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The right to development in Francophone Africa: Post-colonial agreements, sovereign authority and control over natural resources

*Justin Ngambu Wanki**

Post-doctoral Research Fellow, South African Institute for Advanced Constitutional, Public, Human Rights and International Law, University of Johannesburg, South Africa

<https://orcid.org/0000-0001-8734-5367>

Summary: *This article critiques the decolonisation process of erstwhile colonised Francophone African states, during which France failed to effectively guarantee these states at independence the kind of sovereignty that empowered them to design their own political, educational and development policies. Consequently, the right to development in Francophone Africa remains a mere aspiration given that decolonisation failed to result in the attainment of self-reliance by the states that assumed independence. Instead, on the eve of independence, France secretly concluded cooperation agreements with the governments poised to ascend to independence and concluded others immediately after independence. Some of the secret agreements contained clauses that prioritised France to buy any natural resources of their choice in these Francophone states. Worse still, through cultural and educational assimilation, the French have colonised the minds of Francophone Africans to the extent that they defend French interests at the expense of theirs. The secret agreements have compromised the ability of the so-called independent states to implement and execute*

* Licence en droit, Maitrice en droit (Yaoundé II) LLM LLD (Pretoria) IDHA (Fordham) DSER (Finland); wanketons@gmail.com

national development plans, and the AU Agenda 2063 on development in these states. Consequently, recommendations have been suggested to enable these states to recover from French exploitation and regain their total sovereignty.

Keywords: *post-colonial agreements; Francophone Africa; Agenda 2063; neo-colonialism; decoloniality; sovereignty; control over natural resources*

1 Introduction

Decolonisation could be properly interpreted, among other definitions, as the rejection of the domination exercised by the colonial power over subjugated peoples and the imposition of the personality and authority of the new state in all fields.¹ Even though the noble concept of the right to development is captured in international² and regional instruments³ as well as national constitutions, including those of most Francophone African states,⁴ the reality remains that the sovereignty of these states and, by extension, the right over their natural wealth and resources remains under the control of France, the former coloniser. Independence suggested that the decolonised peoples of Africa would have their sovereignty restored and they would exercise complete control over their natural resources and reserve the right to exclusively decide how to dispense of the natural resources without external influence.

Unfortunately, on the eve of independence, France covertly recolonised its former colonial territories through the medium of some 'cooperation agreements' (*accords de coopération*) with the governments that were poised to assume independence.⁵ In terms of these agreements, sovereign control over all the valued natural resources of the former colonial territories in terms of their

1 PF Gonidec *African politics* (1981) 81.

2 Paras 6-7 of the Preamble and art 1(2) of the UN General Assembly Declaration on the Right to Development A/RES/41/128 1986.

3 Preamble to and art 22 of the African Charter on Human and Peoples' Rights adopted in Nairobi on 27 June 1981. Art 19 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted in Maputo, Mozambique on 11 July 2003.

4 Art 58 Constitution of the Democratic Republic of Congo 1996; arts 7 & 9 Constitution of Burkina Faso of 1991; Constitution of the Democratic Republic of Benin, 1990; and art 65 and Preamble to Constitution of Cameroon, 1972.

5 V le Vine 'Leadership and regime changes in perspective' in M Schatzburg & W Zartman (eds) *The political economy of Cameroon* (1986) 23.

most strategic functions were transferred to France.⁶ By virtue of these agreements, even though statehood was attributed to these countries, the control over currency, military and natural resources has hitherto been in the hands of the French. As a result, despite the political reforms for independence, the essential goal was to preserve French post-colonial domination.⁷ I contend that if natural resources are required for the realisation of the right to development, and yet the states lack sovereign control over those resources, and the people are not consulted to self-determine their interests, the realisation of the right to development would be a herculean task. The conclusion of Franco-Francophone Africa agreements that attributed the right of priority to exploit the natural resources of these states to France means that there can be no meaningfulness attached to the right to development in the legal instruments in Africa.⁸

It is important to demonstrate the nexus between decolonisation, sovereign authority over natural resources in a post-colonial context and the realisation of the right to development. Colonisation legitimised the exploitation of the colonised peoples' resources for the exportation and satisfaction of European purposes at the expense of the colonised. As will be demonstrated later, the manner in which France conducted the decolonisation and independence of its former colonies provided it with a foothold over the control of continued colonial policy towards these territories, extending into the post-colonial period.⁹ I, therefore, problematise both the process of decolonisation of these territories and the outcome of the process in respect of the right to development, which still leaves these territories dependent on France.

Thus, what are these Franco-Francophone Africa *accords de coopération* and how do they contradict the basic tenets of the right to development? As will be observed in the subsequent paragraphs, *Les Accords de Coopération* were secret agreements signed between France and its former colonies. Some were signed on the eve of their independence in 1959¹⁰ and others were concluded in 1961 after independence.¹¹ These agreements were aimed at maintaining the

6 N Samba 'Money on the left: Confronting monetary imperialism in Francophone Africa' (2019), <https://mronline.org/2019/05/26/money-on-the-left-confronting-monetary-imperialism-in-francophone-africa/> (accessed 12 August 2021); K Mamadou *Les servitudes du pacte coloniale* (2005) 128.

7 R Joseph 'National politics in post-war Cameroun: The difficult birth of the UPC' (1975) 2 *Journal of African Studies* 202.

8 Among others countries, the Constitution of Burkina Faso in its art 14 attributes the ownership of their natural wealth and resources to the people.

9 T Chafer 'French African policy: Towards change' (1992) 91 *African Affairs* 38.

10 N Rubin *Cameroon: An Africa federation* (1971) 17-18, 101.

11 Mamadou (n 6) 128.

ties that continued Francophone Africa's domination by France for political, economic and diplomatic reasons.¹² These factors enabled France to emerge as an important power in world politics, acquiring exclusive rights over certain natural resources in these African states, which boosted its economy and made it recognised as a key player in the international field with favourable voting rights at the United Nations (UN) with regard to its proposals.¹³

These secret cooperation agreements that preserved France's influence over Francophone Africa have come at a huge cost, given that by dint of these agreements, France has influenced these states to adopt policies that favour French interests, such as compelling these Francophone states to sell their natural resources to French companies at lower market value, resulting in loss of billions of dollars for these countries.¹⁴ The conduct of France reflects the overarching conduct of the countries of the north, which by virtue of their control of international structures have rigged rules of the system to disfavour developing countries, disregarded the right to self-determination in these countries, and failed to enforce the effective sovereignty of these countries over their natural resources due to the aggressive interventionist policies of the north,¹⁵ including France.

Given that this article is based on sovereignty over natural resources, it would be helpful to examine one of the agreements related to natural resources between France and Côte d'Ivoire, Niger and Dahomey (Benin) in 1961.¹⁶ Article 4 states that Côte d'Ivoire, Niger and Dahomey (Benin) shall facilitate the acquisition of natural resources and strategic raw materials for the French army and shall limit or shall place a ban on the exportation of any of such products without the approval of France. Article 5(2) goes further to state that France shall reserve the right of priority to buy any natural resources from Côte d'Ivoire, Dahomey (Benin) and Niger.¹⁷

12 INSAMER 'La "Françafrique": The special relationship between France and its former colonies in Africa' (2019), https://en.insamer.com/la-francafrique-the-special-relationship-between-france-and-its-former-colonies-in-africa_2307.html (accessed 10 April 2023).

13 IE University 'A post-colonial examination of the CFA franc' (2019), <https://ipr.blogs.ie.edu/2019/07/02/a-post-colonial-examination-of-the-cfa-franc/> (accessed 11 April 2023).

14 I Taylor 'France à fric: CFA zone in Africa and neocolonialism' (2019) 40 *Third World Quarterly* 1070-1072.

15 K Arts & A Tamo 'The right to development in international law: New momentum Thirty years down the line?' (2016) 63 *Netherlands International Law Review* 224.

16 These agreements, though very rare to find these days, have been captured by Mamadou (n 6) 128.

17 As above.

An assessment of the general agreements suggests that the defence or military and monetary cooperation agreements only enable France to further strengthen its grip on the agreement on natural resources and the strategic raw materials, which have served as the breeding ground for the neo-colonisation of Francophone Africa. For instance, France uses its military forces under the guise of fighting terrorism in a bid to protect its interests when they are threatened in that state. This was the case with the 'operation Seval' in Mali from 2013 to 2014. During this operation, the French military prioritised the security of the cities of Gao and Kidal that are both zones of potential natural resource exploitation such as uranium.¹⁸

The initial cooperation agreements are still classified. However, over the years both the terms of these monetary and defence cooperation have been slightly reviewed. The French presidential speech at La Baule in 1990 was a precursor to the revision of France's cooperation with Africa.¹⁹ In 1997 a socialist administration came to power in France and started making arrangements to review defence agreements to cancel articles that empowered French troops to intervene in the internal affairs of Africa.²⁰ Be that as it may, as the French saying goes, *plus ça change, plus c'est la même chose* (the more it changes, the more it is the same thing). France still occasionally intervenes in these states to protect its interests. This was the case in 2011 when the French forces intervened in Côte d'Ivoire to overthrow Laurent Gbagbo, albeit with the approval of the UN.²¹ As regards the review of the monetary agreement, the common currency for these states, *Franc des Colonies Françaises d'Afrique (CFA)*, was revised to *Franc de la Communauté Financière d'Afrique*. The national reserve percentage of the 14 states usually deposited into the French treasury was reviewed from 85 to 65 per cent, then ultimately to 50 per cent.²²

A proper analysis of these cooperation agreements evinces that they work against the fundamental tenets of the right to development. First, most of the agreements were secret and concluded without proper consultation with the people. Second, there is a failure to consult with the people to determine their interest in the agreements. The French culture, education, military interventions, monetary policies

18 INSAMER (n 12).

19 T Chafer 'Franco-African relations: No longer so exceptional?' (2002) 101 *African Affairs* 356.

20 R Marchal 'France and Africa: The emergence of essential reforms?' (1998) 74 *International Affairs* 365.

21 D Howden 'UN moves to stop another blood bath in Ivory Coast' (2011), <https://www.independent.co.uk/news/world/africa/un-moves-to-stop-another-bloodbath-in-ivory-coast-2262427.html> (accessed 5 October 2022).

22 Taylor (n 14) 1073-1074.

and the exploitation of their natural resources were forced upon the states by France through the ruling elites. As a result, their right to self-determination over their natural resources was not respected.²³ Agreements concluded under such circumstances cannot guarantee the right to development.

As examined above, Franco-Francophone Africa international cooperation in terms of *Les Accords de Coopération* creates an asymmetrical economic relation and defeats the ends of decolonisation, which had as objective to create an enabling environment for the right to development to be achieved. In a nutshell, my task is to attempt to establish that the disconnection of the sovereignty of the so-called decolonised/independent francophone African states over the control of their natural resources will pose an insurmountable challenge, and will negatively impact the realisation of the right to development in terms of Africa's Agenda 2063, and national development plans in Francophone Africa. In doing so, I further emphasise that through the imposition of the French culture and strategic educational policies that have colonised the minds of the Francophone Africans to believing that their interests are common, France has established its foothold over their natural wealth and resources.

The article is divided into two substantive parts. The second part discusses Francophone Africa and the right to development. This part is divided into subsets for the purpose of properly addressing concepts and theories related to the right to development in Francophone Africa. The third and last part delves into the post-colonial agreements, sovereign authority and control over natural resources in Francophone Africa and their effect on the AU Agenda 2063 and national development plans of the Francophone states.

2 Deep-rooted obstacles to realising the right to development in Francophone Africa

In order to understand the right to development in Francophone Africa, it is important to differentiate economic development from the right to development. While the former²⁴ requires the use of the country's resources to improve the environment and the lives

23 These principles were captured in the case of *Centre for Minority Rights Development & Others v Kenya* (2009) AHRLR 75 (ACHPR 2009) (*Endorois case*). Francophone Africans were never/are still not allowed to actively and meaningfully participate in the conclusion of the cooperation agreements.

24 R Joseph 'The Gaullist legacy in Franco-African relation' in R Joseph (ed) *Gaullist Africa: Cameroon under Ahmadou Ahidjo* (1978) 4.

of its citizens, the latter goes a bit further, being more holistic and encapsulating economic development as well. The right to development requires a sovereign state or peoples to determine their development priorities without foreign interference. For instance, France disrupted the reinstatement of Cameroon's sovereignty at independence by simply reinforcing French-Cameroonian ties, achieved by maintaining the power of those Cameroonian elites exclusively endorsed by the French to inherit legal sovereignty. In this way, Cameroon gained formal independence but practically France still controls sovereignty by controlling the ruling elites. As a result, France and the ruling elites in Cameroon indirectly reserve the right to undertake any developmental plans, which may not necessarily reflect the people's interests. Consequently, while economic growth could be experienced, the people hardly participated in decision making to self-determine their interests, resulting in their right to development being curtailed.

More so, the colonial state was essentially exploitative. Much of the massive exploitation of natural resources was utilised towards the socio-economic benefit of the colonial powers.²⁵ The colonial economy prevented Africans from being self-sufficient but rather made them dependent on the economy. As a matter of fact, the economy was designed to facilitate the further impoverishment of Africans. Unfortunately, in the post-independence era, instead of recalibrating the economy towards empowering Africans, the ruling elite in Francophone Africa rather facilitated the preservation of this legacy to continuously benefit the ex-colonialists and themselves.²⁶ Yet, independence and, by extension, the right to development were intended to ensure a radical break with exploitation and to embrace the transformation of the system, so that proceeds from the exploitation of Africa's natural resources benefited and empowered the colonised rather than the colonisers.

France retained the most radical political, social, economic and cultural ties post-independence with its former colonies, reminiscent of neo-colonialism,²⁷ which is defined later. This relationship has been termed *le village franco-africain* or *la Françafrique*, a personalised network that guarantees free access to natural resources and markets in Africa for French interests.²⁸ The terms of some of the secret agreements guaranteed France a right of priority to buy any natural

25 C Mbazira 'Enforcing the economic, social and cultural rights in the African Charter on Human and Peoples' Rights: Twenty years of redundancy, progression and significant strides' (2006) 6 *African Human Rights Law Journal* 336.

26 As above.

27 Taylor (n 14) 1065.

28 As above.

resources found on the territory of the 14 Francophone African states.²⁹ It must, however, be noted that France does not in fact buy the resources as outlined in the agreements.

What happens is that the national reserve of 50 per cent of the Francophone states held by the French treasury can only be borrowed at commercial interest rates whenever these states need it.³⁰ As a result, France does not pay for the natural resources but rather compensates on the anticipated deposits of these states into the French treasury.³¹ French companies completely depend on the *Françafrique* countries for imports of manganese, chromium and phosphate, minerals essential in the production of French aeronautics and weaponry.³² This kind of cooperation or relationship essentially is anti-human rights to development in that development is envisaged from the context of a human rights approach to unconditionally result in the improvement of human well-being.³³ These 14 states operate under a monetary policy that allows the money common to them – to be pegged to the euro. As earlier examined, in terms of such a monetary transaction, it would mean that the natural resources of these countries are taken almost for free, given that France most often only compensates them indirectly through the mandatory deposits into the French reserve. The right to development in Francophone Africa, therefore, can be understood more clearly in terms of decolonisation and neo-colonialism in these states.

2.1 Decolonisation and the transition to independence in Francophone Africa

A brief narrative of colonialism is indispensable in understanding why decolonisation was inevitable prior to the transition to independence. The colonial tradition was authoritarian in nature, where the sanction of force, emergency powers, imprisonment for political offences and censorship were quite common.³⁴ The colonial state deprived subjugated peoples of representative institutions and the constitutional powers to take the colonial administration to

29 G Spagnol 'Is France still exploiting Africa?' 2 March 2019, <http://www.ieri.be> (accessed 10 April 2023).

30 As above.

31 Taylor (n 14) 1067.

32 As above.

33 A Sengupta 'On the theory and practice of the right to development' (2002) 2 *Human rights Quarterly* 837.

34 R Rathbone 'The legacy of empire' in M Cornell (ed) *Europe and Africa: Issues in post-colonial relations* (1981) 16.

task.³⁵ Colonisation perpetrated by Western democracies as an act of state violence was inhumane.³⁶ The rule of these democracies rested on coercive practices that violated their own values.³⁷ The colonised peoples were subjects, not citizens, and were imposed with duties but only allocated limited rights. The French had shrewdly assimilated the colonised with the hope that once the people were imbued with their culture, not even a 'decolonial epistemic perspective'³⁸ would succeed in completely disassociating them from the imperialist grip. The French colonial administration believed that if the natives practised the French culture and spoke the French language, then 'French influence will permeate the masses, penetrate and envelop them like a thin web of new loyalties'.³⁹ Such a strategy would render decolonisation of no effect as the people would still be attached to France regardless of the achievement of territorial sovereignty. For France to achieve this goal, it had to embark on the civilisation and liberation rhetoric to gain support from its parliament and other democracies.⁴⁰

The persistence of this irrational and dehumanising system instilled a spirit of rebellion among the people subjected to colonial authority, which inspired in them the zeal to fight for decolonisation on the basis of the right to self-determination, eventually justifying a claim for the right to development that constitutes an alternative to the *mission civilisatrice*⁴¹ that informed colonial domination in Africa.⁴² As a matter of fact, the French hypocritically disguised their exploitation of Francophone Africa as a process of civilising the indigenes.⁴³ The

35 K Prempeh 'Presidential power in a comparative perspective: The puzzling persistence of imperial presidency in post-authoritarian Africa' (2008) 35 *Hastings Constitutional Law Quarterly* 803.

36 A Mbembe *On private direct government* (2000) 6-8.

37 A Conklin 'Colonialism and human rights, a contradiction in terms? The case of France and West Africa, 1895-1914' (1998) 103 *American Historical Review* 419.

38 Decolonial epistemic perspective identifies 'hetararchies' that are various, vertical and horizontal forms of domination and exploitation. These consist, among others, of race, class, gender, sexuality, religious, ethnic, politico-military, epistemic and linguistic forms. Decolonial epistemic perspective's mission is therefore to enforce new categories of thought, construction of new subjectivities and creation of new modes of being and becoming as a means of unmasking the dark side of modernity which preserves and enables colonial continuity. N Dastile & S Ndlovu-Gatsheni 'Power, knowledge and being: Decolonial combative discourse as a survival kit for pan-Africanists in the 21st century' (2013) 20 *Alternation* 107-109.

39 Conklin (n 37) 429.

40 Conklin (n 37) 433.

41 *Mission civilisatrice* – A mission to civilise Africa was the pretext used by Europe to invade Africa with the excuse that Africa needed development. With the uncovering of this deception, the RTD could become a reliable alternative to achieve the much-needed development in Africa.

42 J Wanki & C Ngang 'Unsettling colonial paradigms: Right to development governance as framework model for African constitutionalism' (2019) 18 *African Studies Quarterly* 71.

43 Conklin (n 37) 421.

non-existence of a viable mechanism to empower the people in the post-colonial era left the decolonised states with 'classic attributes of statehood' and 'judicial sovereignty' but lacked the economic potential to uplift their people out of poverty and deprivation.⁴⁴

Thus, independence rather freed France from the inconveniences that came with continued direct control over the colony while ensuring that the independent states were tied to France as sub-systems, economically, politically and strategically.⁴⁵ France provided a framework for granting independence to its former colonies based on a cooperation policy that only permitted the former colonies to attain independence prior to concluding the agreements with France.⁴⁶ Decolonisation resulted in the cooperation policy reinforcement that, as an ideology of the *Francophonie*, simply reinforced the chains with which France tied the Francophone African states to perpetual dependence.⁴⁷

This scenario could be identified with the reflections of Mogobe Ramose, who points out that the process of decolonisation does not end with eliminating despotism and authoritarianism and guaranteeing civil rights.⁴⁸ Here, he refers to the elimination of apartheid in South Africa in 1994. In his opinion, decolonisation means to 'become sovereign' or longing for true national liberation.⁴⁹ As a matter of fact, Francophone Africa had inadvertently transitioned into independence without untying the ropes and shackles of colonialism to guarantee genuine liberation. The failure to properly decolonise informs the reason why Francophone Africa remains in acute poverty and least developed of all erstwhile colonies in Africa.⁵⁰ Given this reality, it is evident that decolonisation did not take root in the 14 Francophone African states and what remains is a neo-colonial order.

2.2 Independence and the emergence of neo-colonialism in Francophone Africa

The emergence of neo-colonialism is an indication that decolonisation was a myth. More so, the situation in Francophone Africa suggests

44 Wanki & Ngang (n 42) 71.

45 B. Olatunji 'Francophonie and subordinate state system in the African region' (1981) 68 *Revue française d'histoire d'outre-mer* 197-198.

46 Olatunji (n 45) 199.

47 Olatunji 200.

48 S. Motha "'Begging to be black": Liminality and critique in post-apartheid South Africa' (2010) 27 *Theory, Culture and Society* 295.

49 As above.

50 C. Ngang & S. Kanga 'Poverty eradication through global partnerships and the question of the right to development under international law' (2017) 47 *Africa Insight* 45.

that aspirations for genuine freedoms and self-determination are a mere illusion. Neo-colonialism is defined as a novel approach to colonial rule masterminded by the colonial powers to give the former colonies a false impression of freedom.⁵¹ In essence, in a neo-colonial context, the peripheral states simply operate as satellites of the dominant nation. In the case of Francophone Africa, France is the dominant state of which the capitalist economy is supplied and sustained through exploitation of the natural resources of its satellite African states.⁵² Consequently, while France continues to advance as a First World industrialised country, its satellite states only experience widespread underdevelopment.⁵³

The myth of decolonisation was meant to obscure the in-depth continuities between the colonial past and current global hierarchies.⁵⁴ The essence of neo-colonialism was for France and Francophone Africa an occasion to seal shady bilateral agreements to preserve French domination as it had been under colonial rule.⁵⁵ France indeed, in spite of its undertaking within the framework of the UN to end colonialism, had anticipated continued dominion over its colonial territories in Africa and, thus, laid the foundation for neo-colonialism through an assimilation policy that required the peoples in its territories in Africa to reject their own languages and cultures and to speak French and practise French culture.⁵⁶

The strategy gave France a firm grip over its colonial territories and has continued to work in France's favour even in the post-colonial/independence era.⁵⁷ This neo-colonialism relationship of power asymmetry is enforced not necessarily by the rules of formal colonialism, but by the fact that France only nominally withdrew its effective presence in the colonies but retained sovereign control over almost every domain of the decolonised states that emerged from French colonial rule. For instance, French troops are still stationed in these territories and have been used to secure monopolies in foreign investments by French corporations, which are principally involved

51 S Ebaye 'Neo-colonialism and the question of national autonomy' (2010) 4 *African Research Review* 191.

52 Ebaye (n 51) 193.

53 As above.

54 S Ndlovu-Gatsheni *Coloniality of power in postcolonial Africa: Myths of decolonisation* (2013) 51.

55 B Mahamoud 'The impact of the colonial legacy on civil-military relations in Africa: Chad and the Sudan as comparative case studies' unpublished Master's dissertation, Naval Postgraduate School Monterey, CA, 1997 26.

56 Mahamoud (n 55) 27.

57 As above. For France to continuously have puppet leaders in these states who will be loyal to do their bidding of sustaining the secret agreements and transferring natural resources to them, France had to assimilate them to believing that they were French people. In this manner, the leaders of these states themselves implemented the execution of the agreements for France.

in the extraction of natural resources.⁵⁸ Where French economic interests have been threatened, the troops have been deployed to orchestrate *coups d'état* against Francophone African regimes that have failed or not demonstrated sufficient zeal in protecting French interests.⁵⁹ In some instances, they have endorsed constitutional *coups d'état* by indirectly supporting constitutional amendments to eliminate term limits so that their acolytes can hold onto power to protect their interests, while in others they have attempted military *coups* to oust Francophone Africa leaders whose interests are irreconcilable with theirs.

Staniland explains France's post-colonial policy in the Francophone African countries as intended to establish a sphere of influence in which France could hardly be challenged by superpowers⁶⁰ that, indeed, has accorded to France the right of entry into the club of world powers and a claim to global status.⁶¹ This is further explained by Foucault's theory of 'governmentality' or *raison d'état* – in the interest of the state, in respect of which any means or action employed to preserve sovereignty or national (including political, economic, military and cultural) interest is considered justified.⁶² Thus, France's processes of colonial governmentality simply continued after the nominal independence granted to its African colonies, albeit in transmuted form.⁶³ It was a transition from French domination to hegemony.

It is based on these glaring facts that point to the reality that in the Franco-African relationship the interests of the African people play second fiddle to those of France, that the right to development in Francophone Africa is still a far cry amidst evidence of some degree of economic development.

58 Ebaye (n 51) 194.

59 As above.

60 M Staniland 'Francophone Africa: The enduring French connection' (1987) 489 *The Annals of the American Academy of International Affairs in Africa* 56.

61 As above.

62 J Mehmeti "'Raison d'etat'" the changing doctrine of French diplomacy' (2015), <https://jonianmehmeti.wordpress.com/2015/10/08/raison-detat-the-changing-doctrine-of-french-diplomacy/> (accessed 1 August 2021).

63 M Shipway 'Afterword: Achilles and the tortoise: The tortoise's view of late colonialism and decolonisation' in AWM Smith & C Jeppesen (eds) *Britain, France and the decolonization of Africa: Future imperfect?* (2007) 185.

2.3 A decolonisation and neo-colonialism critique of Francophone Africa: In search of a genuine *mission civilisatrice* or a mere exercise of coloniality of power?

In this part I employ the concepts of coloniality and decoloniality to deconstruct the myth of decolonisation effected in Francophone Africa, which since independence has yielded no benefits to the peoples in those states apart from the elites, but only further entrenched the 'colonial matrix of power' in the post-colonies. It is worth mentioning that only the proper employment of 'decolonial epistemic perspective' can neutralise the 'colonial matrix of power' in Francophone Africa.⁶⁴

In post-colonial Francophone Africa, the coloniality of power that ignores structural constraints is masked as a form of modernisation that will bring about development.⁶⁵ Thorbecke has demonstrated that for this to happen, techniques such as concentration on innovation of methodological approaches have been given more attention and importance than any doctrine or theory of development.⁶⁶ When structural constraints of development in the post-colonial era are evaluated against the indispensability of development as formulated at the Bandung Conference of 1955, it is argued that given the continuous subjugation of France, the right to development cannot genuinely be expected to be realised in the Francophone African states. This is because the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development; in which all human rights and fundamental freedoms can fully be realised.⁶⁷ Development, perceived from a decolonial point of view as Ndlovu-Gatsheni points out, was defined at the Bandung conference as intended to eliminate obstacles standing in the way of the human aspiration to attain freedom from political, economic, ideological, epistemological, and social domination resulting from colonialism and coloniality.⁶⁸ By critiquing decolonisation and neo-colonisation,

64 Colonial matrix of power has been described as the control of authority in four different areas: control of economy (natural resources); control of institutions such as the army; control of gender and sexuality; and control of subjectivity and knowledge. M Mignolo 'Coloniality of power and decolonial thinking' (2007) *Cultural Studies* 156.

65 S Ndlovu-Gatsheni 'Coloniality of power in development studies and the impact of global imperial designs on Africa' inaugural lecture delivered at the University of South Africa, 16 October 2012, 8-9.

66 E Thorbecke 'The evolution of development doctrine, 1950-2005' in G Mavrotas & A Shorrocks (eds) *Advancing development UK* (2007) 3.

67 Art 1 of the Declaration on the Right to Development, adopted by UN General Assembly Resolution 41/128 of December 1986.

68 Ndlovu-Gatsheni (n 54) 2.

I seek to unmask the beast of coloniality that has taken diverse forms and wearing different masks in an attempt to disguise itself and misdirect development thinking.⁶⁹

Coloniality refers to long-standing patterns of power asymmetries that resulted from colonialism, which define culture, labour, inter-subjective relations and knowledge production far beyond the strict limits of colonial administrations.⁷⁰ The multiple global structures put in place over a period of 450 years were not eliminated with the juridical-political decolonisation of the periphery over the last 50 years.⁷¹ Most of Africa still lives under the same 'colonial power matrix' as if independence never occurred. We only moved from the period of 'global colonialism' to a period of 'global coloniality'.⁷² Coloniality embodies a continuity of colonial forms of domination beyond the departure of the colonial administrations, reproduced by colonial cultures and structures in the modern/colonial capitalist world-system.⁷³ The decolonisation process, therefore, covertly transformed itself to a process of 'coloniality of power',⁷⁴ which has become a major component of world systems approach and a critical concept that informs the emergence of decolonial epistemic viewpoints intended to place the spotlight on the darker sight of modernity that has been the cause of underdevelopment in Africa.⁷⁵

Therefore, it is disingenuous to talk of decolonisation of Francophone African states since that process only served to obscure the continuities between the colonial past and current global colonial hierarchies that significantly contribute to the invisibility of coloniality today.⁷⁶ Ngugi wa Thiongo has argued that this so-called decolonisation process could only be a subterfuge because decolonisation struggles of the twentieth century failed to genuinely 'move the centre', disempower the colonialist, to effectively 'remember' Africa, and to genuinely return Africa's sovereignty after over 500 years of 'dismemberment'.⁷⁷ Moving the 'centre' was necessary because Africa, in general, and Francophone Africa, in

69 Ndlovu-Gatsheni (n 54) 3.

70 N Maldonado-Torres 'On the coloniality of being: Contributions to the development of a concept' (2007) 21 *Cultural Studies* 243.

71 R Grosfoguel 'Decolonizing post-colonial studies and paradigms of political-economy: Transmodernity, decolonial thinking, and global coloniality' (2011) 1 *Transmodernity: Journal of Peripheral Cultural Production of the Luso-Hispanic World* 1.

72 As above.

73 As above.

74 It is an element of the global model of capitalist order that continues to underpin global coloniality after the end of direct colonialism.

75 Maldonado-Torres (n 70) 243.

76 Grosfoguel (n 71) 9.

77 S Ndlovu-Gatsheni 'Decoloniality as the future of Africa' (2015) 13 *History Compass* 486.

particular, was incorporated into an intense Euro-North American-centric world of international law.

This manner of decolonisation could only be a charade without any genuine intention⁷⁸ of allowing Africa as a whole and especially Francophone African states – by France – to have the liberty to independently make political, social, economic and ideological policies. Consequently, the right to development in Francophone Africa has remained a mere aspiration because decolonisation required the achievement of specific thresholds to enable independent countries attain self-reliance. The transition to independence failed to achieve this.

Quijano observes that coloniality could be unmasked by identifying four key levers in a so-called decolonised sovereign state, namely, control of the economy; authority; control of gender and sexuality; and control of knowledge and subjectivity. The other three are relevant to the situation in Francophone Africa to the exception of control of gender and sexuality, which is correct but irrelevant in the context of the discussion in this article. As concerns the first premise of control of economy, Bamikole, in agreeing with Sen's understanding of development as freedom, adds that the process of development must be seen in the context of an entire social system moving away from a condition of life largely perceived to be exploitative towards a condition considered as materially, morally and spiritually progressive.⁷⁹ This implies that the narrow received view of development in economic terms,⁸⁰ measurable statistically, currently is obsolete and, therefore, cannot guarantee freedom.⁸¹ The African Union (AU) Agenda 2063 specifies that development should be people driven, unleashing the potential of its women and youth.⁸² This is of essence as it emphasises the idea of inclusive participation in the processes for development.

In the context of the Francophone African states, France implements all the three key levers that have been identified with

78 S Munshi 'Comparative law and decolonizing critique' (2017) 65 *American Journal of Comparative Law* 208.

79 L Bamikole 'Nkrumah and the triple heritage thesis and development in African societies' (2012) 2 *International Journal of Business, Humanities and Technology* 70.

80 A top-down approach. It is believed that with empowered few individuals and companies, the wealth will then trickle down to everyone. However, this has been seen to be incorrect where the fastest growing economies are in Africa, yet the poorest of the poor are still found in those same economies.

81 Bamikole (n 79) 69.

82 Aspiration 6 of Agenda 2063: The Africa we want, third edition, January 2015, popular version.

coloniality above. France controls the economy, the sovereignty,⁸³ and the knowledge and subjectivity or culture of all its satellite states in Africa.⁸⁴ This observation draws one to the conclusion that Francophone Africa is still under the 'colonial power matrix' of France and decolonisation was a ploy merely intended for the purpose of fulfilling the formalities of international law.⁸⁵ This qualifies decolonisation – a disguise of coloniality – as an 'embedded logic that enforces control, domination, and exploitation disguised in the language of salvation, progress, modernisation, and being good for everyone'.⁸⁶ Coloniality survives colonialism and is sustained in books, in the criteria for academic performance, in the self-image of individuals, in common sense, in cultural designs and in aspirations of self.⁸⁷

To sum up, the decolonisation process in Francophone Africa did not yield to what Fanon termed 'the birth of a new humanity'.⁸⁸ It rather resulted in what Mbembe has termed the 'post-colony',⁸⁹ where elites took over but the structures sustaining imperialism and dictatorship were maintained, facilitating patrimonialism and clientelism in these states.⁹⁰ In critiquing this process, I aim to depict the fact that decolonisation, which has been framed as an ongoing project, in itself has only facilitated anti-colonialism, spearheaded by African elites in which these elites simply mobilised peasants and workers as facilitators in a struggle to replace colonial administrators with those of African descent.⁹¹ This resulted in neo-colonialism as no shift was experienced in the structures laid down for exploitation by the erstwhile colonisers.

Decolonisation for Francophone Africa was basically only framed on the achievement of political independence and immediate withdrawal of colonial administrations.⁹² To reverse the tide requires the 'decolonial epistemic perspective', which is a process of making visible the invisible and rupturing the continuous perpetration of colonialism in all Francophone African states.⁹³

83 Taylor (n 14) 1066.

84 M Bechir 'The impact of the colonial legacy on civil-military relations in Africa: Chad and Sudan as comparative case studies' MA dissertation, Naval Postgraduate School, Monterey CA, 1997 17 27.

85 A Anghie 'The evolution of international law: Colonial and postcolonial realities' (2006) 26 *Third World Quarterly* 747.

86 Ndlovu-Gatsheni (n 77) 487.

87 Maldonado-Torres (n 70) 243.

88 Ndlovu-Gatsheni (n 77) 488.

89 Read generally A Mbembe *On the postcolony* (2001) 1-65.

90 B Muna *Cameroon and the challenges of the 21st century Cameroon* (1993) v vi.

91 Ndlovu-Gatsheni (n 77) 488.

92 R Grosforguel 'The epistemic decolonial turn: Beyond political-economy paradigms' (2007) 21 *Cultural Studies* 219.

93 Dastile & Ndlovu-Gatsheni (n 38) 110-113.

3 Post-colonial agreements, sovereign authority and control over natural resources in Francophone Africa

Again, the underlying thesis this article brings to the fore is that if sovereign authority over natural resources is required to achieve the right to development in Francophone Africa, the realisation of this right might be far-fetched given that decolonisation in those states has been a charade in the sense that the networks that facilitate the control of their resources are still existent and manipulated by the erstwhile colonial master – France. This reality constitutes for the Francophone African states an obstacle to the implementation of national development plans, the AU Agenda 2063 and ultimately the right to development in terms of article 22 of the African Charter on Human and Peoples' Rights (African Charter). In the subsequent lines, I examine these eventualities with respect to the right to development.

3.1 Post-colonial agreements in Francophone Africa

While cooperation agreements only entered into force in the post-colonial period in Francophone Africa, the process of getting into the agreements properly commenced on the eve of their independence.⁹⁴ As earlier highlighted, negotiations on the terms of independence for French colonies in Africa informed the signing of the secret cooperation agreements, which were of two types. The first type, which is of interest to this article, offered France exclusive access to the raw materials of the Francophone African states and markets.⁹⁵ The other agreement was concerned with the military protection of the new regimes. The countries that signed these agreements were Benin, Burkina Faso, Guinea-Bissau, Côte d'Ivoire, Mali, Niger, Senegal, Togo, Cameroon, Central African Republic, Chad, Congo-Brazzaville, Equatorial Guinea and Gabon.⁹⁶

These 14 states, with the exception of Guinea Bissau and Equatorial Guinea which were former Portuguese and Spanish colonies respectively, were granted independence in the early 1960s, more

94 N Rubin *Cameroon: An African federation* (1971) 101; M Ligot *Les Accords de coopération entre la France et les états Africains et Malgache d'expression Française* (1972) 56.

95 E Lavallée & J Lochard 'The empire strikes back: French-African trade after independence' (2019) 27 *Revue Internationale Economique* 392.

96 M Koutonin 'France/Afrique: 14 African countries forced by France to pay colonial tax for the benefits of slavery and colonization' (2014), <http://www.siliconafrika.com/author/admin> (accessed 20 April 2023).

as a result of French goodwill and magnanimity and not necessarily as a result of pressure from nationalist movements as it is popularly believed.⁹⁷ The transition from colonisation to ‘cooperation’ was predisposed to the perpetuation of a colonial type of domination under a transmuted legal cover.⁹⁸ In a nutshell, the cooperation more resembled the ‘pursuit of colonisation by other means’.⁹⁹ Through the signing of the cooperation agreements, France succeeded to institutionalise its political, economic, monetary and cultural authority over the 14 states, which have remained almost totally dependent on France.¹⁰⁰ In 2008 a former French President, Jacques Chirac, stated: ‘Without Africa, France will slide down into the rank of a third [world] power.’¹⁰¹ His predecessor, Francois Mitterrand, had equally prophesied in 1957 that ‘[w]ithout Africa, France will have no history in the 21st century’.¹⁰² These observations point to the fact that France needs these Francophone African states to remain relevant globally as a superpower. The manner in which France seeks to maintain this position, however, is problematic to the realisation of the right to development in the Francophone states, given that national development plans and the AU Agenda 2063 for development can only be fulfilled where sovereign authority of the states over their natural resources and raw materials and participation of the people of these states in development projects is prioritised.

As earlier observed, while the defence and monetary agreements, among others, have been revisited in the recent past, and some of the states, such as Burkina Faso, the Central African Republic (CAR) and Mali, have diversified their cooperation partners and are on the path to irreconcilably rupturing relations with France, not much has really changed in terms of economic development or citizenry participation in development projects, and 11 out of these 14 states are considered ‘least developed’ by the UN and remain at the bottom of the Human Development Index.¹⁰³ In 2022 the CAR was ranked 188 out of 191 countries by the Human and

97 G Martin ‘The historical, economic, and political bases of France’s Africa policy’ (1985) 23 *Journal of Modern African Studies* 191.

98 As above.

99 As above.

100 As above.

101 E Adja ‘Without Africa, France will slide down into the rank of a third [world] power’ *Voice of Africa* (2017), <http://www.voiceofafrica.tv/en/jacques-chirac-without-africa-france-will-slide-down-into-the-rank-of-a-third-world-power-d129> (accessed 25 August 2021).

102 As above.

103 ‘True sovereignty? The CFA Franc and French influence in West and Central Africa’ (2022) *Harvard International Review*, <https://hir.harvard.edu/true-sovereignty-the-cfa-franc-and-french-influence-in-west-and-central-africa/> (accessed 20 April 2023).

Capital Development indices.¹⁰⁴ This poor performance could be attributed to the fact that the cooperation agreements instituted a system of servitude that has made the Francophone African states subordinate to France. Thus, while some of these states have engaged other cooperation partners such as China, Russia, Turkey, and India, the strong bond of control and networks that France established through the ruling elites – *Francafrique* system – will take a while to be undone. It may be suggested at this juncture that apart from corruption, misappropriation and mismanagement of public funds and unaccountability by the ruling elites, the synergy between decolonisation of the Francophone African states and self-determination, which would result in the sovereign authority of those states over their natural resources, is ruptured by the cooperation agreements that were signed with France prior to and post-independence.

Given how instrumental the sustenance of the cooperation agreements are to the global influence of France, the latter is ready to ruthlessly deal with any African nationalist leaders who attempt to confront its policies or question them.¹⁰⁵ Nathan has observed that out of 15 *coups* that have occurred between 2000 and 2016 in Africa, 12¹⁰⁶ actually occurred in Francophone Africa.¹⁰⁷ Seven other military *coups* occurred between 2017 and 2023, in Sudan and six in Francophone Africa – Burkina Faso, Chad, Guinea Conakry (albeit its exclusion from the countries that concluded the cooperation agreements, it nevertheless is an ex-French colony), Gabon, Mali, Niger and the political unrest in the CAR. It is worth noting that these *coups* have always occurred at moments when French economic, political and strategic interests were threatened.¹⁰⁸ This is an indication that the right to development in these states will be met with numerous challenges because whenever any nationalist leader rises to power and attempts to break with the cooperation agreements in an attempt to serve the interests of its people and uplift their living standards, France feels threatened and the outcome is the elimination of such a leader. The assassinations of Sylvanus

104 World Bank 'The World Bank In Central African Republic' (2023), <https://www.worldbank.org/en/country/centralafricanrepublic/overview> (accessed 20 April 2023).

105 Martin (n 97) 194.

106 L Nathan 'Trends in mediating African *coups*, 2000-2015' paper presented at the International Studies Association Annual Convention 4 (2016) <https://www.researchgate.net/publication/299605192> (accessed 10 March 2023). Nathan actually refers to eleven *coups*, since he classifies Egypt as part of Anglophone Africa.

107 As above.

108 Martin (n 97) 194.

Olympio of Togo¹⁰⁹ and Thomas Sankara of Burkina Faso¹¹⁰ are quintessential. This conduct of France has really not changed; they have only changed the tactics. As a matter of fact, Idriss Deby Itno, the former President of Chad, who had been an ardent defender of French interests, made a dissenting statement during the 55th independence anniversary of Chad: 'It is time to cut a string that is preventing Africa from developing.'¹¹¹ He was referring to France's exploitation of Francophone Africa. In 2017 Deby stated: 'A revision of the terms of cooperation is absolutely necessary and unavoidable.'¹¹² A few years after these remarks he was killed in very questionable circumstances. Worse still, France influenced the process of replacing him with his son who demonstrated the potential to protect France's interests. President Macron travelled to Chad to personally supervise the installation of Mahamat Idriss Deby, disregarding the Chadian Constitution,¹¹³ in its article 76 that appoints the Speaker of the National Assembly or his first assistant to replace the President in a situation of sudden disappearance. This situation demonstrates France's commitment to continuously subordinate the Francophone African states for its own benefits. Additionally, it must be mentioned that the *coups* in Burkina Faso and Mali were orchestrated by revolutionary leaders with the intent of breaking away from the French imperial order and not against the people's interests, as has been the culture with previous *coups* instigated by France.

France's global hegemony is gradually waning, and Francophone Africa is the only region where it still commands strong influence in terms of the right of priority over the acquisition of their natural resources and raw materials. For this reason, France is willing to go the extra mile to preserve the asymmetrical relationship it enjoys with its Francophone African former colonies. Two decades after independence, France imported 100 per cent of uranium from Gabon and Niger and 70 per cent oil extraction from deposits in other Francophone Africa countries.¹¹⁴ Areva (now Orano), a French mining multi-national corporation, has been exploiting uranium in

109 B Posthumus 'Who was behind Africa's first *coup*?' (2018), <https://www.ozy.com/flashback/who-was-behind-africas-first-coup/87681> (accessed 25 August 2019). Jacques Foccart, a former adviser on African policy to the French government, is reported to have stated that 'Olympio was never our friend'.

110 D Champion 'Why was Thomas Sankara killed?' (2016), <https://www.quora.com/Why-was-Thomas-Sankara-killed> (accessed 29 August 2019).

111 'Your own hands sold you: Voluntary servitude in the Franceafrique' *Chimurenga* (2020), <https://chimurengachronic.co.za/your-own-hand-sold-you-voluntary-servitude-in-the-francafrique/> (accessed 15 April 2023).

112 As above.

113 Revised Constitution of Chad of 31 March 1996.

114 I Benneyworth 'The ongoing relationship between France and its former African colonies' (2011), <https://www.e-ir.info/2011/06/11/the-ongoing-relationship-between-france-and-its-former-african-colonies> (accessed 29 August 2019).

Niger over the past 50 years.¹¹⁵ Niger produces a vast majority of the uranium that France uses for military purposes and its nuclear energy, which accounts for 17 per cent of Niger's mines. From this, France exports a total value of €3 billion to other countries each year.¹¹⁶

Despite international law's guarantee of the right of states to self-determination and the exercise of sovereignty over their natural wealth and resources, the signing of the *Accords de Coopération* between France and its African satellite states outrightly ceded to France an unencumbered right to the natural resources of these states.¹¹⁷ This model of decolonisation adopted by France with the Francophone states in Africa, which rather transfers rights over natural resources to France, inhibits the realisation of the right to development in those states.¹¹⁸ Moreover, the nature of the cooperation with France contradicts the 1962 General Assembly Resolution on Permanent Sovereignty over Natural Resources, which guarantees that the right of states to control their natural resources is part of customary international law.

4 Sovereign authority and control over natural resources in Francophone Africa

Sovereignty over natural wealth and resources refers to governmental control in a bid to exercise its right of self-determination.¹¹⁹ The phrase 'permanent sovereignty over natural wealth and resources' was brought into the human rights lexicon by Chile in 1952 during the course of a debate on human rights, as a right in the self-determination article of the draft human rights covenants.¹²⁰ Numerous treaties and declarations to which most of the Francophone states are signatories have entrenched the right to development and the sovereignty of states over their natural resources. The Declaration on the Right to Development, for example, stipulates:¹²¹

The human right to development also implies the full realisation of the right of peoples to self-determination, which includes, subject to the

115 I Dekker 'How much money does France make in French-speaking Africa? (2020), <https://inemarienedekker.medium.com/how-much-money-does-france-make-in-french-speaking-africa-bc146b5ce4bf> (accessed 20 April 2023).

116 As above.

117 Ngang & Kamga (n 50) 46.

118 Wanki & Ngang (n 42) 73.

119 EL Daes lecture 'Indigenous peoples permanent sovereignty over natural resources' (2004), <https://www.humanrights.gov.au/about/news/speeches/indigenous-peoples-permanent-sovereignty-over-natural-resources> (accessed 12 April 2022).

120 UN Doc. E/C.4/L.24, 16 April 1952.

121 Art 1(2) Declaration on the Right to Development.

relevant provisions of both international covenants on human rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

In two cases decided by the African Commission on Human and Peoples' Rights (African Commission) it was held that the exploitation of natural resources from an area could not exclude the people of that region or community from enjoying its proceeds.¹²² This case exemplifies Francophone Africa where France reserves the right of priority over the acquisition of their natural resources, has equally imposed a treaty that harmonises business law in Africa (OHADA) in the whole of Francophone Africa so that French companies operating in these countries should be at the advantage, and has imposed the (CFA) franc which is pegged to the euro so that France's interests are immune from common currency depreciation, while their convertibility and free transfer principles facilitate the repatriation of the profits of the French companies to France.¹²³ These legal and monetary cooperations have reinforced the cooperation agreements on mineral resources and made it difficult for Francophone African people to benefit from the resources in their territories.

The role played by foreign governments through their multinational corporations most often ignores sovereign authority over natural resources. This is the case with especially Francophone African states, that permit French companies, such as Total-ELF Oil, Mobile Oil, Perenco and so many others, to exploit oil and gas in communities in these states without commensurate¹²⁴ developmental benefits to the communities and protection of their environment. This is usually done with the complicity of the Francophone African state governments that are proxies of the French government and receive orders from Paris to employ repressive tactics on the people where they are met with opposition.¹²⁵ These orders are carried out in defiance of article 21 of the African Charter. Article 21(4) provides that '[s]tate parties to the present Charter shall undertake to eliminate all forms of foreign economic exploitation particularly that practised by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their natural resources'.¹²⁶ This provision guarantees that the peoples of Africa, including especially those in Francophone African countries, must

122 *Endorois case* (n 23) paras 120-124. *Social and Economic Rights Action Centre (SERAC) & Another v Nigeria* (2001) AHRLR 60 (ACHPR 2001) paras 55-59 (*SERAC*).

123 *Taylor* (n 14) 1065-1066.

124 ELF-Total corruption scandal in Gabon; *Endorois case* (n 23).

125 A Promskaya 'France still robbing its former colonies' (2015), <https://www.pambazuka.org/governance/france-still-robbing-its-former-african-colonies> (accessed 10 April 2023).

126 African Charter on Human and Peoples' Rights.

be the primary beneficiaries, rather than France that continues to gratuitously exploit the resources based on the secret cooperation agreements.

While some Francophone African governments still collude with foreign powers to give them access to Africa's natural resources at the expense of the well-being of their peoples who have suffered years of dispossession, they seem to ignore the reason why article 21 was enshrined in the African Charter. It was a response against the continent's painful history of colonial exploitation that left African peoples without resources to develop themselves and their communities.¹²⁷ This informs, among other reasons Kéba M'baye of Senegal's push for recognition of the idea of development as a human right and not as the result of assistance or good will from the West.¹²⁸ Such circumstances can only lead to the conclusion that the same manner of exploitation that was acceptable under the colonial regime is still permitted in this generation since France is still covertly extorting the natural wealth of Francophone Africa. This is orchestrated in violation of articles 21(1) and 21(2) of the African Charter, which guarantees the right to sovereign ownership over their natural wealth and resources as an essential component of the right to development.

Self-determination creates an environment for the right to development to be actualised.¹²⁹ The International Court of Justice (ICJ) confirmed the principle of permanent sovereignty over natural resources in its judgment of 19 December 2005 in the case of *Democratic Republic of Congo v Uganda*.¹³⁰ While this case refers to a context of military occupation, in many ways it is similar to Francophone Africa that is under French military occupation in respect of the terms of the defence and military policy of the cooperation agreements.

Sovereignty over natural resources, as previously observed, is indispensable in this era of aggressive interventionist policies of powerful Western states, and the existence of structural conditions that push back Third World states from performing a more robust function in economic policy formulation, coordination and

127 *SERAC* (n 122) para 56.

128 R Barsh 'The right to development as a human right: Results of the global consultation' (1991) 13 *Human Rights Quarterly* 324; K Rahman 'Linkages between right to development and rights-based approach: An overview' (2010) 1 *Northern University Journal of Law* 97-98.

129 Wanki & Ngang (n 42) 69.

130 *Armed Activities on the Territory of the Congo*, Judgment, ICJ Reports 2005 paras 243-246.

implementation.¹³¹ Developed countries are also required to change their imperialistic policies, which render sovereign authority over natural resources and the realisation of the right to development in the face of globalisation difficult, given that domestic policies in most of these countries are regulated by external factors.¹³² Experts have advised that African states that are rich in natural resources should establish sovereign wealth funds (SWFs) to enable them achieve micro-economic purposes.¹³³ The developmental nature of numerous African economies informs the necessity for SWFs,¹³⁴ which will be used by governments to sponsor the realisation of the right to development in Francophone African countries without external influences such as is currently the case with French domination.

5 Post-colonial agreements and sovereign authority over natural resources in terms of national development plans and Agenda 2063 in Francophone Africa

5.1 National development plans and sovereign authority over natural resources

National development plans usually aim at eradicating poverty or ameliorating social conditions and economic transformation. The purpose of these plans is to enable governments to set achievable targets and to meet specific thresholds particularly in terms of the provision of quality education, public health care, basic services and safe communities.¹³⁵ It is difficult to conceive how these goals could be achieved in Francophone African states in ensuring sustainable development. For instance, Cameroon, being one of these states, in 2003 established an Agenda for development planning intended as a strategy for poverty reduction.¹³⁶ This plan sets out Vision 2035 that expresses the aspiration of Cameroonians to enjoy democracy, peace and security, among others. These aspirations in themselves already seem to be unachievable within the time frame, given that

131 Arts & Tamo (n 15) 224-225.

132 Ngang & Kamga (n 50) 51.

133 R Tafotie 'Sovereign wealth funds: Mere fad or value-added tool for African states' 2018-001 University of Luxemburg Law Working Paper 3.

134 Tafotie (n 133) 2.

135 R Mahlaka 'National development plan 2.0: Ramaphosa implored to focus on fewer socio-economic issues' *Business Maverick* (2019), <https://www.dailymaverick.co.za/article/2019-08-12-national-development-plan-2-0-ramaphosa-implored-to-focus-on-fewer-socio-economic-issues/> (accessed 15 September 2021).

136 National Development Plan of Cameroon – Working Paper, February 2009, www.commonwealthgovernance.org/countries/africa/cameroon/national-development-plan/ (accessed 20 March 2021).

in 2016 the government of Cameroon launched an armed reprisal against the English-speaking regions of that country with the excuse that they are seceding from the country.¹³⁷ This part of the country has since been razed down completely by security forces and would require reconstruction at the end of the conflict. Such a project would certainly hamper the realisation of Vision 2035. Even so, the signing of the *Accords de Coopération* already limits the country's ability to satisfactorily respond to this Vision. More so, most Francophone states have not yet recovered from the stress of civil wars, of which the causes are linked to the existence of natural resources and wealth in their territories.¹³⁸ This kind of crisis can destabilise the implementation of national development plans.

Furthermore, with the emergence of protracted civil wars, sovereign authority over natural resources is eroded as war creates an environment of anarchy. Most of the Western powers that orchestrate conflicts take advantage of the chaos created to gratuitously exploit the natural resources of the countries concerned.¹³⁹ For instance, from 1975 to 1998 Morocco and the Democratic Republic of the Congo (DRC) (also Francophone states, even though not amongst signatories of the *Accords de Coopération*) and the Republic of Congo experienced civil wars that broke out as a result of the discovery of mineral oil, copper, coltan, diamonds, gold, cobalt and phosphates in those countries.¹⁴⁰

One of the prerequisites for the realisation of the right to development under international law is for the state to formulate appropriate national development policies to ensure an improvement in the well-being of its citizens.¹⁴¹ This guarantee presents the right to development as a policy-making tool sanctioned by the obligation to satisfy human well-being.¹⁴² The formulation and implementation of such national development plans pose a challenge in Francophone Africa.

137 S O'Grady 'Divided by language: Cameroon's crackdown on its English-speaking minority is fueling support for a secessionist movement' (2019), <https://www.washingtonpost.com/graphics/2019/world/cameroon-anglophone-crisis/> (accessed 25 March 2021).

138 Tana High-Level Forum on Security in Africa 'Background paper on natural resource governance in Africa: Conflict, politics and power' 4, tana-2017-background-paper-on-natural-resource-governance-in-africa-conflict-politics-and-power.pdf (tralac.org) (accessed 10 March 2023).

139 I Eberечи 'Armed conflicts in Africa and Western complicity: A disincentive for African Union's cooperation with the ICC' (2009) 3 *African Journal of Legal Studies* 68-71.

140 Tana High-Level Forum (n 138) 4.

141 C Ngang 'Towards a right to development governance in Africa' (2018) 17 *Journal of Human Rights* 114.

142 Ngang & Kamga (n 50) 51.

5.2 Agenda 2063 and sovereign authority over natural resources

Agenda 2063 outlines a roadmap and a vision for a new Africa grounded in pan-Africanism and African cultural renaissance.¹⁴³ Given that most of Africa was previously beleaguered by colonialism, its administrative and economic structures have not been properly developed to be able to sustain and advance the economy of these countries. As a result, the majority of African countries that are endowed with natural resources largely depend on the resources to achieve the right to development, as envisaged by Agenda 2063. This vision certainly is not achievable in Francophone Africa where sovereign authority over their natural resources has been ceded to France. The principle of permanent sovereignty over natural resources has its roots in two concerns of the UN, namely, economic development of developing countries and self-determination of colonised peoples.¹⁴⁴

6 Conclusion

I have argued that sovereign authority over natural wealth and resources by states constitutes a fundamental component for the realisation of the right to development. Contrary to the manner in which French policies and continuous colonial engagement with its African satellite states are portrayed as advancing stability and development, this has been discounted to clearly be factors of instability, dependency and domination instead.¹⁴⁵ Nonetheless, some of these Francophone African countries, such as Burkina Faso, Central African Republic and Mali, now seek to indefinitely rupture relations with France.

While the absence of genuine decolonisation for Africa resulted in neo-colonialism, the situation is more precarious among Francophone African states, which not only failed to achieve full independence but by their own free consent agreed to be recolonised by France, on the eve of their independence in 1959. This, among other factors, has negatively impacted the realisation of the right to development in these states as they have been dispossessed of their natural resources, which constitute a means of social transformation and development.

143 Art 41 Aspiration 5 of Agenda 2063.

144 N Schrijver 'Self-determination of peoples and sovereignty over natural wealth and resources' in N Schrijver (ed) *Realising the right to development: Essays in commemoration of 25 years of the United Nations Declaration on the Right to Development* (2014) 95.

145 Spagnol (n 29).

Consequently, Francophone Africa has remained the least developed in the whole of Africa. It explains the fact that colonial acolytes who posed as nationalists only instituted anti-colonial struggles, which failed to overhaul the colonial system but only resulted in the replacement of white colonial masters with black masters who have been subcontracted with the same pillaging of resources.

I have further argued that what is needed to eradicate (neo)colonialism, and to neutralise the French 'colonial matrix of power' is a 'decolonial epistemic perspective', which is a process of making visible the invisible and rupturing the continuous perpetration of colonialism. This is because anti-colonial struggles failed to bring total liberation to the French colonies in Africa. This failure has then given rise to coloniality that is a more aggressive type of colonialism, albeit being masked to appear as the promotion of modernism. Coloniality is a more sophisticated approach to colonialism, which operates through systems controlled entirely by the erstwhile colonial masters and designed to continue with the deprivation of the former colonies of sovereign authority over their natural resources.

By the very nature of the *Accords de Coopération*, there can be no consultation or participation of the people in development projects. The inability of the people to self-determine their interests negates the right to development. I therefore propose a few recommendations to facilitate the realisation of the right to development in these states:

The major recommendation is that the *Accords de Coopération* that were signed between France and the 14 Francophone African states should be rescinded as a means to restore the full political and economic sovereignty of the states in question. The most effective means to rupture the *Accords de Coopération* is to invest in the decolonisation of the peoples' minds in these states. Thus, if the mindset of the people in these states is decolonised, they will see these agreements as a scheme to rip off their wealth and natural resources, and the populations would rise in revolt demanding the rupture of the agreements. It would be challenging for France to eliminate the populations of the 14 states as they did to nationalists such as Sylvanus Olympio and Thomas Sankara. The move, however, requires the renewal of the political class, and to start investing in patriotic young politicians whose mindsets are shrouded in the desire to break with the colonial and neo-colonial ideology.

States should create SWFs to hold proceeds from the exploitation of their natural resources. These funds will help in stabilising the economies of those countries, and ensure effective capacity building

and governance. France would have to be constrained to pay reparations to the Francophone African states in question, given the long period of exploitation of their natural wealth. Article 21(2) of African Charter guarantees that in the event of 'spoliation the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation'.