

# Africa in the politics, ethics and justice system of an open borders world

## Abstract

Politics of globalization demands that all countries of the world should open their borders for free movement of goods and services in a competitive market economy. The emerging anti-migration laws in Europe, America, and Australia, portrays another picture. Proponents think, borders should be open because of the equal liberty of all,<sup>1</sup> and the universality of human dignity and rights.<sup>2</sup> Opponents argue for border restrictions on the basis of national sovereignty, national interests, and the right to self-determination of sovereign communities.<sup>3</sup> The two camps believe that the subject of migration, the human person, is an individual, who is rational, autonomous, self-conscious and a self-propelling being. What divides them is the view that human beings have the right to exclude others from their properties and territories, hence supporting border restrictions. On the other hand, human beings have the social responsibilities to include others to share the properties and territories belonging to them, thus supporting open border policies. This paper hypothesizes that, for a better understanding of international relations, we must go beyond the individualistic understanding of the human person and the open borders discourse. African philosophy, which seems to offer a better alternative, opines that the human person is an individual and a socially corporate being that is intrinsically different from others, yet essentially related to others. This individual needs a conducive social and personal atmosphere to prosper, which can only be created in their own countries.

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## Introduction

This article discusses the place of Africa in the politics, ethics and justice system in the world that is to open its borders so that free movement of goods and services may be realized in the liberal market economy. This discussion is placed in the context of the ever globalizing world, which is narrowing the distances between different nations and the individuals within them; yet at the same time, the world that is beginning to impose greater restrictions on the free movement of people among these nations. Opinions however, are stiffly divided about this phenomenon, with staunch supporters of globalization saying it has become an imperative, an inescapable paradigm like law of gravity that the world must continue to globalize by making national borders open for all. Some critics see globalization as a potential danger to the developing countries by affecting employment of nationals, and that it has an undue favour for the multinationals. Supporters of globalization like Kerkhoff conclude by saying, “Even the most vehement opponents of globalization have to realize at some point that globalization is like a law of nature. [...] globalization presents us with the unique opportunity to strengthen the global economy and to ensure peace”. The question that these staunch advocates of globalization should answer is: why is it that this law of gravity is failing to obey its own laws, by propelling peace, unity and harmony it is supposed to usher in the world? Instead this globalizing world, that is claimed to be the only hope of humanity, is beginning to breed parochialism and apparent hatred among humans. Düvell regrets that, though globalization may be a law of nature, which should see borders of different countries open even wider, there are growing restrictions, making the very liberal ideas behind globalization fade away. He wrote;

But what a disappointment to observe that the fall of communism and the hated Iron Curtain apparently corresponds with everfiercer entry restrictions instead of extending liberal principles to the wider world. [...] In fact, the new world order shows an tendency towards more exclusive and authoritarian (migration) regimes instead of, for example, taking advantage of the historical opportunity to extend liberal freedoms.<sup>4</sup> Düvell adds that, in 1938 in the absence of internationally agreed obligations or laws, racism, and, in particular, anti-Semitism and economic and social considerations which guided the decisions that excluded Jews from the rest of the world, denied Jews their right of immigration. “The historical lesson is clearly that exclusion on grounds of immigration restrictions can, and all too often does, kill”.<sup>4</sup> Weingarten gives the same example of Jews, when he said; “No country, [...] was willing to accept Jewish refugees; both exit from the Nazi countries and entry to safe countries were restricted, and they were left at the mercy of the Nazis”. From the ethical point of view, Düvell concludes that immigration regimes, like those made in Europe, America and Australia, “are not only unjust, they also create as many problems as they claim to solve”.<sup>4</sup>

The issue this article is handling however, goes beyond this analysis, because it questions why a condition that forces an influx of sometimes an entire population to leave their countries should be allowed to prevail in the first place. It happened to the Jews and Düvell’s solution of opening the borders for Jews was right, but does not question the injustice that was pushing the Jews to look for safety elsewhere. Similarly, a number of discussions seem to concentrate on treating the symptoms of a bigger problem behind the massive drive for migration from developing countries. Migration is only a consequence of some bigger problem, which if it was treated, there would be no need for such massive migrations.

From another angle, if the main reason being given for anti-migration laws is national security in the face of increasing world terrorism,<sup>5</sup> then one would wonder, as to which countries of the world should be more apprehensive. Evidence show that, “[...] 36 percent of all homicides globally occur in Africa. With 17 deaths per 100,000, the homicide rate in Africa is double the global average”.<sup>6</sup> If this is the case, then which countries of the world should be alarmed by insecurity? Indeed, Africa and a number of developing countries are more prone to terrorism, general insecurity than any other parts of the world.

However, one can still argue, the fact that a country is not yet much affected by terrorism may not lead to the conclusion that it should therefore be less alert than others. This may not be the point of contention, but this article questions why developing countries in general, and Africa in particular, be synonymous with violence. This situation of violence, terrorism and other factors are literally pushing multitude of their people into migration.

The issue this article is concerned with is to find out why globalization, that is supposed to act like the law of nature and an inescapable phenomenon that is taking place on the globe today, should instead show results like, exclusivism, parochialism, hatred, racism, etc., that are counterproductive to the law of globalization itself. We shall then investigate the theories behind open borders world and identify forces that seems to be working contrary to it. Centrally, we shall investigate Africa and her concept of the human person and how this human person, who is the victim of immigration is pushed to the walls because of local and international factors, in terms of politics, ethics and justice.

## Method

Critical analytical method is used in this work. By critically examining some of the basic texts relevant to understand the main issues being discussed, the article aims to arrive at the core issue at stake, which are the arguments beyond the pros and cons of open borders discourse. Texts that attempted to reconcile these two positions are found to be beside the point also, since three things are central in understanding this discourse on open borders: the human person, who is the subject of immigration, the countries from which immigrants come, and the international community within which immigration take place. Texts like that of Matolino,<sup>7</sup> and others were important in trying to understand who the human person is. On the other hand, works of authors like Livingston,<sup>8</sup> helps to understand the situation of Africa, where many immigrants come from. While authors like Matfess, and Miklaucic,<sup>9</sup> Fukuyama and Matfess,<sup>10</sup> Williams,<sup>10</sup> and others help to understand the situation in the international community. In making critical analysis of these works, one can get to know the real problems with the open borders discourse, which in the view of this article, is not about opening or closing borders, but in discovering why massive migrations must take place from one part of the world to another, in the first place. In this article, I think, the politics, ethics and justice system in the world contributes to the massive migration dynamics, besides the bad socio-political and socio-economic conditions in the countries of emigration.

## Result

On the basis of the method and issues raised in the introduction, we shall then present the research findings on the theoretical basis of open borders, and the philosophy behind open borders discourse.

## Theoretical basis of open borders world

The first theoretical base for open borders has been the philosophy of liberalism. Düvell noted that, the principle of liberalism, which entered into Rawls' concept of political liberalism,<sup>11</sup> to some extent worked well at the onset of the European Union. “Within nation states and even across certain borders, such as within the European Union or in regions where borders are traditionally less meaningful, we can observe some freedom to choose where to live and where to work”.<sup>2</sup> But he also notes that it was disappointing to see that this theory seems not to work anymore. As mentioned above, the world is embracing with greater zeal entry restrictions instead of extending liberal principles to the wider world.<sup>4,12</sup> It is then important to understand why this is the case, especially in lieu of the fears posed by globalisation.

The second theory is poverty reduction and development. Caplan and Naik<sup>13</sup> argue that “In an open borders world, you don't need permission to move from Lahore to London or Montreal to Mumbai any more than you need permission to move from Oklahoma to California. The case for open borders is universal: it applies to the United States, Australia, Japan, India, China, Germany, and all other countries”.<sup>13</sup> The main reason Caplan and Naik give is that open borders and free immigration would create massive poverty reduction and help improving lives of thousands in native countries.

Thirdly, Düvell identified the universality of human dignity and human rights as another theory. He begins with a simple, but important observation that, immigration restrictions can kill. He noticed that in 1938, when a number of countries in Europe and America, did not open their borders to the Jews that were being persecuted, led to the death of many Jews, something that could have been avoided (2003:202). He revealed that to prevent this from happening again, the world in post war politics, introduced two important international instruments; one on human rights and the other on refugees, by creating two international instruments; the United Nations High Commission for Refugees (UNHCR) and the International Organization for Migration (IOM).<sup>2</sup> This means, one of the theories behind open borders policies and practices is the preservation of the human race, especially at times of crisis or war, on the basis of the universality of human dignity and rights. By introducing these two major internationally binding conventions (UNHCR and IOM), the international community recognized that human beings have a unique dignity on the basis of their humanity, that has to be protected everywhere and at all times. By setting the UNHCR and the IOM, they had formally recognized the theory of the universality of human dignity and the human right to life. But Düvell also quickly noticed that, from several incidents that occurred recently, it is clear that this theory is not being respected in international relations. He gives the examples of Srebrenica/Bosnia, the failure to rescue the Tutsi people in Rwanda, and the failure to protect minorities in Congo, which raised serious doubts about the effectiveness of international refugee protection in the world.<sup>14-16</sup> Düvell thinks that the problem lies in the difficulty of creating a balance between exclusion and inclusion and calls it an ethical dilemma. “It is to decide what has priority - individual or collective rights and individual or collective goods” (2003:203). He concludes by saying, “Ethically, borders and the policies of exclusion on grounds of immigration are hardly justified when economically borders seem to be a prerequisite of capitalism” (2003:205).

The fourth theory is that all human beings are free and equal moral persons. This has been highlighted by Carens when he outlined that drawing from Rawlsian and the Nozickian theories, he believes that the case for open borders “reveals its roots in our deep commitment to

respect all human beings as free and equal moral persons".<sup>17</sup> The three theories, developed by Rawls, Nozick and the utilitarians, begin with some kind of assumption about the equal moral worth of individuals. "In one way or another, each treats the individual as prior to the community".<sup>17</sup>

Nozick contends that because individuals are equal moral persons, *states have no right to exclude aliens from citizens in a political dispensation*, since that is not what it is instituted for. On the contrary, states' duty is to protect individual's property rights, whether they are aliens or citizens.<sup>17</sup> For Nozick,

[...] the state has no right to do anything other than enforce the rights which individuals already enjoy in the state of nature. Citizenship gives rise to no distinctive claim. The state is obliged to protect the rights of citizens and noncitizens equally because it enjoys a *de facto* monopoly over the enforcement of rights within its territory. Individuals have the right to enter into voluntary exchanges with other individuals. They possess this right as individuals, not as citizens. The state may not interfere with such exchanges so long as they do not violate someone else's right.<sup>18</sup>

Carens clarifies that, this Nozickean theory; "[...]" provides no basis for the *state* to exclude aliens and no basis for individuals to exclude aliens that could not be used to exclude citizens as well. Poor aliens could not afford to live in affluent suburbs (except in the servants' quarters), but that would be true of poor citizens too".<sup>17</sup> On the Nozickean theory, Carens concludes that, the rich may actually exclude whomever they want from land they own. But they have this right to exclude as individuals, not as members of a collective. For that matter, they cannot prevent other individuals from acting differently, by hiring aliens, or renting them houses.<sup>17</sup> While Nozick distinguishes the state from face-to-face small communities who may choose to pool their property and to make collective decisions on the basis of majority rule, this is not an option for the state. He then concludes by saying; the claim "It's our country. We can admit or exclude whomever we want".<sup>17</sup> is ultimately incompatible with the Nozickean property rights theory. So, prohibiting people from entering a territory because they did not happen to be born there or otherwise gain the credentials of citizenship is no part of any state's legitimate mandate. The state has no right to restrict immigration.<sup>17</sup>

John Rawls, on the other hand, advocated for *equal liberty to all* and social and economic inequalities so long as they would not disadvantage the least well off in society. Carens argues that, Rawls asked himself what principles people would choose to govern society if they had to choose from behind a "veil of ignorance," knowing nothing about their own personal situations, like; class, race, sex, natural talents, religious beliefs, individual goals and values, etc. (1987:255). Rawls argues that;

[...] the persons in the initial situation [original position] would choose two rather different principles: the first requires equality in the assignment of basic rights and duties, while the second holds that social and economic inequalities, [...] are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society.[...] The two principles mentioned seem to be a fair basis on which those better endowed, or more fortunate in their social position, neither of which we can be said to deserve, could expect the willing cooperation of others when some workable scheme is a necessary condition of the welfare of all.<sup>1</sup>

Meaning, people in this original position would choose between

these two principles. The first principle guaranteeing equal liberty to all, and the second permitting social and economic inequalities so long as they were to the advantage of the least well off. So, the second principle, must permit all to flourish under fair conditions of equal opportunity. People in the original position would give priority to the first principle, forbidding a reduction of basic liberties for the sake of economic gains. It is also the basis on which the well offs deserve cooperation from the least well offs.

It seems the problem we have with open borders lies exactly here, where people have chosen the exact contrary of what Rawls had hypothesized. People in developed countries have chosen economic gains over basic liberties. To answer this dilemma, Carens argues, Rawls distinguishes between the ideal and non-ideal theory of the 'veil of ignorance'. In the ideal theory, even after lifting the veil of ignorance, people would still abide by the choice they have made in the original position, protecting and defending basic liberties. But in the non-ideal theory, which is more immediately relevant to practical problems, people would choose the benefit of economic gains.

Again I would say, those behind restricting the open borders policies, seems to be taken by their immediate socio-economic problems, protecting their national interests, other than caring for the rest of mankind, regardless of how pressing the needs of aliens are. They are willingly rallying behind ultimate goals of social reform which is a basis for judging the relative importance of departures from the ideal. But Carens still insists, "we can take it as a basic presupposition that we should treat all human beings, not just members of our own society, as free and equal moral persons" (1987:256). In the footnote, Carens clarified that "Respecting others as free and equal moral persons does not imply that one cannot distinguish friends from strangers or citizens from aliens".<sup>19</sup>

Another theory in support of open borders is that of human rights. For Pécoud and de Guchteneire,<sup>20</sup> the Universal Declaration of Human Rights states that, "Everyone has the right to leave any country, including his own, and to return to his country" (UDHR, Art. 13-2). They suggest that, "[...]" a possible rights-based answer to the challenges of migration lies in the elaboration of a right to mobility, and it examines some of the implications of this approach, including its relationship to issues such as world justice, social cohesion, economic wealth, security, and migration governance".<sup>20</sup>

In support of this human rights theory, Pécoud and de Guchteneire give several reasons why open borders policy is important. That restrictions on open borders create situations of illegality and mistrust that make co-operative border management even more difficult. Border controls do not really stop people but rather incite them to go underground (2006:81). They provide smugglers and traffickers with enhanced business opportunities.<sup>21</sup> Controls not only increase the vulnerability of migrants, they also complicate migration policies and increase security threats by making flows invisible. Johnson<sup>22</sup> argues; open borders are entirely consistent with efforts to prevent terrorism. More liberal migration would allow for full attention to be paid to the true dangers to public safety and national security. Julie Murphy Erfani<sup>23</sup> documents, for instance, the negative impact of control policies on civil society and on people's values in borderland regions. "Tight control of borders fuel precisely the opposite, namely, social tensions and feelings of insecurity. Border policies create a specific border culture that may then jeopardize efforts to promote much needed cross-border co-operation".<sup>20</sup>

## Philosophy behind borders restrictions

The first argument given is that of national sovereignty. Carens gives this argument, though he does not subscribe to it. He writes;

The power to admit or exclude aliens is inherent in sovereignty and essential for any political community. Every state has the legal and moral right to exercise that power in pursuit of its own national interest, even if that means denying entry to peaceful, needy foreigners. States may choose to be generous in admitting immigrants, but they are under no obligation to do so.<sup>17</sup>

This means that every nation has an inherent right to exclude or include those they may reject or admit into their territories because of the legal principle of national sovereignty. However, this may not explain the issue we are trying to discuss, the exclusion on the basis of economic status or race of the immigrant.

Secondly is the theory of public order and security. John Rawls argues that “liberty may be restricted for the sake of liberty”.<sup>1</sup> Rawls believes that “even in ideal theory and all liberties depend on the existence of public order and security”.<sup>1,17</sup> Carens adds, in the view of Rawls, suppose that unrestricted immigration would lead to chaos and the breakdown of order, then all would be worse off in terms of their basic liberties”.<sup>17</sup>

In such scenario, restricting liberty for the sake of liberty would be the right thing to do. He writes;

Even adopting the perspective of the worst-off and recognizing the priority of liberty, those in the original position would endorse restrictions on immigration in such circumstances. This would be a case of restricting liberty for the sake of liberty and every individual would agree to such restrictions.<sup>17</sup>

This is where opening borders would be allowing universal liberty of persons to harm the liberty of citizens. This has been one of the strongest arguments against open borders policies in the world today.

Michael Walzer argues that restricting borders is justified on the basis of the right of the communities to self-determination. “Across a considerable range of the decisions that are made, states are simply free to take strangers in or not”.<sup>3</sup> He contends that the right to self-determination may restrain sovereign national communities not to exclude foreigners in three ways: provide aid when and where it is necessary, permit foreigners to acquire citizenship if they wish, and the choice not to expel them.<sup>3,17</sup>

Besides the above arguments, we can still add that based on limited resources and employment opportunities in developing countries where immigrants are oozing out, developed countries have the right to restrict their borders. This is because, there is a real fear, which boosted American people’s support for President Donald Trump that immigrants were taking over opportunities for nationals and making life harder for the American citizens. If borders were to be open, realistically, some countries would be overwhelmed with immigrants. Very many Africans would want to migrate to UK, or US. So, in the meantime, while life is still very difficult in some parts of the world, it may be realistic to restrict border entries.

I would agree with Caplan, Naik<sup>24</sup> when they state that closing borders do not make any better the situation in developing countries; on the contrary, it is only in opening borders that massive poverty will be reduced in developing countries and improve quality of lives in the native countries.<sup>24</sup> While Caplan and Naik at least made an attempt at mentioning the crux of the matter, which is the socio-

economic conditions in developing countries, they fall short of mentioning that bad socio-economic conditions are created by both local and international politics, ethics and justice system. Secondly, the different arguments given above, look at the result of some bad situation, causing immigration, it does not sufficiently analyze that bad situation in developing countries and find out why individuals or groups of people should leave their own countries in preference to foreign countries. More disturbing is the failure to analyse the concept of the human person as subject of immigration. This human person, who is a victim both from the source of immigration and at the end of immigration, is poorly conceived, in the philosophy propelling the open borders discourse. Besides, the question here is not condemnation of border restrictions *per se*, but questioning why developing countries must continue to remain bad places to live in. The emphasis here is not just in defining the concept ‘human person’, but in looking at this human person in the context of the politics, ethics and justice system of open borders world.

## Discussion

### Open borders and borders restrictions discourse

In their Book Chapter, *If only I got a Visa': Configurations of Residential Preferences and Contemporary Migration of Africans to Europe and North America*, Balyejjusa & Kasoma<sup>25</sup> articulated that though the number of migration from sub-Saharan Africa is not so high, but over the last few years it is on the increase. A number of factors; political, economic, demographic, psychological, and ecosystem explain the migrations. These factors are usually push-pull paradigm. Among the push factors are; political instability and wars, unemployment, human rights abuses, low standards of living. While, high standards of living, availability of employment opportunities, democracy and good governance, high quality of education and health care are among the pull factors.<sup>25</sup>

Arguing for open borders, as we have seen above, a number of authors gave the following reasons: freedom,<sup>2,11,12</sup> poverty reduction and development.<sup>13</sup> universality of human dignity,<sup>2,15-18</sup> human rights,<sup>20</sup> prevention of terrorism.<sup>22</sup> Behind these reasons, the emphasis is placed on the fact that if international borders are kept open, then human freedom and dignity will be respected, poverty will be reduced in developing countries, equality among humans will be upheld, human rights will be respected and risks of terrorism will be minimized. These arguments largely favour developing countries. They tend to ignore reasons for border restrictions as outlined above, like: national sovereignty,<sup>17</sup> public order & security community’s right to self-determination,<sup>3</sup> restricting liberty for the sake of liberty,<sup>3,17</sup> discouraging immigrations from resource scarce countries and citizens in resource rich countries losing jobs to foreigners (Donald Trump).

In my view, the arguments raised in favour of open borders, seems to be based on sympathy for the under-privileged of this world. They are empathizing with the poor migrants, as Carens argues that basic reasons to allow immigrants to leave their countries for better off countries are economic, humanitarian, and human rights. That may not be the real issue this article is interested in. In this paper, we wonder whether there are no better arguments in support of open borders.

Without underrating the arguments advanced by these authors, let us first critically look at some of them. Carens argues that the presence of guards to restrict open borders; “[...] can be justified as a way of keeping out criminals, subversives, or armed invaders” (1998:251). However, he quickly makes a disclaimer that these are not his views because “[...] most of those trying to get in [migrants] are not like

that. They are ordinary, peaceful people, seeking only the opportunity to build decent, secure lives for themselves and their families" (1998:251). Besides, he complains; "On what moral grounds can these sorts of people be kept out? What gives anyone the right to point guns at them?" (1987:251).

Such arguments based on economic, political, social or human rights principles are right and understandable, but they do not put the victims of immigration in their proper perspectives. Philosophy of the human person, as it is understood in African philosophy, could provide a better basis for understanding the magnitude of migration problem.

### African concept of person in the open borders discourse

To understand the concept of the human person, in the context of African philosophy, we have to understand African philosophy. While Western philosophy is the detached intellectual activity to investigate reality, African philosophy is an engaged intellectual and human activity of the whole person that is involved with reality, and through this engagement the meanings and causes of reality are discovered.<sup>26</sup> African philosophy, is the protracted theoretical and practical efforts to re-link African intellectual and rational past heritage, plus the pre- and post-colonial identity with the present for the good of Africa. Broadly speaking, African philosophy is defined as a history of African rational thought,<sup>27</sup> or a critical examination of the history of African rational thought.<sup>28</sup> African philosophy attempts to discover the rational history of the African past, and to create a gnosis between the African past and present. More specifically, African philosophy is an act of wisdom and not a mere love of wisdom. It is the engagement of the whole person, rationally, emotionally, and spiritually with wisdom, intense desire and strong enthusiasm in the investigation of causes underlying reality in order to build a system of values by which society lives.<sup>26</sup> Ozumba<sup>26</sup> observes that despite various views from one culture to another in Africa, "What we have are similar outlooks which enjoy a higher semblance than with views outside the African sub-region".<sup>26</sup> Teffo and Roux describe African concept of person as multidimensional; the *relational, empirical, dualistic and destined*.

The concept of the human person as relational, associates the individual with the community within which he or she is born, raised, lives and dies. Authors are divided on this social perspective of the human person. One group thinks the communitarian dimension is superior to the personal dimension, the other thinks otherwise. Authors are also divided whether African personhood is conferred by the community or not. The radical say, "[...] personhood is attained through one's relations with others in her respective community". Some of them talk of the role of the community in the creation of the human person. The radicals trace their view to Tempels Placide and Mbiti.

The moderates on the other hand, take, "[...] full cognisance of the individual's autonomy and her rights".<sup>7</sup> The main proponent of the moderates is Kwame Gyekye. They emphasize, "Reconciliation of rights and social responsibilities, that is, balancing of social forces and individual autonomy".<sup>19</sup> They emphasize the moral supremacy of the rights of the individual,<sup>19</sup> as well as the importance of the community.

For Gykye, he ascribes to both the community and the individual an equal moral standing. Teffo and Roux also believe that although the community plays an important part in determining the selfhood of human beings, human persons cannot be reduced to mere products of any kind of collectivity or community (1998:145). Lajul,<sup>27</sup> supports this view saying the Mbitian phrase; *I am because we are, and since*

*we are, therefore, I am*, should not be misunderstood. In traditional African social philosophy the community is essentially composed of individuals who are very important in their own rights, although they are also closely and strongly related to the community. [...] Without the community this individual could not survive and without the individuals the community did not exist".

This article fully endorses this view, because it is centrally this community support that is lacking in Africa today and it is the main push factor for most African immigrants to leave their countries of origin. In the open borders discourse, we realize that the bond that kept the Africans united and at peace was this relational dimension, which modern world with its imposing influence has robbed from the African. The Western concept is that a human person is an individual being endowed with a spiritual nature that is incommunicable. "An individual is one with the capacity for spiritual self-consciousness and the corresponding self-determination" An individual human person, in African philosophy, is a "corporate or social being". From this social philosophy, an African is related to the world around him; God, fellow humans, and the environment, with whom he lives in harmony. This symbiotic relationship has been disrupted by the modern world, where God is no longer at the centre, but man with his technology is centralized, making man to look for God only to satisfy his needs, otherwise, God has no business. The environment has become a space to be exploited only for financial gains. The sacredness of nature in African ontology is disappearing. The loss of the sacredness of nature has also been strongly echoed by Pope Francis in his Encyclical Letter, *Laudato Si*.<sup>29</sup>

With the Western understanding of the human person as an atomic being, incommunicable, self-conscious, and self-propelled, the world has completely lost touch with this African social philosophy. As mentioned above, though this individual is a person with rights, dreams and ability for self-determination, he is equally a corporate being. What has gone wrong is to dismiss the social dimension and make an individual take on the burden of life single-handedly. While in the West, the social dimension has been replaced by the state and the civil society organizations; in the case of Africa, the poor management of the state, weak civil society organizations and collapsing African extended families' support, have left the individuals vulnerably alone and helpless. In this situation, a modern Africa feels helpless and yearns to migrate where the state plays a role in giving support to its citizens. With a few success stories, many Africans who have migrated to affluent countries have shown that Africans are not lazy and they can progress. Yet the open border discourse seems to admire such examples of success ignoring the fact that, not all Africans can migrate out of their countries. The solution lies in making better the conditions of life in the African countries, in the view of this paper.

Many of you might have seen the YouTube video featuring the president of Ghana and the Prime Minister of France. The president of Ghana was loud and clear on these issues. He emphasized, African nations must desist from begging, because we can do it ourselves. Africa has remained behind because we have relied for too long on aid. He insisted, we should create in Africa the right conditions needed for development. He gave the examples of the Italians and Irish people, that after the two World Wars, used to migrate massively to other developed Western countries, but now they are not doing that because the socio-economic conditions have become favourable in their own countries. In Africa instead, the strong and able people are leaving because they believe we do not have such opportunities. The president concluded, referring to his country Ghana, saying, and "we should build Ghana beyond aid".

Steven Livingston emphasizes that;

The risk of violent crime has implications for Africa's development, governance, and stability. Crime ranks as one of the major inhibitors to investment on the continent according to private business owners. Parents choose not to send children to school rather than put them at risk in high crime areas. Countries with higher rates of violent crime tend to make less progress in reducing poverty and expanding development (2013:1).

Because of the situation, as described above, a number of people in Africa are not only poor, but their development is at risk. African governance is riddled with corruption, instability and insecurity is the order of the day. Investment is discouraged, education is undermined, poverty reduction is regressing and potentiality for migration is increasing.

Such magnitude of problems cannot be solved simply by opening bordersallowing Africans to migrate to other countries without any serious attempt at addressing them. Besides the bad socio-economic situation in Africa and lack of community support, the other problem is the politics, ethics and justice system in the world in general and in Africa in particular.

### **Politics, ethics and justice system in the world**

The root causes of the worrying phenomenon of African migrations to developed countries seems to be multiple, as mentioned above. However, the politics, ethics and justice system in the world today is also another contributory factor to African socio-economic and political situation. These factors make migration crisis bigger. A number of authors have voiced their concern about what is going on in the world today especially in the context of open borders. Matfess and Miklauicic<sup>8</sup> think, the problem is complex. In their edited book title "Beyond Convergence: World Without Order" Matfess and Miklauicicstate that the world order built upon peaceful co-existence and justice is faltering and crumbling. They observed;

State fragility or failure are endemic, with no fewer than one-third of the states in the United Nations earning a "high warning"—or worse—in the Fragile States Index, and an equal number suffering a decline in sustainability over the past decade. State weakness invites a range of illicit actors, including international terrorists, globally networked insurgents, and transnational criminal organizations (TCOs). The presence and operations of these entities keep states weak and incapable of effective governance, and limit the possibility of fruitful partnerships [...] Illicit organizations and their networks fuel corruption, eroding state legitimacy among the governed, and sowing doubt that the state is a genuine guardian of the public interest. These networks can penetrate the state, leading to state capture, and even criminal sovereignty. A growing number of weak and corrupt states is creating gaping holes in the global rule-based system of states that we depend on for our security and prosperity. [...] the emergence of a highly adaptive and parasitic alternative ecosystem, based on criminal commerce and extreme violence, with little regard for what we commonly conceive of as the public interest or the public good.<sup>8</sup>

From the text above one can identify three issues of politics, ethics and justice in the world: (i) Endemic state fragility and failure - characterised by decline in sustainability; state weakness; prevalence of illicit actors like international terrorists, globally networked insurgents and transnational criminal organizations (TCOs), making fruitful partnerships with any government almost impossible. (ii) Eroding state legitimacy - since these illicit organizations networks have penetrated most governments in the world, there is increasing

prevalence of bad governance in the world; fuelling of corruption, making states no longer guardians of public interests, instead states are captured and criminal sovereignty prevails, weak international rule-based system with diminishing security and prosperity for the masses waning. (iii) Creation of parasitic ecosystem - based on criminal commerce, widespread violence, little regard for public interests and public good.

Fukuyama and Matfess<sup>8</sup> think the problem is political. They call it "the big party politics and the decline of democracy in the world". Other authors talk of the global crisis of governance in the world,<sup>10</sup> terrorist and criminals in the world today,<sup>30</sup> protection economy, financial flows and violence,<sup>31</sup> and illicit trade in normally licit goods.<sup>32-35</sup> As regards the big party politics and decline in democracy, Fukuyama and Matfess believe that many African states want to follow this big party politics, like that in China, but without understanding what is behind the example they are immolating. They noticed that China is successful because its model is;

[...] dependent first and foremost on the existence of a large, disciplined, and highly institutionalized Communist party. Over the years, this party has integrated itself into the Chinese government that it oversees, and constitutes a substantial portion of China's state capacity. Up through a provincial level, recruitment and promotion of cadres proceeds by strict rules and tends to be relatively meritocratic. The party has imposed term limits on itself and is not dependent on individual leaders for its continued functioning. The system is capable of exerting a huge amount of discipline on lower-level cadres.<sup>8</sup> In the text above, one can identify five reasons why the Chinese big party model is successful. (i) The institutional capacity of the Communist Party; (ii) the party and government are one; (iii) recruitment and promotion procedures are meritocratic; (iv) the party is independent and superior to its leaders; and (v) there is discipline at all levels.<sup>36-40</sup>

Big parties without the strong institutional self-regulative ability, coalescing party and governance, strict and meritocratic corrupt free recruitment rules and procedures, parties being independent and superior to the individual leaders and strict discipline, a big party will only become a vehicle of corruption and failure of governance. Fukuyama cites the example of Ethiopia and Rwanda. I would add the example of Uganda, where none of the features of the Chinese models are present. In a number of African countries, the big party leaders are above the party institution, party and government are not one, recruitment is riddled with corruption and malpractices, there are no term limits for the party leaders who can rule until they die and there is little or no discipline at any level.

Giving the examples of two African countries (Ethiopia and Rwanda), Fukuyama and Matfess conclude by underlining that, the Chinese Communist Party (CCP) model can bring economic progress without liberty and sustainable growth, creating a breeding ground for instability in the long run. In their words;

Authoritarian systems in China, Ethiopia, and Rwanda have gained legitimacy through the provision of economic growth. [...] A globe populated by governments inspired by the CCP may well bring economic progress without liberty and growth, without bureaucratic capacity, and courting instability in the long term. The security achieved today by enabling such governance models is sure to be undone in coming years as growth-related legitimacy wavers and brutal repression is met with ever more fervent protest.<sup>8</sup> This means, we cannot equate success of a political system with their ability to create economic growth. Economic growth may take place, but when there is no justice and ethics, such a system will eventually destroy the

very fruits of its efforts. What Chinese big party system lacks is justice based on liberty and fairness.<sup>40-42</sup>

Fukuyama and Matfess conclude that, “[...] the synergistic challenges posed by the combination of crime and terrorism generates real challenges in the economic and governance spheres. The convergence of crime and terrorism fosters distortions in markets, creating real financial costs that damage countries' well-being and hinder their development” (2016:117). This would be the exact description of what is happening in Africa; where a combination of terrorists and criminals at national and international levels have infiltrated most African governments. These criminal groups and elements have damaged most of African capacity for development and self-governance.

What Fukuyama and Matfess have not mentioned is that because of insatiable desires for power and wealth, most African political leaders make the work of these national and international criminals to infiltrate their governments very easy. In fact, some of them are invited by the African political leaders to help them in their politico-economic projects to stay forever in power.

From this analysis, we can see that for Africa to benefit in the open borders policy and practice, it should be on the basis of equity and justice. African political situation should change, not by copying the CCP model blindly, but to adopt elements that are central for human sustainable development. Those that can be copied are the culture of discipline free of corruption, and institutional capacity to prevail over individuals. The clear difference between CCP experience with some of the African governments like Rwanda, Ethiopia and Uganda is that individual leaders in those countries are more powerful than the parties they lead. The parties in these countries have failed to impose term limits on themselves and their leaders. Besides these countries, to a less extent Rwanda, are infested with corruption, they recruit and promote on the basis of sometimes bad and improper rules and procedures.

In proposing that the solution to African migration problems lies in fighting crime and the corruption in African socio-political systems, Steven Livingston<sup>6</sup> seems to suggest that the actual problem is ethical. To fight crime and the corrupt African socio-political system, Livingston opines that ICT, which has been one of the vehicles behind globalization and the open borders discourse, could be used. However, he notes that ICT is in itself not a solution for the problems of Africa. This is because ICT can as well be used for criminal purposes. It could only be used to fight crime and corruption when it is positively used by an organized body of committed individuals. Livingston writes; ICTs are not a panacea for resolving crime and corruption. Information is solely a tool and not the driver of reform. [...] Rather, ICT-generated change requires an organized body of committed individuals who can use the increased accessibility of information to educate the public, engender popular participation, and press authorities for reform. It is this sustained engagement of on-the-ground actors, typically in the form of civil society organizations that transforms information accessibility into concrete improvements in the lives of ordinary citizens.

From these lines, Livingston thinks that part of the solution is to have sustained engagement of on-the-ground, disciplined and committed actors, typically in the form of the police force and civil society organizations that can use information accessibility for concrete improvements in the lives of ordinary citizens. Unfortunately, African world is characterized by an increasing ICT usage, with a dialectically increasing crime rates. In the mind of Livingston

then, what Africa lacks is ethics, which would see a high calibre of committed, disciplined and well organized police and civil society organizations reduce the crime rate in Africa. This would create an environment that would attract investments that propel development.

Without ignoring the view of Livingston, I think, what African countries need to do is to embrace democratic principles and practice, since democracy outlives individual political gains and powers. Africa should internalize that justice, ethics and equity are not only moral questions, but are equally economic and political issues, since they bear directly on development and good governance. To reduce the influx of migrants to developed countries, Africa needs meaningful developmental agenda for creating true economic and human growth.

### **Implications of the politics, ethics and justice system in the world for Africa**

The question that remains is that, why is Africa quite prone to criminal activities, bad governance, injustice and corruption among the police, politicians, policy makers and civil society organizations? In the view of this article, behind the unethical behaviours of leadership in Africa at all levels, are the politics, ethics and justice system of open borders world. Sound ethics is about doing things right. The ethics of open borders, as it is now, encourages movement of goods and services (from developed to developing countries), movement of people (from developing countries to developed countries), movement of technology and technical skills (from developed to developing countries), and massive repatriation of wealth (from developing countries to developed countries). This form of injustice is partly responsible for the migration phenomenon in the world, but especially migrations from Africa.

The politics of open borders tend to promote a one way traffic; allowing free movement of goods and services from the developed countries to the developing countries, but not the other way round. Goods and services do not easily flow from developing countries to developed countries, except for raw materials and cheap labour. In this paradigm, developing countries are only good in as far as they can provide raw materials, cheap labour and market for the industrial products of developed countries.

Cheap labour is not for the good of Africa, since it increases economic disparity between the owners of industries who are the multinational from the developed countries and the Africans who mostly qualify to produce cheap labour force. It is not even enough that Africa should attract industrial technologies, for so long as these industrial technologies are not owned and managed by Africans, Africa will remain backward. The politics of open borders, seems to advocate that Africa should open her borders so that developed countries can build industries in Africa, regardless of the fact that the ownership, technologies and technical skills to sustain them belong to developed countries. Surely, such industrial development will keep Africa in the very same spot of under-development.

What Africa needs in the policies and politics of open borders are free and fair trade to prevail between developed and developing countries. They want to see the poor and oppressed people from developing countries to stop scrambling to migrate to developed countries. Africa needs reduced dependence on technology and technical skills from developed countries. Africa needs wealth that is produced in Africa and primarily for Africa. African labour should be valued for its worth and not its origin.

The answer to the problem of migration lies on both the international community and the African nations. The international

community should accept that the socio-economic environment where developed nations are protecting their interests at all costs, is partly responsible for the deteriorating situation in developing nations and the poverty of multitude of people within them. On their part, African civil society organizations and political leaders should become more serious politically and economically by practicing democracy and good governance, and empowering their people, technologically, socially and economically; by providing the required skills and manpower for their self-propelled development.

A continent cannot grow on aid, unless this aid helps to improve the indigenous capacities of the population to create, own, and manage their economic activities by transforming their economic opportunities into tangible wealth (see Dambisa Moyo, "Dead Aid"). The one directional migration, one directional technological transfers, yet opposite directional transfer of wealth and the opportunities it creates for the population should stop. Africa cannot, on its own, create sufficient wealth, just political system and formidably manage its own affairs amidst these multidimensional corruption, crimes, poverty and injustice both at national and international levels. She needs support to stop potential brain drain from Africa to developed worlds, by addressing especially the push factors, since the existence of pull factors are not the fault of developed countries.

Lastly, justice demands that borders should be opened on terms of equity and equality. Globalization can only become an opportunity, if there is justice in the world. Most developed countries determine the prices of the goods and services they deliver to and get from Africa, especially prices of raw materials and costs of African labour and technical skills. They sell to Africa goods and services at their own prices, the cost of their technology and technical skills in Africa remain unbearable.<sup>1</sup>

## Conclusions

From these discussions, we can make the following conclusions. First, open borders discourse still remains as polemical as ever, with the two camps supporting or rejecting the open borders policies. Each camp is getting more entrenched in their views, creating very little room for dialogue or compromise. The firm adherence to these diverging camps do not add value to eradicating the increasing problems of migrations. A middle way through may not equally solve the problem. The solution lies beyond these dividing lines; which is streamlining the politics, ethics and justice system in the world. Critically speaking, the arguments of open borders or borders restrictions are only looking at the problem from the point of view of the countries of destination; where migrants are scrambling to go. Little attention is being paid to the other side of the coin by addressing the push factors for migration. Short of this change of approach, the dilemma will continue to prevail. Besides, there is waning relevance, legitimacy and autonomy of the national governments in the world, and especially in Africa. The more the world globalizes and the powerful multinationals with the criminal elements within them continue to prevail, the more should the world expect weakening national states and more intense scramble for migration. This is

<sup>1</sup>I want to give an example of a telephone company in Uganda that is owned by some expatriates. The top managers of that company salary scale is up to 45,000USD per month, while the Uganda counterpart is at 15,000USD a month. But immediately after this highest paid African, the next cadre is paid at 1,300USD. University graduates in that company are on average paid 250USD per month. So, even if such a company employed 180 University graduates, their total pay will be equivalent to only one expatriate salary working in Uganda.

because there is growing problem with: (a) endemic state fragility and failure; (b) eroding state legitimacy; and (c) growing parasitic ecosystem. So, the more the poor political, ethical and justice system continue to prevail in the world, the worse will become the conditions of the people in developing countries and the influx of migrants will continue to rise in the world. In the *status quo*, developed countries will continue to get greater pressure from asylum seekers, and social, economic and political refugees in the world will increase, besides emerging ecological factors. The divergent concepts of the human person, is partly responsible for the increasing desperation in Africa pushing migrants. The human person is not just an atomic individual, as understood in Western philosophy, but a corporate social being as understood by African social philosophy. The individual lives and survives with the support of the society, which, in the context of modern African societies has been dismantled. The harmonious relationship that used to prevail between an individual and society, the individual and God, and the individual and the environment is no more. Annihilated individual Africans have to gasp and pant for survival, with no support from the state, the immediate families or local communities as it used to be.

The only alternative for the African individuals is to task it out on their own, abandoning the hope that society would help. S/he has to look for survival wherever it is possible and at whatever costs. Thus, hundreds get drowned in the waters of the world attempting to cross over to developed countries. Others are trapped in the asylum seekers dispute without any light at the end of the tunnel. Many crave to migrate to developed worlds where there is something to live on without freedom, rather than live in freedom where there is nothing to live on. Indeed, yearning for the meat pot of Egypt,<sup>2</sup> has found its repeat in modern history.

Africa in this situation will have to style up and begin to work seriously in making better the social, economic and political conditions within her territory. Fairness in international trade, justice in international relations, and good governance in Africa, are some of the necessary conditions required to make open borders policy in the world meaningful. This will help to reduce tensions in international relations and reduce influx of migrants to developed countries. In this way, borders could then be regulated on the basis of fair play, good ethics and justice; informed by what is right. My fear is that globalization, where the open borders policy is being advocated, is becoming like an overblown balloon, which has no chance of survival but to burst at some point.

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<sup>2</sup>Migration exodus is passing through the deserts of life; where one is free, but lacking water and food, creating a longing for return to slavery with plenty of water and food to feed on.

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