

Contemporary International Law and the Peripheral Status of Africa: A Critical Analysis

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Abstract: *In this essay, an attempt is made to examine the role and place of Africa in the contemporary international legal system, and to also draw attention to the problems which confront the continent in that system. The essence of this paper is to highlight the disadvantaged position of Africa in the international legal system; examine the historical circumstances that facilitated the emergence of the international legal framework; and support the call for a restructuring of the international legal order. In this study, it is clear that international law is presently skewed in favour of the developed and powerful countries while the poor and weak states are almost ignored. Moreover, it is discovered that international law can hardly be enforced- especially when the powerful states are the violators- and this raises questions about its effectiveness. It is concluded that an international legal order that guarantees the welfare of the strong and neglects the weak is unjust and inequitable.*

Keywords: *Law, International Law, and Periphery.*

I. Introduction

“Africans have to fight for evenness in interpreting and enforcing international law or the law will get discredited as people perceive it to be more of politics and less of law deserving of respect and acceptance”
Bolaji Akinyemi. (cited in Akinyemi, 2012: 170).

The above assertion by an eminent Nigerian Political Scientist underscores the growing frustration and disenchantment of Africa and the underdeveloped world with international law and the international legal order. This essay seeks to examine the role and place of Africa in contemporary international legal system as well as highlight the problems or constraints faced by Africa in, and its contributions to, contemporary international law. This shall be done against the backdrop of the underdevelopment of Africa and its peripheral position in the international political and economic system. An attempt shall be made to reinforce the view that in the international legal system, Africa- in spite of its gargantuan human and material resources- occupies an egregiously insignificant and subservient position. There is no doubt that Africa is unjustifiably neglected in the international legal order, which is itself an integral part of a global order- which is exploitative, unjust, and glaringly anti-South and pro-North.

This essay is composed of five sections. The first is the introduction; in section two, an attempt is made to situate the concepts of law and international law in some definitional perspectives. The origin and evolution of international law are discussed in section three; in section four, we attempt to examine the contributions of Africa to international law as well as the problems faced by the continent in the international legal system. Section five contains the concluding remarks.

II. Understanding Law and International Law

It is important to clarify the key concepts employed in this essay- “law” and ‘international law’- in order to enrich the understanding of the issues being discussed. This becomes even more imperative given the fact that there is no one definition of law and international law which is universally applauded as the most acceptable. So, to navigate out of this “definitional dilemma” (Heywood, cited in Obo and Williams, 2007: 2), we shall highlight some of the views of authors and scholars on the meanings of these concepts. Indeed, as Chafe (cited in Ojo, 2006:17) has rightly observed, “the primary requirement for debating anything is to understand first and foremost the critical thing being talked about”.

Law can be conceptualized as a set of public and enforceable rules that apply throughout a political community and it is usually recognized as binding. It is a distinctive form of social control backed by the means of enforcement; it defines what **can** and what **cannot** be done. Law is an attempt to constrain behaviour, and for it to be effective, there must be some way to interpret when a given action runs afoul of the law and to enforce the requirements of the law (Heywood, 2007:325-326; Ethridge Handelman, 2010:554).

Law can also be defined as a set of rules or expectations that govern the relations between the members of a society, that have an obligational basis, and whose violation is punishable through the application of sanctions by society. It is the obligational character of law that distinguishes it from morality, religion, social

mores, or mere protocol. This view implies that three fundamental conditions must be present if law can be said to exist in a society: a process for developing an identifiable, legally binding set of rules that prescribe certain patterns of behaviour among societal members (i.e a lawmaking process); a process for punishing illegal behaviour when it occurs (i.e a law-enforcement process); and a process for determining whether a particular rule has been violated in a particular instance (i.e a law-adjudication process) (Pearson and Rochester, 1992:313-314).

On its part, the **Encyclopedic World Dictionary** defined law as:

(1) The principles and regulations emanating from a government and applicable to the people, whether in the form of legislation or of custom and policies recognized and enforced by judicial decision, (2) any written or positive rule, or collection of rules, prescribed under the authority of the state or nation, whether by the people in its constitution as the organic law, or by the legislature in its statute law, or by the treaty-making power, or by municipalities in their ordinances or bylaws (cited in Nwolise, 1988:38-39).

While refining the approach of “legal positivism”, H.L.A. Hart had suggested that law stemmed from the union of “primary” and “secondary” rules, each of which had a particular function. Primary rules regulate social behaviour and can be thought of as the “content” of the legal system. Secondary rules, on the other hand, are rules that confer powers upon the institutions of government. They lay down how primary rules are made, enforced and adjudicated, thus determining their validity (Heywood, 2007:326).

In his own analysis, Henkin (1979:13-14) reasons that in domestic society law includes the scheme and structure of government, and the institutions, forms, and procedures whereby a society carries on its daily activities; the concept that underlie relations between government and individual and between individuals; the status, rights, responsibilities and obligations of individuals and incorporated and non-incorporated associations and other groups, the relations into which they enter and the consequences of these relations.

On his part Ekpebu (1999:96-97) makes an interesting distinction between two kinds of law namely “descriptive and perspective” law. He contends that law in the descriptive context operates mostly in the natural sciences and it describes relations that are constantly observed, provides records of constantly reoccurring phenomena, and describes indisputable patterns of occurrence, as with the law of gravity. The prescriptive law, according to him, is what is generally applicable in the society, and in this sense, it prescribes rules of right which are meant to determine human behaviour. It also articulates and strives to promote and maintain a prescriptive system of values. It is a code of do’s and don’ts. Ekpebu also points out that in prescriptive law, enforcement is effected usually by external force like the police, army, the courts, traditions, etc. In his opinion, prescriptive law exists and is practised in different forms and at different levels. In the sub-national level, it takes the form of rules and regulations of societies, social clubs and other domestic organizations. At the national level, it forms the basis of the national legal system. This law is also maintained and practised at the international legal system.

From the foregoing, it is clear that law can be regarded as a set of rules and regulations (or benchmarks) which guide or regulate the behaviour and attitudes of people in the society as a whole, clubs, organizations, associations or institutions. Such rules and regulations also spell out sanctions against violations.

On its parts, the very notion of “international law” has been questioned by some writers who say that it implies the existence of a law over states. They argue that in reality international law is a law **among** states- not **over** them. The difference is a fundamental one, for it involves the basic nature of the state system. In theory, international law is common to all states; it incorporates the experiences of many countries during which people have lived side by side and have done business with each other. It may properly be spoken of as the moral code of states, for it is the body of rules upon which they have agreed so that they may survive (Palmer and Perkins, 2007:266).

According to Kegley Jr. (2007:542-543), the major reason even the most powerful states adhere to international legal rules is because they recognize that adherence pays benefits that outweigh the costs of expedient rule violation; moreover, in his view, states value international law and affirm their commitment to it because they need a common understanding of the “rules of the game”. Citing Coplin (1965), Kegley Jr. sees international law as an “institutional device for communicating to the policymakers of various states a consensus on the nature of the international system”, and also points out that “law helps shape expectations, and rules reduce uncertainty and enhance predictability in international affairs. These communication functions serve every member of the global system”.

The point has been made that in addition to international organizations, states create international law as a way to influence behaviour, avoid conflict, and maintain peace and cooperation. International law is thus regarded as rules governing relations between states, primarily based on treaties, custom, and general legal principles (Kaarbo and Ray, 2011:324). International law is seen by Oppenheim as “the name for the body of customary and conventional rules which are considered legally binding by civilized states in their intercourse

with each other”. He added that it is “a law for the intercourse of states with one another, not a law for individuals”, and that it is “a law between, not above, the single states” (cited in Palmer and Perkins, 2007:266). In the words of Lauterpacht (cited in Kaarbo and Ray, 2011:324), the mission of international law is to lead to enhancing the stability of international peace, to the protection of the rights of man, and to reducing the evils and abuses of national power.

The concept of international law has also been analyzed by Hall, who contends that it consists in certain rules of conduct which modern civilized states regard as being binding on them in their relations with one another with a force comparable in nature and degree to that binding the conscientious person to obey the laws of his country, and which they also regard as being enforceable by appropriate means in case of infringement (cited in Johari, 2005:229). In an interesting and detailed definition of the concept, Starke points out that:

international law may be defined as that branch of law which is composed for its greater part of the principles and rules of conduct which states feel themselves bound to observe and, therefore, do commonly observe in their relations with each other and which includes also: (a) the rules of law relating to the functioning of international institutions, or organizations, their relations with each other, and their relations with states and individuals, and (b) certain rules of law relating to individuals so far as the rights or duties of such individuals are the concerns of international community (cited in Johari, 2005:229-230).

On his part, Fenwick (cited in Palmer and Perkins, 2007:267) defines international law as “the body of rules accepted by the community of nations as defining their rights and the means of procedure by which those rights may be protected or violations of them redressed”. From the perspective of the erstwhile Soviet Union, the Soviet Academy of Sciences defined international law as “the aggregate of rules governing relations between states in the process of their conflict and cooperation, designed to safeguard their peaceful co-existence, expressing the will of the ruling classes of these states and defended in case of need by coercion applied by states individually or collectively” (cited in Umzurike, 1993:1).

It is important to affirm that in the comity of states and in the global arena, where many different countries are actors, in order to ensure order and stability, a framework or mechanism has to be designed to guide and regulate the actions or inactions of these states as they interact with one another. Herein lies the necessity for, and importance of, international law. From the preceding passages, it is clear that the very idea of international law underscores the desire to promote the ideals of orderliness, conformity, and peaceful coexistence among the different countries of the world as they interface with one another.

III. A Note on the Origin of International Law

In order to grasp the basic problems which confront Africa in the present international legal system, it is necessary to examine the historical trajectory of international law. The character of contemporary international legal system cannot be understood if the historical circumstances that culminated in the emergence of international law are not highlighted. We do agree with view that the importance of history in social analysis lies in the fact that no social phenomenon is comprehensible and useful unless it is characterized by a union of its past, present and future. The present cannot be understood outside the past and visions of the future. And the future cannot be planned for without understanding how it is emerging from, and related to, the present and the past (Nnoli, 2011:10).

It is, however, important to point out that as Ofoegbu (1980:184) has observed, no matter how we try to periodise the evolution of international law we run into difficulties when we confront the various schools of international law, which include the Naturalists, Positivists, the Neo-Realists, and the Grotians. In spite of this, we shall attempt to examine the historical forces which helped to throw up international law as a formalized code of conduct for states in their relations with one another.

The various characteristics of prescriptive law in general and international law in particular are a testimony of the extent to which human beings in general, and the International Community in particular, though sensitive to their diversity in temperament, language, culture and interests are both willing and impelled by a desire for survival to formulate principles and procedures that can order their relations with one another and provide some minimum level of predictability in the affairs of a complicated world. As a body of rules that depends on consensus and reciprocity for its effectiveness and appeal, international law ought to, and does, to a large extent, lay claim to qualities and promises with which the international community can and does identify; these are qualities and promises the desirability of which is recognized and fostered by mankind regardless of place or period of existence because they deal with the unchanging character of man of all ages and places. To that extent, international law is a product of the whole international community through all the ages, with modifications and expansions effected to suit changing circumstances and exigencies (Ekpebu, 1999:98).

Like many other institutions of modern times, international law is said to have had its beginnings in the prehistoric world. Historians suggest that tribal communities must have been driven to some sort of understandings about places of habitation, water holes, hunting areas, trespass, welfare, and perhaps

intermarriage. At first these inter-group relations were conducted on the assumptions that war and conflicts of interests were normal conditions and that peace was to be achieved only by express agreement. Friendly relations between tribal groups were not unknown, however, and as states emerged in the ancient world certain peoples, perhaps especially the Hebrews and the Hindus, asserted ideals of justice and order in the relations of states. The increasing respectability of commerce added a personal interest in law and order and thus contributed to peaceful relations among trading peoples (Palmer and Perkins, 2007:277).

According to Rourke (2007:270), international law has its beginnings in the origin of the states and the need to regulate their relations. Gradually, in his opinion, elements of ancient Jewish, Greek, and Roman custom and practice combined with newer Christian concepts to form the beginning of an international system of law. He also points out that a number of theorists were also important to the genesis of international law, and the most famous was Hugo Grotius whose work **De Jure Belli ac Pacis** (On The Law of War and Peace) earned him the title “father of international law”. Grotius and others advanced ideas about the sources of international law, its role in regulating the relations of states, and its application to war and other specific circumstances. From this base, international law evolved slowly over the intervening centuries, as the interactions between the states grew and as the needs and expectations of the international community became more sophisticated.

There is no doubt that the contributions of Hugo Grotius to the emergence of international law are phenomenal. One authority describes Grotius’ famous work-**De Jure Belli ac Pacis** as having four main characteristics. First, Grotius would hold states to the same rules which regulate the lives of individuals and make the violation of them a crime subject to punishment. Second, basing his judgment upon researches in the scriptures, ancient history, and the classics, he formulated the “law of peace” which became the foundation of his whole system. Third, he argued that states may properly punish other states which violate the law. Fourth, he accepted natural law-or right reason-as the primary basis for determining rules for the rightful conduct of states (Vollenhoven, cited in Palmer and Perkins, 2007:279).

As Ofoegbu (1980:183) has demonstrated, the great movement forward in the development of international law followed the modern state system-that is, the collapse of the Roman Empire. The former provinces of Rome had asserted their independence by recognizing the authority of their princes rather than those of the Emperor or Pope, rejecting the universal justice of the Church and the universal law of the Emperor, and expecting justice and law to originate within each nationality group. As Ofoegbu (1980:183) puts it,

...it was, however, at the close of the eighteenth century and the beginning of the nineteenth that the landmark in the evolution of international law was reached. It was then that the doctrine of neutrality was clearly defined and elaborated upon; firm rules on the recognition of states and governments were enunciated and followed; actors developed rules that defined the rights and obligations of belligerents and third parties; there was a clear conception of the limits of territorial waters; and rules were formulated to govern the freedom of the sea and the ratification of treaties...

IV. Africa’s Contributions to, and Problems with, Contemporary International Law

There is no doubt that as a gamut of rules and regulatory principles directing the behavioural patterns of people, law is ideally expected to be an embodiment of, and heavily steeped in, the values, norms and mores of the milieu within which it operates. It is equally obvious that for any law to be tagged “international”, it has to be a product of the norms, values, and historical experiences of the states or socio-formations which are expected to abide by it. In view of this, fundamental questions have been raised as to whether international law-as it is presently known-actually reflects the genuine aspirations and expectations of the entire continents of the world. It is against this backdrop that Africa’s place in the contemporary international legal system shall be examined.

Africa is an enormously endowed continent, but the paradox of Africa-the world richest continent (in mineral resources, at least) living a most pitiable existence constitutes arguably the most unacceptable problematic of the contemporary world (Oyebode, 2001:56). As Onimode (2000:77) has ably demonstrated, the African region as a whole has been in the periphery of world economy since the colonial era from the mid-nineteenth century. This, according to him, is predominantly the collective consequence of the centuries of slavery and imperialist exploitation under colonialism, neo-colonialism and racism. Indeed, in his words, no other region in the world has been plundered as horrendously and for as long as Africa.

The peripherization of Africa in the global socio-economic, political, and legal schemes of things is as a result of-among other reasons-the pernicious and crippling form of colonialism the continent was forced to suffer. Indeed, as Nnoli (2011:40) has aptly put it, colonialism, like all forms of imperialism is a very reactionary force. It mutilates the full collective personality of its victims, humiliates them in various ways, exploits them viciously, takes undue advantage of their weaknesses and inhumanly disorients them, thereby distorting their lives. In fact, it denies them any claim to full human existence, using its power to reduce them to a subhuman standard of living. In the process, it destroys their individual and collective creative genius, rendering them subject to the whims and caprices of the creative genius of other peoples in a way totally alien to

men/women's humanity. In its single-minded pursuit of colonial interests, it throws all caution and morality to the wind, and does not hesitate to use violent instruments and dubious devices to achieve its mission.

Little wonder, that Toyo (2001:26-27) declares that "it is thus a blessing never to have been colonized. To colonize a people is not only to colonize their activities, but also to colonize their minds". The foregoing is just a tip of the iceberg of what Africa and its people suffered in the hands of foreigners. If one adds the retrogressive effects of neocolonial exploitation in this era of "multilateral imperialism" (Onimode, 1985:236); the paralyzing and dehumanizing effects of centuries of slavery; the indignities of physical discrimination; the mental and psychological torture associated with racism, and the inhumanity of apartheid (as in South Africa), a clearer picture of part of Africa's historical experience emerges. But what has international law got to say about all this? Nothing!

From the comments on the origin of international law, it can be gleaned that this law developed mainly out of Northern environments and its growth has been overwhelmingly influenced by European values. It has even been contended by Levi (cited in Adeniran, 1983:79) that the evolution of international law has been a continuous response to the needs at successive stages of political and economic European life. Duchacek (1971:139) certainly agrees with Levi by arguing that international law as a system of restraints and coercive rules for international conduct has been developed in Western Europe, reflecting its sense of community and serving its interest. According to him, it was not a universal law; in the past, the law of the "civilized" Western Christian nations actually excluded a major part of the world on the basis that it was still uncivilized, mostly because it was not Christian or was ignorant of the merits of Roman or Anglo-Saxon common law. Duchacek also points out that when more intimate contacts with the non-Christian portions of the world became inevitable, the Western concept of international law was extended, usually by forceful imposition rather than by agreement.

It is important to state that the domination and exploitation of Africa through colonialism truncated whatever progress the continent could have made in terms of contributing to the development of international law. The principles of law that regulated the behaviour of African states began to change with the coming of the Europeans and, by the time they became independent, it became almost impossible for them to get out of the existing international legal framework. They, therefore, had to subject themselves to a system of rules which the European nation-states had formulated and developed. They also had to obey the rules of the political games within the international system by trying as much as possible to toe the lines of those who had become early comers to the community of modern states. Through this process, they helped Western-oriented international law to develop (Adeniran, 1983:80).

The preceding view has been amplified by Timamy (2007:78) who points out that over the years, the West has succeeded in forging a global system that panders to its core interests, and that the best way to achieve this was to define the rules of operation and compel others to be part of the system. He also reasons that the rule-based system the West has theologically designed and continues to choreograph through the instrumental intermediation of global institutions is meant to consolidate its hegemonic dominance. In the main, the argument goes, the signatures trustingly appended by Southern governments in international conventions, protocols, and treaties become the basis for legal recourse in case the West feels that some signatories are going against the grain. As has happened many times in the past, the South's leaders have, through ignorance or a general disposition to please, given legitimacy to agreements they have been craftily coerced into signing. And yet, Timamy concludes, the impression exuded by the northern beneficiaries is that the south has been a willing participant in the drama of a carefully choreographed process.

There is no doubt that contemporary international law is hugely expressed in the Charter of the United Nations Organization. But the formulation of this Charter was done mainly by western countries. Africa's contribution in this regard was infinitesimal and insignificant; in fact, out of the dozens of countries that attended the conference of 1945 where the U.N. Charter was endorsed, only about two were from Africa. The Charter-which has ever since remained a fundamental source of international law-did not (and still does not) adequately cater for the interests of Africa. To begin with, the Security Council, which is the most powerful organ of the U.N., accorded veto powers to five countries, none of which is from Africa. The history of this organization is replete with instances when the veto power has been used to the disfavour of Africa. Indeed, the contention that the U.N. Charter was deliberately designed and tailored to protect the hegemonic interests of the West can hardly be controverted.

The U.N. Charter-and thus international law-prohibits any form of aggression by one state against another. But Africa has been a recipient of aggression by powerful Western countries. A few examples would suffice. Following the post-independence crisis in Congo-Kinshasa (now Democratic Republic of Congo), the United Nations was invited by Prime Minister Patrice Lumumba to help maintain peace in the country. It however turned out that Lumumba was murdered by the U.N. troops just to protect the neocolonial interests of the West. The culpability of the West in the murder of Lumumba has been acknowledged by Westerners. For example, in February, 2002, the Belgian parliament apologized to the Democratic Republic of Congo for the

role of Belgium in that crime (Garba, 2003: XXXVI). Nobody has been held accountable for this iniquity against Africa.

In 1985, the United States launched an unprovoked attack on Libya, killing several innocent people including many children and women. Ronald Reagan's reason for the aggression was that Libya was "supporting terrorism". This blatant violation of international law by the U.S.A. was not even condemned by the United Nations. In 2000, the Republic of Sudan was attacked by the U.S.A, and many Sudanese lost their lives in that raid. Bill Clinton told the world that Sudan was bombed because it supported "international terrorism". International law and the United Nations have remained silent on this incident ever since.

The history of Africa is dotted by cases when radical and progressive governments in the continent have been destabilized by Western agents, with international law remaining impotent. The Western connection in the overthrow of Kwame Nkrumah in Ghana in 1966; the French link in the assassination of Thomas Sankara in Burkina Faso in 1987; the role of some Western countries in the murder of Murtala Mohammed in Nigeria in 1976; and the huge financial and military support given by the U.S.A. to Jonas Savimbi and his National Union for the Total Independence of Angola (UNITA) rebels to cause mayhem in Angola in the 1970s and 1980s are typical examples. One cannot also ignore the economic aggression committed against Africa by European and American companies. In Nigeria, for instance, the adverse effects of the destructive and economically dehydrating activities of powerful, Western-owned oil multinational companies are visible on the socio-economic and political landscapes of the country.

Africa's problem with contemporary international law was re-echoed in 1992, when the United Nations hurriedly imposed sanctions on Libya on the ground that it had a hand in the bombing of a U.S. Airline in Lockerbie in which many people were killed. These sanctions were imposed through the U.N. Resolution 784, which critics described as a product of frustration and desperation, not of rationality and justice. It was also seen as an abuse of UN process and a blatant recourse to intimidation for the Security Council to adopt a resolution whose merit was not self-evident. In fact, in an editorial, a leading Nigerian newspaper captured Africa's frustration with the contemporary international legal system when it argued that

...it cannot be ignored that if Libya had not been a small Third World country, such a resolution would hardly have been passed and, if passed, would have been of no effect. Neither the atrocities that Israel has made a tradition in the Middle East nor the gunboat diplomacy of the United States in Grenada and Panama have earned the weakest of sanctions. **A world order in which the big powers and their protégés get away with murders while the small ones are hounded for any small infractions can neither be just nor desirable** (emphasis added) (The Guardian, April, 1992:12).

It is instructive to point out that in 2011, the West realized its age-long dream: NATO's war planes stormed Libya, toppled, and murdered the Libyan leader, Mouamar Ghaddafi. And international law looked on helplessly.

It is well known that some institutional mechanisms have been established as components of an international regulatory regime meant to ensure adherence to international law. The International Criminal Court (ICC), for example, was established to prosecute cases of crimes against humanity. The body was established in 1998 following the adoption of the Rome Statute, but the statute legally came into force in 2002. So far, only Africans and people from other parts of the Third World have been prosecuted by the court: Charles Taylor of Liberia has been jailed; Laurent Gbagbo of Cote D'Ivoire is in detention; the serving President and Vice-President of Kenya (Uhuru Kenyatta and William Ruto) are on trial; Omar El Bashir of Republic of Sudan is wanted by the court, etc. While we are completely averse to the despotic and neo-fascistic proclivities of African rulers, we need to ask: are "crimes against humanity" committed only by Africans and other lesser mortals? What has been happening in Afghanistan and Iraq since 2001 and 2003 respectively? These questions are likely to remain unanswered for a long time.

V. Conclusion

In the preceding analysis, it has been shown that international law is crucial in moderating the interactions between states. It has been demonstrated that the historical forces and circumstances that catalyzed the emergence of international law actually swung the pendulum in favour of Western interests and values. Africa was incorporated into an international legal order that was designed and developed by Europe and Northern America.

It is beyond dispute that with its huge population and an almost inexhaustible reservoir of natural resources, Africa should, ideally, be a major actor in the international legal order. Regrettably, in most cases, Africa has lacked the requisite leadership that would have made her a respectable actor on the global podium. Indeed, generally, as Timamy (2007:749) has brilliantly put it.

...leadership in Africa has hardly been inspiring. It has mostly brought hunger and pain in many countries. In several dozen countries, the leadership has been criminally destructive of peoples' livelihoods and their welfare. From the horrendous results of the problems they have presided over, African leaders have never

been short of menacing charisma; in actual fact, they seem to possess...nothing but criminally disposed mindsets...

In the international system, as in national societies, law is essentially based on politics. That is, the legal rules developed by a society-although they might have some utilitarian value for all members-tend to reflect especially the interests of those members of society who have the most resources with which to influence the rule-making process. Although the law in some societies might be based on a wider, more just set of values and interests than in other societies, underlying political realities nonetheless invariably shape the law. Much of the current body of international law, for example, evolved from the international politics of the nineteenth and early twentieth centuries when Western states dominated the international system. The traditional rules that were created to promote freedom of the seas, protection of foreign investment, and many other international activities tended to reflect the needs and interests of these powers (Pearson and Rochester, 1992:324 and 326-327). The situation in contemporary times has not changed significantly.

The current international economic order, which encourages and tolerates the exploitation of the majority by the few, the international legal system and international law as presently constituted and practised, are-from Africa's point of view-unjust, oppressive and discriminatory. Indeed, from the foregoing passages, it is clear that for international law, to be wealthy and powerful is to be advantaged, and to be poor and weak is to be hopeless and damned.

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