation Processes Under External Supervision: Reflections on ‘Good Governance’” in O. Stokke, ed., *Aid and Political Conditionality* (London: Frank Cass, 1995) at 377.

<sup>49</sup> See P. Mosley, *et al*, *supra* note 16; and K. Mengisteab and B. Ikubolajeh Logan, eds., *supra* note 16.

"third world" state) in order to force it to fund more hospitals for the benefit of the population of "X" state would be virtually pointless if in fact, as is increasingly the case, the framework governance issue of the devotion of a certain amount of funding to hospitals in "X" state has been decided by and at the WB and/or the IMF as a policy conditionality for approving a credit lifeline for that state. In this allegorical case, all that is left for local institutions and local democratic processes to decide is simply the secondary and relatively marginal question of how to allocate a paltry health budget among several competing hospitals. The fundamental framework decision as to whether or not these hospitals deserve more or less funding in that context would be *passé*, having already been made by entities external to that state, who, as must be pointed out, can hardly be described as the repositories of the governance mandate of the people of the relevant state!<sup>50</sup> Clearly, in such a case, framework health-care governance would have re-located and externalised from the relevant "third world" state.

Given this evidence of the relative re-location of their own framework governance away from "third world" states, this increasingly potent movement toward the externalisation of "third world" governance, to what extent is the domestic polity and its institutions an appropriate site of legitimate governance struggles as regards "third world" states? To what extent is the domestic polity and its institutions an appropriate site of resistance to the modes of governance experienced by "third world" peoples? As I have

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<sup>50</sup> The argument can of course be made that these framework governance arrangements are never designed or implemented without the approval of the presumed representatives of the people of the relevant state who after all can be said to have a choice whether or not to agree to the terms of the IMF and/or WB policy conditionality. Proponents of this view may even point out the case of Nigeria's rejection of an IMF conditional loan facility in the mid-1980s after a vigorous public debate. The appropriate response to such an argument is as follows. Firstly, IMF and/or WB loan conditionalities are designed well before they are presented to the relevant state for "negotiation". They are based on a particular view of economics (see M. Bienefeld, *supra* note 28). That is why the conditionalities imposed on most "third world" states are most similar. These are pre-packaged "elixirs". Secondly, to argue that these states have a real choice whether or not to accept the conditionalities is to ignore the fact that at the point at which these states begin negotiations for an IMF or WB loan, they are not in a position to challenge the IMF at all or to really reject the loan. They do so at the peril of being severely punished by international markets, banks, financiers and the Industrial powers. In the case of Nigeria's so-called rejection of the IMF loan in the 1980s, what actually occurred was that Nigeria ostensibly rejected the IMF loan but actually began to implement all of the IMF's demands, a manoeuvre that allowed it to obtain a similar WB loan! See B. Beckman, *supra* note 16 at 93.

already asked, must not the location of governance dictate the sites and locations where resistance to that specific form of governance would be most effective? If the logic implied in this question is correct, the more appropriate sites of resistance to the modes of governance experienced by "third world" peoples would be tied to the identity and the location of those forces that have acquired the relative power to make framework governance decisions regarding the things that affect the lives of those peoples the most. Consequently, while not abandoning the equally important domestic arena, the sites of resistance to illegitimate governance (as well as the sites of struggle for legitimate governance) in the "third world" ought to be re-located to the external sites from where unaccountable power is exercised over most of the "third world," to these engine-houses of "third world" framework governance. This re-locative praxis is important if such struggles are to reflect the reality of the location of "third world" framework governance and maximise the potential of such struggles to be effective in the coming millennium. For, in the end, of what use will a resistance campaign aimed at influencing the course of the governance of a "third world" state be if it is misdirected to a site void of framework governance power? Of what use is it to continue to wage most "third world" campaigns of resistance to perceived bad governance in the suburbs, rather than at the centres, of framework governance power?

This is not to say that the domestic polity in third world states should henceforth be abandoned as a site of resistance; far be it. No serious minded scholar/activist would favour such a course of action. And as Jack Donnelly has recently observed, the struggle for human rights (including legitimate governance rights) will in the end be won or lost by domestic activists and activism.<sup>51</sup> Rather, while the domestic polity and domestic institutions must remain the primary sites of resistance to the forms of governance that are still actually exercised by "third world" states (such as secondary decision-making that gives effect to the framework decisions), such domestic polities ought no longer be the primary sites of resistance to the specific forms of governance that have migrated well beyond the reach of most "third world" states of our time, namely their own framework governance.

The foregoing discussion begs the question of strategy: in the face of the relative re-location of "third world" framework governance and the corresponding imperative that resistance to such framework governance be re-located, what are the appropriate ways in which the strategies of resistance to such governance can be re-conceived in order to make more effective the struggles for legitimate governance in the "third world" states of the

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<sup>51</sup> See J. Donnelly, *supra* note 9.

new millennium. This is an issue that I will deal with squarely in the following section of this chapter.

#### IV. RE-CONCEIVING THE STRATEGIES OF RESISTANCE IN THE WAKE OF THE FRAMEWORK GOVERNANCE SHIFT

Quite apart from the meta-strategic questions regarding the relative location of "third world" framework governance, and the relative appropriateness of a given site as a location of "third world" resistance to illegitimate governance, there are other very important *micro-strategic* questions that deserve attention in the context of the re-conception of "third world" struggles for legitimate governance in the new millennium. Such micro-strategic questions flow logically from the arguments put forward in sections II and III of this chapter, namely: that the share of their own framework governance effectively controlled by "third world" states is relatively small, and continues to diminish in the wake of the continual consolidation of regimes of international governance and discipline; that the relative location of framework governance in "third world" states is increasingly external; and that for "third world" peoples the choice of the sites for more effective legitimate governance struggles and resistance campaigns must reflect this continual consolidation of external entities as the repositories of "third world" framework governance.

I shall examine these crucial micro-strategic questions under three heads: cautious participation, mass-based politics, and alternative forms of networking. I will suggest that unless the activist theoreticians and protagonists of "third world" resistance campaigns and "third world" struggles for legitimate governance achieve a greater amount of real participation within the processes of the external entities and institutions that are indeed the major repositories of the framework governance of "third world" states, begin to pay even greater attention to the need for their governance praxis to be guided by and referenced through a politics that is mass-based, and realise the imperative need to weave effective but more equal networks with relatively empathetic minds outside the "third world," they will be less likely to appreciably advance their agenda in the coming millennium. The point is not of course that "third world" activists have not tried to combine micro-strategies in the past.

All too often attempts by "third world" states to participate on a more equal basis in global politics, economics, and norm-creation or implementation have been frustrated and ridiculed.<sup>52</sup> Many of the past attempts of

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<sup>52</sup> See for instance the ridicule that first greeted assertions made by "third world" states of their right to development. For account of this, see O.C. Okafor, "The



made "third world" scholars and activist to reflect and voice the deepest yearnings of their peoples have been dismissed and pilloried.<sup>53</sup> Far too many attempts by "third world" activists to forge more equal networks with like-minds outside the "third world" have resulted in very disappointing and de-mobilising rehashes of all-too-subtle, but nevertheless recognisable and familiar, indications as to the "place" that "third world" activists ought to occupy in the international division of intellectual and activist labour.<sup>54</sup> The point is that given the global nature of the emerging political economy of governance and resistance, there is an even greater need for these "third world" activists to re-conceive their strategies and orient them once again in the suggested directions, so as to have the chance of being more effective within the emergent international context. For, as this millennium begins and another ends, there is little room to be sanguine as to the potential for success of those struggles for legitimate governance in "third world" states that remain oblivious of the substantial migration of real power away from nation-states in general, and "third world" states in particular.

#### A. *Cautious Participation as an Imperative*

Given the fact that, historically, the international system has commonly been wrought and constructed without the full and equal participation of "third world" states,<sup>55</sup> and that there is increasing evidence for the view that the contemporary international order continues to reflect this historic disposition to exclude the "third world" from equal participation in global governance,<sup>56</sup> the imperative for the real participation of "third

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Status and Effect of the Right to Development in Contemporary International Law: towards a South-North 'Entente' (1995) 7 *African Journal of International and Comparative Law* 865.

<sup>53</sup> For instance, Professor Makau wa Mutua has offered an account of the ridicule that greeted many of the innovative features of the African Charter of Human and Peoples' Rights right from the moment of its adoption. See M. wa Mutua, "The Banjul Charter and the African Cultural Fingerprint: An Analysis of the Language of Duties" 35 *Virginia Journal of International Law* 339-380. It is noteworthy that today many of these same features that were ridiculed in the literature have now been embraced by the mainstream human rights literature!

<sup>54</sup> See for instance J. Oloka-Onyango and S. Tamale, "'The Personal is Political' or Why Women's Rights are Human Rights: An African Perspective on International Feminism" (1995) 17 *Human Rights Quarterly* 691 at 698.

<sup>55</sup> See R. Falk, "Historical Tendencies, Modernising and Revolutionary Nations and the International Legal Order" (1962) 8 *Howard Law Journal* 128 at 133-135.

<sup>56</sup> See R. Falk, *id*; Anghie, *supra* note 21; and Oloka-Onyango and Tamale, *supra* note 54, at 698-700.

world" activists in the international arena becomes clear. After all, it is at this level that the external entities that presently dominate framework governance in the "third world" operate.<sup>57</sup> For good or for bad, with or without the participation of the "third world," the policies and programs of these external institutions that ultimately control framework governance in the "third world" will be constructed and re-constructed in the coming millennium. Such governance policies and programs have in the past been authored and re-authored without the equal participation of the "third world", and unless the "third world" obtains access to more equal participation in these institutions, it will continue to bear the brunt of framework governance policies designed without their input.<sup>58</sup> As Joe Oloka-Onyango and Sylvia Tamale have put it in the context of African women's (non)role in the international women's movement:

"The point to remember is that the process of defining, articulating, and executing the agenda . . . at the international level will take place with or without the involvement of [the] third world . . . This is largely due to the differential access to the international institutions of decision-making at which such agendas are ramified, in addition to the 'mis-

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<sup>57</sup> In this connection it is crucial to remember that the governance experience of the peoples of "third world" states are not, and have not in recent history been, a sole function of their own domestic choices. See T.M. Shaw and C. Adibe, "Africa and Global Developments in the Twenty-First Century" (1995) *LI International Journal* 1. B.S. Chimni, "The Geopolitics of Refugee Studies: A View from the South" (1998) *Journal of Refugee Studies* 350; and J.E. Nyang'oro and T.M. Shaw, "Introduction: African Development in the New Division of Labour" in J.E. Nyang'oro and T.M. Shaw, *Beyond Structural Adjustment in Africa* (New York: Praeger, 1992) at 3.

<sup>58</sup> Given the increasing recognition (even by the IMF and the WB) that the people in whose country they work must participate fully in the implementation of IMF and WB projects, and the recognition in the theoretical literature that policies and projects designed in a "top-down" way are less likely to succeed than policies and projects designed with the active participation of the people for whom the policies and project affect the most, this tendency for international or external institutions to design and implement policies and projects in the "third world" without the dominant participation of the relevant peoples is startling. For the WB's adoption of the discourse of "ownership", see, for example, *THE WORLD BANK, STRENGTHENING THE EFFECTIVENESS OF AID: LESSONS FOR DONORS*, ix (Washington, DC: The World Bank ed., 1995).

sionary zeal' and jingoism by which such activities are frequently driven.<sup>59</sup>

What, however, does cautious participation in these international institutions and processes mean to contemporary "third world" rights and governance activists as they struggle to resist forms of illegitimate governance and enthrone or consolidate regimes of legitimate governance in their target societies? Viewed from the more holistic optic of the contemporary global political economy, it would seem that this implies a concerted effort to foster effective participation in the decision-making processes of international institutions such as the IMF, the WB, and the United Nations Security Council, in the processes of transnational corporations, as well as a number of the most powerful domestic centres of power (such as 1600 Pennsylvania Avenue and 10 Downing Street). Now, as used here, "participation" does not necessarily imply or involve membership or formal inclusion. Participation can occur if indeed the relevant activists are able to exert significant influence on the character of the decisions that are made by these external entities. For example, in general, Non-Governmental Organisations (NGOs) *sometimes* affect the play of international politics without formal inclusion or membership of the institutions or processes in which such politics occurs.<sup>60</sup>

What then would cautious participation in the IMF, the WB, and the UNSC mean for "third world" legitimate governance activists? What would such participation mean for these activists in the context of their obvious lack of membership in, access to, and influence in, such international institutions? While it is true that NGOs sometimes exert a modicum of influence on these institutions, it is also true that such NGOs as are able to do so are almost exclusively of northern pedigree. Nevertheless, as programmatically oriented as they are, the ideals aspired to by "third world" activists must exceed their present reach. The ideal of radically transforming the heartland of the international framework governance process in order to contribute more effectively to the shaping of the policies that constitute the framework governance of "third world" states is on its own unimpeachable. What is more doubtful is the extent to which this ideal can be actualised.

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<sup>59</sup> See J. Oloka Onyango and S. Tamale, *supra* note 54 at 698.

<sup>60</sup> See L. Gordenker and T.G. Weiss, "NGO Participation in the International Policy Process" (1995) 16 *Third World Quarterly* 543; P. Uvin, "Scaling Up the Grassroots and Scaling Down the Summit: The Relations Between Third World Non-Governmental Organisations and the United Nations" (1995) 16 *Third World Quarterly* 495.

The IMF and WB are themselves aware that they can no longer ignore the movement for legitimate governance in these states. These institutions are increasingly becoming aware that the days of their behind the scenes, non-accountable, framework governance of the "third world," when they could without qualms turn a deaf ear to NGOs and "third world" activists,<sup>61</sup> are numbered. This is partly because of the just emerging recognition on the part of domestic-based "third world" activists of the imperative need to begin re-locating the struggle for legitimate governance in "third world" states to the boardrooms, bureaus and bistros where relevant IMF, WB and UNSC operatives may be found, whole maintaining internal efforts, barrios, and bingos of "third world."<sup>62</sup> The IMF and the WB are beginning to institute processes through which they can interact with NGOs and civil society groups.<sup>63</sup> In Paul Nelson's words, "[t]he World Bank has climbed onto the NGO bandwagon in a big way."<sup>64</sup> The same applies to the IMF, so much so that Jan Aart Scholte has recently declared that, "interchanges between the IMF and Civil Society have grown considerably in the 1990s. This budding dialogue has much potential."<sup>65</sup>

The methodology for such dialogues between either the IMF or the WB and civil society groups consists mostly in informal processes such as The NGO-World Bank Committee established in 1984 (bringing 26 or so NGOs together with several WB staff for semi-annual discussions), the North American NGO Forum (initiated by the WB), and the NGO Parallel Conferences coinciding with the Annual Meetings of the WB (for example such conferences have taken place in Berlin in 1988, Bangkok, 1991, and Washington 1989-90).<sup>66</sup> This is because the formal organs of these institu-

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<sup>61</sup> See PAUL J. NELSON, *THE WORLD BANK AND NON-GOVERNMENTAL ORGANISATIONS: THE LIMITS OF APOLITICAL DEVELOPMENT 1* (Houndmills: Macmillan 1995); Mark Robinson, *Political Conditionality: Strategic Implications for NGOs*, in *AID AND POLITICAL CONDITIONALITY*, *supra* note 1, at 360, 360-376.

<sup>62</sup> For example the leaders of the Nigerian Labour Conference have recently held a series of meetings with the IMF staff, including its Managing Director, at which they insisted that the IMF respect the rights of workers in Nigeria. See *supra* note 62.

<sup>63</sup> See J.A. Scholte, "The IMF Meets Civil Society" (1998) *Finance and Development* 1; L. Gordenker and T.G. Weiss, "NGO Participation in the International Policy Process" (1995) 16 *Third World Quarterly* 543; B. Beckman, *supra* note 16.

<sup>64</sup> *Supra* note 61.

<sup>65</sup> *Supra* note 63 at 1.

<sup>66</sup> See P.J. Nelson, *supra* note 61 at 56-59. See also J.A. Scholte, *supra* note . . . . . at 7 (regretting that IMF-civil society dialogue has on the whole been

tions are far less open to civil society than other sister UN agencies.<sup>67</sup> There exists, however, a more or less semi-formal process via which civil society groups can request a WB Independent Inspection Panel to investigate a complaint regarding a particular project's capacity to harm any individual's or group's rights and interests, because the bank has not followed its own policies and procedures.<sup>68</sup> The Panel reports to the Executive Directors of the Bank. This process does not, however, affect WB broad policies and is not binding on the bank.

Though there are a number of important reasons for the "endorsement" of such a dialogue by the IMF and the WB,<sup>69</sup> it must not be forgotten that these processes and interactions were predominantly for the most part instituted as a way of "managing" criticisms of their policies. For example, it is the WB's practice to advertise its rather *ad hoc*, pragmatic, and informal engagement with NGOs and civil society,<sup>70</sup> while at the same time seeking to minimise the damage it could sustain from criticisms levelled at it by these segments of society.<sup>71</sup> Thus, while the quantity of civil society interactions with the WB and the IMF are on the rise, troubling questions remain as to the quality of such interactions and collaboration.<sup>72</sup>

The difficulties in the way of such civil society-WB and civil society-IMF interactive and collaborative projects are many, and quite intense. For one, the language that is spoken by the decision-makers at the IMF, the WB and the UNSC is, all-too-often, not the language of global-level democratisation or re-distribution.<sup>73</sup> Rather, it is a language that is steeped in hierarchies, specialisation, technical expertise, paternalism, and firm control over the operations that they carry out.<sup>74</sup>

Again, tutored by their recent history, one cannot be sanguine as to the possibility of the reform of these bodies in a way that allows the voices of "third world" states let alone "third world" activists to be heard and really respected within the formal decision-making organs of these interna-

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weakly institutionalised and haphazardly sustained); and P. Uvin, *supra* note 60 at 500-508.

<sup>67</sup> *Id.* at 2.

<sup>68</sup> On this process, see <<http://www.worldbank.org/html/ins-panel>>. The Bank has to date received a over a dozen requests for inspection panels. *See id.*

<sup>69</sup> These include the need for the exchange of information, policy debates, a channel from which the IMF and the WB can gauge public opinion. *See id.* at 2-3.

<sup>70</sup> *See* P.J. Nelson, *supra* note 61 at 2.

<sup>71</sup> *Id.* at 3.

<sup>72</sup> *Id.* at 67.

<sup>73</sup> *See* P.J. Nelson, *supra* note 61 at 9.

<sup>74</sup> *Id.*

tional institutions.<sup>75</sup> There is little evidence that the IMF or the WB have on a sustained basis entered discussions with "third world" activists willing to listen, learn from, or accommodate the activists.<sup>76</sup> As it stands, activist civil society groups act mostly as implementers of some aspects of the projects of these institutions, not as a part of the broad policy decision-making process.<sup>77</sup> Even in the 25% or so of cases where they are allowed to participate in the design process, such participation has been limited to the design of specific micro-projects, not in the design of governance policy.<sup>78</sup>

Moreover, if it were possible that for civil society groups (whether or not of "third world" pedigree) to significantly affect the processes and outcomes of policy design by these institutions (a prospect that seems rather dim at the moment<sup>79</sup>), location and resources would still pose huge obstacles in the way of "third world" activism.<sup>80</sup> It is not difficult to imagine the difficulty of arranging for a "bus-load" of "third world" activists to fly to Washington DC from Indonesia in order to picket the promises of the IMF. Even if they could raise the hundreds of thousands of dollars needed to run such a campaign in an effective way, one cannot be very optimistic about their ability to secure entry visas into the countries where the relevant institutions are located.<sup>81</sup> Nor can one be easily convinced of the reasonableness of spending a fortune on one very short campaign of resistance.

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<sup>75</sup> In the first place these institutions are not run democratically and operate decision-making processes that are based on weighted voting, a fact that skews their policy orientation in the favour of the foreign policy objectives of a handful of powerful states. *See id.* at 30-31 and 35.

<sup>76</sup> *See* Scholte, *supra* note 63, at 7.

<sup>77</sup> *Id.* at 67-68.

<sup>78</sup> *Id.*

<sup>79</sup> For one the WB and the IMF are usually wedded to a particular fundamental ideology or point of view which they want to entrench by selecting information and processes in ways that maintain a consistent view of the world, and of its role in that world. *See* P.J. Nelson, *supra* note 61 at 9. For another, implementation rather than policy design is the dominant role that these institutions assign to NGOs within the framework of collaborating with them. *See id.* at 8.

<sup>80</sup> Paul Nelson has shown how the location of these institutions in Washington Dc, the capital of the USA, is a considerable obstacle to their collaboration with civil society. *See id.* at 4.

<sup>81</sup> This question about access to visa is not trivial in the least given the prevailing anti-"third world" im migrant mood in most states of the hemispheric north. *See* B.S. Chimni, *supra* note 81.

Again, in the context of the inability of a numerical majority of "third world" states to make the WB or the IMF accountable to them<sup>82</sup>, optimism also falters regarding the capacity of civil society-WB and civil society-IMF collaborations to, for any duration, *fundamentally* alter either the guiding ideologies of these institutions or the framework policies and practices with which they deal with the "third world."<sup>83</sup> These institutions are far too rooted in a particular view of what international society ought to "look like" to be that malleable or responsive. And this scepticism would be enhanced especially if these civil society groups originate in the "third world." This point is maintained even in the face of my measured optimism as to the possibility of long term gains. I believe, though, that Jan Scholte may have been a little too optimistic in his assessment of the present status of NGOs within the IMF system when he declared, *inter alia*, that:

"The IMF has also enlarged its agenda and reshaped several broad policy lines - in part, at the urging of certain civil society groups - and is now devoting more attention to such issues as poverty, environmental degradation, social spending, military expenditures, corruption and capital markets."<sup>84</sup>

The important point, however, is that there is some room for "third world" activism within these institutions; room that ought to effectively utilised. Moreover as Scholte has also noted, "[t]he IMF's policy changes may often have fallen short of what civic groups had hoped for, but changes there have been."<sup>85</sup>

It must be noted though that despite their historic inability and present incapacity to fundamentally alter the ideologies that guide the work of the IMF and the WB, a number of "third world" NGOs have waged concerted campaigns to force policy changes by the WB and/or the IMF.<sup>86</sup> For example, many of the organisations that constitute the Philippine freedom from Debt Coalition see the WB and the IMF as principal agents behind the policies of the Philippine government toward debt servicing, investment and trade, and work on changing IMF and WB policies.<sup>87</sup> Also, many Indian NGOs have a history of domestic activism regarding WB projects.<sup>88</sup>

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<sup>82</sup> See P.J. Nelson, *ibid* at 176.

<sup>83</sup> *Ibid.*

<sup>84</sup> See J.A. Scholte, *supra* note 63 at 5-6.

<sup>85</sup> *Ibid* at 6.

<sup>86</sup> See P.J. Nelson, *supra* note 61 at 51. See also *ibid* at 4-5.

<sup>87</sup> *Id.* at 52.

<sup>88</sup> *Id.* at 52-53.

These geo-strategic difficulties perhaps make the best case for an attempt to embrace south-north networks based on a new framework that ensures mutual respect, and to the extent that it is possible, shared ambitions and interests.

*B. Alternative and More Equal Forms of Networking*

The potential practical futility of physically re-locating mass-based "third world" struggles for legitimate governance to the foyers and grounds of the IMF, the WB, and the UNSC, is perhaps one of the best arguments for the construction of genuinely alternative forms of networking among like-minds across the "third world"/western or south/north divide. It is also one of the best arguments for the use of information technology to bridge the geo-resource and visa gap between activists in the third world and powerful institutions of governance located in the north. But in this last case, the resource gap between north and south will almost certainly mean that only a resort to alternative and more equal forms of networking will ensure that the objectives of "third world" resistance campaigns will have even a remote chance of success in the emerging global political economy.

The problem with this proposal for even more intensive and extensive south-north networking is that it demands from "third world" activists a faith in the capacity of northern activists to accurately give voice to their innermost thoughts and represent adequately to the relevant international centres of power their often peculiar perspectives and priorities. Yet this is a doxological requirement that is not easy to justify in the face of the historical experience of the "third world" with both defunct and existing south-north networks. For instance, a number of scholars have written of the tendency of many western activists to (un)consciously substitute their own experiences and priorities for those of their partner "third world" activists, thereby assuming as inherently universal a mono-constituted experience of suffering and resistance which is almost entirely based on their own northern experience, and which is thus virtually fictional.<sup>89</sup> Others have written of the tendency of western activists to exhibit paternalistic attitudes toward "third world" activists, or to attempt to coopt them to the pursuit of a ready-made agenda, one that was determined with little or no in-put from "third world" activists.<sup>90</sup> So, for instance, the African Charter of Human and Peoples Rights is all too often pilloried as not conforming to some pre-deter-

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<sup>89</sup> See for instance K. Mickelson, *supra* note 7 at 387; and V. Nesiya, "Toward a Feminist Internationality: A Critique of U.S. Feminist Legal Scholarship" (1993) 16 Harvard Women's Law Journal 192.

<sup>90</sup> See for instance, J. Oloka-Onyango and S. Tamale, *supra* note . . . at . . . ; and M. wa Mutua, "Ideology" *supra* note 54.



mined, ready-made, conception of what a human rights treaty ought to "look like."<sup>91</sup> Consequently, Ogoni es for economic and social justice are too hastily framed as basically struggles that emphasise the violation of their civil and political rights.<sup>92</sup> Still others have written of the related issue of the intellectual division of labour that characterises such north-south networks in which "third world" activists are all too often reduced to the position of mindlessly applying all sorts of (mostly esoteric) theoretical frameworks developed without reference to their own concrete historical experience, priorities, or particularities.<sup>93</sup>

This historically unsatisfying experience of "third world activists" with south-north networks has brewed a fair amount of mutual suspicions both within and among each side of the south-north intellectual divide. However, as many "third world" and northern scholars/activists continue to recognise, the need to network has become even more imperative in the new political economy of this emergent millennium, and must in the end be allowed to work.<sup>94</sup> Such south-north intellectual/activist networks must, however, shed their all too common tendencies toward inequality and a non-egalitarian intellectual division of labour. Such networks must aim toward a more equal kind of partnership; one that does not explicitly or implicitly frame a section of the network as the core of the movement and the "other" the periphery. None of the two sections must act as if it is itself an establishment against which the "other" must struggle for attention and respect.<sup>95</sup>

"Third world" activists are no better served by an "establishment leftism"<sup>96</sup> that marginalises them and disrespects their experiences than they

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<sup>91</sup> See M. wa Mutua, "Banjul Charter" *supra* note 53.

<sup>92</sup> See for instance O.C. Okafor, "International Law, Human Rights, and the Allegory of the Ogoni Question" in E.K. Quashigah and O.C. Okafor, eds., *Legitimate Governance in Africa: International and Domestic Legal Perspectives* (The Hague: Kluwer Law International, 1999) at 515.

<sup>93</sup> See J. Oloka-Onyango and S. Tamale, *supra* note 54; and M. wa Mutua, "Ideology" *supra* note 22; and B. de Sousa Santos, "Toward a Multicultural Conception of Human Rights" (1997) 18 *Zeitschrift fur Rechtssoziologie* 1.

<sup>94</sup> *Ibid.*

<sup>95</sup> I am reminded of the now famous critique of the core of the critical legal studies movement by Patricia Williams' and other critical race scholars as another kind of establishment. For example, see P. Williams, "Alchemical Notes: Reconstructing Ideals from Reconstructed Rights" (1987) *Harvard Civil Rights-Civil Liberties Law Review* 412.

<sup>96</sup> This term refers to a core left agenda advanced by an established group of activists and scholars that brooks little dissent from their very narrow formulation

are by any other set of policies. Both sections of the proposed south-north network must be involved in re-authoring and re-making the core agenda and direction of the global-level movement spawned by the network. For as Joe Oloka-Onyango and Sylvia Tamale have put it:

“. . . attempts must be made to overcome the strictures to *genuine* solidarity and transnational mutual respect and commonality. Such a process must be consciously undertaken not only as part of the transformative challenge, but also in the quest for cross-pollination and fertilization of ideas and strategies.”<sup>97</sup>

The imperative of cautious participation or enhanced cautious participation of “third world” activists in the relevant international institutional processes that are the repositories of the framework governance of the “third world,” it is important to re-emphasise the enormity of the task that such activists face simply because they originate in the “third world.” Scarce as financial resources are in the “third world,” civil society groups that originate therefrom, face the additional hurdle of access to the sites where these institutions make the target broad policy decisions in issue; Sites that are pre-dominantly located in extremely expensive northern cities like Washington DC, New York and Geneva.<sup>98</sup> This confers a very significant and distinct advantage on civil society groups that are based in the north.<sup>99</sup> As Jan Scholte has clearly articulated, “[o]ther inequalities in the IMF-civil society dialogue have favoured associations based in the North over groups located in the South.”<sup>100</sup> Likewise, groups based in urban areas (especially capital cities) have generally had greater access than groups based in rural areas.<sup>101</sup> To be sure, male-dominated groups have enjoyed far more access than women’s groups. Thus, access to and participation in these institutions is far from egalitarian. In practice, “third world” NGOs are only able to participate if they have strong northern support.<sup>102</sup> Worse still, Paul Nelson has found that Washington NGOs select which “third world” causes to voice to and which to disregard in accordance with their

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of *the* agenda that every progressive south-north network ought to pursue, regardless of the genuine differences in opinion that often exist. This reproduction of imperialism and panopticism in an activist setting is quite troubling indeed.

<sup>97</sup> See J. Oloka Onyango and S. Tamale, *supra* note 54 at 700. Emphasis supplied.

<sup>98</sup> See P.J. Nelson, *supra* note 61 at 63.

<sup>99</sup> *Ibid.*

<sup>100</sup> See J.A. Scholte, *supra* note 63 at 6-7.

<sup>101</sup> *Ibid* at 7.

<sup>102</sup> See Uvin, *supra* note 60, at 508.

own Washington DC priorities, the interests of their private financiers, and the wishes of their staff!<sup>103</sup> This often leads to the drowning out of southern voices.<sup>104</sup> Yet, many of these Washington based NGOs often claim to represent particular “third world” peoples,<sup>105</sup> and on occasion even claim to represent these peoples more than their own governments.<sup>106</sup> This is a phenomenon which understandably irks many a “third world” leader.<sup>107</sup> It is also a phenomenon which reminds us of the all too common tendency of many northern-based activist organisations to consciously or unconsciously silence or co-opt the agenda of its “third world” partner(s).“

While “third world” scholars/activists must remain very wary and resist any agenda that attempts to paternalistically co-opt them, they must also be mindful of the imperative need for them to establish alternative and more equal forms of networks with relatively empathetic scholars/activists in the north. Heed must be paid to this imperative if the struggles for legitimate governance in “third world” states are to have a chance of significantly influencing the workings and policies of the emergent external repositories of the framework governance of “third world” states; be these entities the IMF, the WB, or the UNSC. However, both “third world” and western activists must not forget that at sustainable success depends on the agendas and praxis that are clearly oriented to serve the genuine needs and desires of the mass populations of “third world” states, and are not merely a reflection of their own private desires for these masses.

### C. *(Continuing) Resort to Mass-Based Politics*

The increasingly global nature of political economy, the relative relocation of “third world” framework governance to places and agents external to the relevant states (i.e. the fact that the governance of “third world” states does not exclusively take place at the domestic level); and the consequent strategic imperative of ensuring that a substantial portion of the struggle for legitimate governance is effectively directed against the relevant external repositories of the framework governance of “third world” states, also suggest an additional strategic imperative. This imperative stems from the logical fear that the increasing preoccupation of “third world” activists with things global, with distantly located international institutions and external entities, and the consequent devotion of much of their resources to

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<sup>103</sup> *Supra* note 61 at 63.

<sup>104</sup> *Ibid* at 64.

<sup>105</sup> *Ibid*.

<sup>106</sup> *Ibid*.

<sup>107</sup> *Ibid*.

the prosecution of global-level struggles, might eventually result in the increasing alienation of “third world” legitimate governance activists from the masses of the population of “third world” states whose voices it is that they are supposed to amplify and channel to the various sites where “third world” governance takes place. Ultimately, this situation might even result in a potential disjuncture between the actual demands, needs and priorities of the masses, and the specific content of the agenda that is privileged, prosecuted, and pursued by the very activists who ought to represent their interests. For instance, “third world” civil society groups may soften their position(s) just in order to seem more acceptable to the WB or the IMF, and thus be co-opted by the agenda of the institution itself.<sup>108</sup> Moreover, the threat of intellectual or practical punishment for not singing the IMF or WB tune is often real to the activist (“third world” or otherwise). For instance, Beckman has recorded the ways in which the Structural Adjustment (SAP) enthusiasts and WB staff have tried intently to discredit the intellectual and activist resistance to their SAP policies.<sup>109</sup> Faced with the often high costs of continued opposition to SAP, many a “third world” activist may “pass” into the pro-SAP alliance. This fear is especially potent in the context of the seductiveness of the rewards of cooperation with these entities.

One way of ensuring that these kinds of fears are not vindicated within the context of the seemingly inexorable pursuit of more global-level activism by “third world” activists is for such activists to resort, or continue to resort to, a more mass-based politics. Only in this way can “third world” legitimate governance struggles continue, against the obvious odds, to reflect the particular needs and aspirations of the relevant populations. Only by ensuring, with a sense of heightened urgency, that activists retain a fundamental connection with the genuine yearnings of those whose lives they seek to ultimately improve can these activists resist, with some amount of success, the temptation of *kow-towing* to an array of external (but powerfully seductive) framework governance entities that all-too-often discount the need for the real pursuit of such mass-based politics. In tune with the needs and aspirations of her or his constituency, armed with their support and encouragement, and conscious of the enormity of their often heart-rending circumstances, the “third world” legitimate governance activist of this emergent millennium will be better equipped to resist with success the co-optive tendencies of the agendas and movements that currently dominate the discourses and practices of framework or other forms of governance in both “third world” and western states.

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<sup>108</sup> See P. Uvin, *supra* note 60 at 505.

<sup>109</sup> See B. Beckman, *supra* note 16 at 88-92.

This resort to a mass-based politics is also imperative for another reason, one that has been so well stated by Wilson and Whitmore that I will reproduce that statement in its entirety. In their view:

“. . . efforts to internationalise social policy in a positive direction must be rooted in solid work at the *local and national levels*, in popular sectors from which new leadership is emerging, and in the mobilisation of political forces to make accountable the politicians and bureaucrats who coordinate their actions at the international level.”<sup>110</sup>

#### V. CONCLUSIONS

These early moments of this millennium are a transitional moment, a time without borders, a time for deep reflection, a time of paradigmatic transformation; a moment that the movement for legitimate governance in contemporary “third world” states must seize and transform for the eventual good of all of us.<sup>111</sup> It is in this context that the arguments that have been offered in this paper and the suggestions made therein have been conceived. These arguments were that: as we begin the new millennium, the deep structure of “third world” governance is not just altering, but it is changing in an increasingly fundamental way; that these changes, *inter alia*, for good or for bad, involve a highly significant increase in the pace and quality of the relative re-location of the framework governance of “third world” states to entities that are external to these states; that a realisation of this demonstrable externalisation of “third world” framework governance in our time imposes an imperative on the ways in which struggles for legitimate governance, and resistance to illegitimate governance, are most effectively conceptualised and conducted; that this imperative re-conception of struggles for legitimate governance in the “third world” ought to involve the re-location of a lot more of the resources and energies devoted to such struggles in ways that acknowledge and factor in the relative externalisation of “third world” framework governance in our time; and that, if these relative externalisations of “third world” struggles for legitimate governance is to have an enhanced chance of bearing regular fruits, the leadership and membership of these struggles must also re-conceptualise much of their strategies

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<sup>110</sup> See M.G. Wilson and E. Whitmore, “The Transnationalisation of Popular Movements: Social Policy Making From Below” (1998) 14 *Canadian Journal of Development Studies* 7 at 26.

<sup>111</sup> See B. de Sousa Santos, “Three Metaphors for a New Conception of Law: The Frontier, The Baroque and the South” (1995) 29 *Law and Society Review* 569.

and tactics in order to reflect the breadth and depth of this changing nature of governance and resistance in "third world" states.

Consequently, "third world" struggles for legitimate governance ought no longer be just unilinear "*descending order struggles*" in which the international community and "third world" activists struggle almost exclusively against "third world" governments. Such struggles must, in addition, become much more complicated and realistic by embracing the concepts and practices of "*ascending order struggles*" for legitimate governance, in which the very location of "third world" governance is itself questioned, in which the relative re-location of framework governance to places and agents external to the "third world" is appreciated, in which the foregoing imperatives are fundamentally factored into their choice of appropriate sites of struggle and resistance, and incorporated in their conceptualisation and operationalisation of their strategies and tactics of resistance.

In this connection, it might be instructive to re-examine not-too-distant struggles for legitimate governance in "third world" states such as the struggles against colonial domination in the 1940s, 1950s and 1960s<sup>112</sup>, and the struggles against neo-colonialism in the 1960s and 1970s.<sup>113</sup> Much to their credit, and in spite of their recognition of the very significant and shameful role played by internal forces, neither of these struggles discounted in any appreciable measure the role of external entities in the immiseration of the lives of the "third world" peoples of their own time. Neither discounted the fundamental imbrication of external institutions in the denial of legitimate governance to "third world" peoples. Neither, to put it succinctly, was a descending order struggle exclusively. Yet at neither of these two historical moments was the capacity of "third world" peoples for self-regulation as fundamentally and extensively hemmed in by an externally constructed framework governance regime as is beginning to be the case today. This is of course not to deny the depth and breadth of the colonial project in the "third world" of the late 19th and early to mid 20th centuries, but to affirm that even at that time, the third world could still aspire to effective self-governance, an aspiration that is perhaps lame today in the context of ever-increasing and most effective appropriation of their framework governance by entities external to them.

In view of this fact, what is most curious today is the extent to which, for the most part, the leadership of mainstream "third world" struggles for legitimate governance seem to have consciously or unconsciously

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<sup>112</sup> See for e.g. F. Fannon, *Black Skin, White Masks* (New York: Grove Weidenfeld, 1967); and A. Memmi, *The Colonizer and the Colonised* (New York: Orion Press, 1965) at 120.

<sup>113</sup> See K. Nkrumah, *supra* note 48.

discounted the imperative for ascending order struggles, at precisely the same moment that such struggles are becoming most imperative as a complement to domestic legitimate governance struggles. No wonder then that that tremendous overpowering energy of virtually instant mobilisation exhibited by “third world” activists in the earlier struggles for legitimate governance in “third world” states is all-too-often absent in today’s struggles. This call for an exhumation of the graves of past “third world” struggles for legitimate governance in search of the transformative energy that is now needed to move the project of “third world” legitimate governance further along might seem like the off-shoot of romantic remembrances, of an (un)justified valorisation of past post-colonial struggles. Regardless of the merit of this potential accusation, which is not at all conceded, it must be kept in mind that not every re-examination of the past is of necessity a retrograde excursion. For after all, as Benita Parry has convincingly argued:

“Does revisiting the repositories of memory. . .in the cause of post-colonial re-fashioning have a fixed retrograde valency? Such censure is surely dependent on *who* is doing the remembering and *why*. . .”<sup>114</sup>

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<sup>114</sup> See B. Parry, “Resistance Theory/Theorising Resistance or Two Cheers for Nativism?” in F. Barker, P. Hulme and M. Iversen, eds., *Colonial Discourse/Postcolonial Theory* (Manchester: Manchester University Press, 1994) at 174. Emphasis supplied.