Globalisation and COVID-19: What can African International Economic Law Learn?

By:

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May 8, 2020

Countless realities have been unveiled by the planet's biggest challenge at the moment – the Covid-19 pandemic. From the inadequacy of healthcare systems, the alleged dishonesty of governments, the importance of social and economic safety nets, to the strength of the human spirit, we continue to learn that the functioning of the world as we thought we knew it is even more complex than it seemed. One of the most important realisations is, of course, the role of the international community in dealing with global challenges. The World Health Organisation (WHO) has been at the forefront of the fight against the virus and in the limelight for alleged delays in bringing the gravity of the situation to the attention of the world.

As the virus and its effects have spread across the world, several things have become apparent about our understanding of the global landscape, especially about concerted efforts to face universal challenges. Without a doubt, each

country that has reported positive cases of the corona virus (53 of Africa's 54, as of 19th April 2020 - Africa Centre for Disease Control and Prevention) has had to rapidly mobilise a comprehensive response. It is not necessary to repeat here what that has entailed, but in nearly all cases, the response has required the import of essential supplies from partners near and far. Given the circumstances, efforts have been made to smoothen the process of importing critical supplies, whether testing kits, personal protective equipment (PPE) or medicines to help ease the effects of the virus. Indeed, some states have seen increased flows of medical and other experts, with some attempting to attract foreign doctors from far and wide. The thread of trade has been inescapable even as the world inches closer to the brink of global economic contraction.

The most significant dimension of global economic depression has been the drop in production of both goods and services, simultaneously due to and resulting in unprecedented job losses, furloughing of workers where operations have become impractical, and the loss of human resource to the disease. This has already had its effects on purchasing power, and even with efforts to minimise disruption to supply chains, there have been shortages due to reduced supply and the hoarding of goods in response to social-distancing measures. One 'I wouldn't believe it if I hadn't seen it' effect was the drop of oil prices below zero. Closer to home, the start of free trade under the AfCFTA has been delayed. With 'lockdown' measures to remain in place for at least a few more weeks in most places, the shrinkage of global economic output is set to be unprecedented (2.8% drop in global GDP forecast by Oxford Economics).

What can African economic law learn from the outbreak and responses to it so far? In brief, a whole lot. Many of the lessons are things we would consider axiomatic by now, even with differing views on globalisation and the 'right arena' for trade. First, approaches can be unique but effective. Following the example of China, many countries curtailed the movement of people within and across their borders to slow down the spread of the disease. This has proved effective in slowing down the spread of the virus, thereby 'flattening the curve' and spreading the effect of the outbreak over a longer period. This approach has been the preferred in states where mass testing and contact tracing would have been impractical. The opposite approach, followed by Singapore, Hong Kong and a few others, has been to test widely and trace the contacts of any

positive cases for follow-up. This has been effective by keeping track of the spread and attempting to slow it down by reducing contact with positive or suspected cases. In both, a clear understanding of the goal and how to achieve it has been critical to their success.

The second lesson flows almost obviously from the first: whichever approach, it has to be implemented quickly and on a large scale in order for it to be effective. Admittedly, capacity and resource considerations arise, and as some experiences will show, a combination of both approaches might be more effective. Third, there will always be an opportunity cost. Countries considering a lockdown have had to weigh the benefits against the invariably adverse effect it would have on their economies. As the Ghanaian president put it, “We know how to bring the economy back to life. What we do not know is how to bring people back to life.” Another important lesson that I do not need to belabour is the importance of listening to the experts making evidence-based decisions. Just like fighting a pandemic, economic integration and development can only be successful if they are based on more than sentiment, intuition and goodwill.

Perhaps one of the biggest lessons we can learn from this experience is that some challenges (arguably more than we are ready to admit) are not national but international. The role of international trade in the spread of the virus, especially through global travel, cannot be overstated. It is increasingly clear that concerted or at least harmonised efforts are indispensable in slowing down the virus, whether it is by closing borders, or domestic measures aimed at mutual benefit. The role of the WHO and other international institutions in stemming the pandemic only illustrates the importance of strong institutions. Yes, there have been criticisms of their imperfection, but the alternative – a world without them – is prime material for a dystopian world. Collaboration on research is quickly taking the place of ‘first mover advantage’ as it becomes clear that no country is safe from this scourge until all countries are safe. This has highlighted the futility of inward-looking policies and efforts, as we have learnt that personal safety is only as effective as the cumulative/collective adherence to safety measures. As with the defeat of this (and indeed any other) pandemic, there must be a reciprocal reliance on other states to take effective measures to achieve common goals.

The EAC has attempted to coordinate efforts between their respective health ministries, and there is room for more or more effective approaches. There is growing scepticism that the varied responses across the region will undermine the efforts of the more conscientious states, and I would argue that the Partner States' responses to the pandemic mirror their approaches to the integration project, but that's a story for another day. The European Union, while it has not been perfect, has been useful in coordinating joint procurement of medicines and PPE for member states. Strangely though, at a time when cooperation is most required, some politicians are taking a swipe at such collaborative efforts, with some even shunning them or creating excuses not to participate in them. There are some arguably valid criticisms, such as the slow response in delivering assistance and leadership to states that require it, particularly those that contend with migration-related problems in addition to the Covid-19 pandemic.

Covid-19 has been said to be an equaliser, as it attacks both the prince and the proverbial pauper, but the evidence suggests that on the contrary, it affects the pauper more than it affects the prince, and the vast differences in states' abilities to handle the outbreak have been clear in all regions. I do not purport to propose a solution to the inequalities that plague the world today, and I am by no means advocating for a reinvention of the wheel; only its improvement. This outbreak has shown the adaptability of life and most of the processes we have taken as trite, and is an example of human and states' ability to deal with change, whether gradual, sudden or drastic. Most people have had to learn new ways of doing their work, especially remotely, and we are quickly recalibrating what we consider essential. Can the same be transposed to economic cooperation?

I would say yes, *mutatis mutandis.* But, we must have the courage to make the difficult decisions. One might argue that economic cooperation or creating an environment that fosters development is not a difficult decision, and will even argue that many of these decisions have been made in the past. However, those decisions have to be backed by action. Like the lockdown/contact-tracing decision, integration decisions must be made quickly and on a large scale and most importantly, consistently followed through to their completion. In much the same way as states have had to learn from those affected by the virus

before them, we should learn from the experiences of those who have succeeded or failed before us. The sooner we realise that we are dealing with a common adversary (closed markets, underdevelopment, poverty, resource underutilisation, etc.), the sooner we overcome the challenges we face. This will be particularly important for any recovery efforts necessary to remedy the economic challenges presented by a global pandemic of a scale we now face.

Unlike the situation with the novel coronavirus, however, African IEL has the benefit of history and the hindsight that comes with it. As the virus's name suggests, it presents a new challenge, and a direct result of this has been the experimental, almost trial and error attempts to tackle it. It is nothing our generation has experienced, and we seem partly unable to rely on the lessons from previous pandemics because of the unique nature of each outbreak. African IEL, on the other hand, is less sporadic, and without even close scrutiny, reveals common threads and trends that have all yielded varied results. Is the time ripe for us to step back, look at the evidence and winnow out what has not worked, and refine that which has?

The best ways to tackle any disease are often scientific, whether based on modern, Western-style medicine, or the traditional methods of our forefathers. In both cases, an ailment was observed, a treatment proposed, and if successful, adopted, with the less effective ones being relegated to the realm of pseudoscience at best. The African continent-wide economic integration project has been in motion in one form or other since the 1950s (some might argue earlier). Now, more than ever, is the time to take an honest look at our history and consider whether, based on the depth of integration of our economies, we are on the right track, or whether we need to consider a different approach. We should use the postponed operationalisation of the AfCFTA to consider how best to implement the ideals that have been negotiated the last couple of years, and not serve as a harbinger of another shelved idea.

To achieve any of this, we must consider the relationships between regional, continental, and global bodies on the one hand and national authorities on the other. We might need a rethink of the flow of support (financial, logistical, etc.), to ensure that there is benefit at the grassroots, rather than a system in which the smaller sustain the bigger with no readily evident results. There must be

increased real cooperation between states, as it is clearer now, more than ever, that we are about as strong as our weakest link. None of this can be achieved in the absence of a strong central leadership, an argument that benefits from the prime example provided by the United States' handling of the Covid-19 threat. Whether this central leadership is at regional, continental or even global level (as Gordon Brown proposes), it must be able to harness the differences in values, opinions and interests, synthesising them for the collective good. The questions of whether such leadership is the product of pure charisma or experience, or the most appropriate level for it (regional, continental or global), may be up for debate, but the question of its necessity should not.

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