

CONFLICT TRENDS

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EDITORIAL

2

by Vasu Gounden

FEATURES

3

The African Continental Free Trade Area: Prospects and Challenges

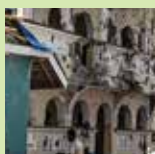
by Onyinye Nkechi Onwuka and Kingsley Chigozie Udegbumam



11

Building State Resilience: A Response to Terrorism in Southern and Eastern Africa

by Katherine Meyer



20

Political Fatalism and Youth Apathy in South Africa: An Analysis of the 2019 General Election

by Gilbert Tinashe Zvaita and Darlington Tshuma



30

Amnesties and Human Rights within the Framework of the African Charter on Human and Peoples' Rights

by Frédéric Foka Taffo



38

Human-wildlife Conflict and Wildlife Conservation: Attitudes of the Ovahimbas in Namibia

by Yolanda Sadie



47

Threat of Secession: The Biafran Story

by Hussain Taofik Oyewo





EDITORIAL

BY VASU GOUNDEN

“The eyes of the world are turned towards Africa,” Egyptian president and African Union chairman, Abdel Fattah el-Sisi, said at the opening ceremony of the 12th Extraordinary Summit on the African Continental Free Trade Area (AfCFTA) on 7 July 2019. He went on to say: “The success of the AfCFTA will be the real test to achieve the economic growth that will turn our people’s dream of welfare and quality of life into a reality.”

Indeed, the AfCFTA and its creation of a single continental market for goods and services, coupled with the free movement of businesspeople and investments, is being watched by financial markets and institutions around the world – and, most importantly, in Africa. The United Nations Economic Commission for Africa (UNECA) suggests that the AfCFTA has the potential to boost intra-African trade by 52.3% by eliminating import duties, and it can double this trade if non-tariff barriers are also reduced. The economic benefits from the AfCFTA will be numerous and apparent, but like the European Union (EU), the AfCFTA too may have other benefits beyond the purely economic.

Intra-African trade currently accounts for only 16% of the total trade in goods and services within Africa. On the other hand, intra-European trade currently stands at around 65% of goods and services traded within the EU.¹ This intra-European trade has created an interdependence among European nations, which in turn has resulted in what is today commonly known as the *Pax Europaea* – the relative peace experienced by the European nations following World War II. In recognition of this long peace, the Nobel Peace Prize Committee awarded the 2012 Nobel Peace Prize to the EU “...for over six decades contribut[ing] to the advancement of peace and reconciliation, democracy and human rights in Europe”. The EU, in binding key western European nations together in a mutually beneficial free market, has reduced, if not eliminated, the desire to use war as a shortcut to power and wealth.

Africa today is plagued by internal conflict, civil wars and regional proxy wars. Intra-African trade through the AfCFTA may well have a similar impact in Africa as intra-European trade has had in Europe. Through the opening up of trade and investment opportunities in Africa, the AfCFTA has created the potential for the largest free trade area in the world since the formation of the World Trade Organization. The benefits of this could be twofold. First, it will create an interdependence among nations, thereby reducing the possibility of conflict between nations. Second, intra-African trade can boost economic growth within countries, thereby also reducing the possibility of conflict within countries. This could lead to the long-held dream of many Africans for a *Pax Africana*.

The signing of the AfCFTA is a first positive step towards an integrated economic market in Africa. Implementing this agreement will be a long and difficult road, punctuated by many obstacles. The duration of the journey towards full implementation and the creation of the conditions for a *Pax Africana* will depend on dedicated and visionary leadership, coupled with strong political will. The current state of competitiveness and conflicts within and between nations is a major obstacle. Africa’s leaders must begin by building confidence within and between their countries. This confidence can only be established by Africa developing a shared future, as envisaged in Agenda 2063. It cannot be achieved by another generation of selfish leaders motivated by personal benefit only. The AfCFTA should be a blueprint to develop the conditions at this time to benefit all Africans. 🐘

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1 United Nations Conference on Trade and Development (2017) ‘Trade and Development Report 2017’, Available at: <https://unctad.org/en/PublicationsLibrary/tdr2017_en.pdf> [Accessed 17 July 2019]



THE AFRICAN CONTINENTAL FREE TRADE AREA: PROSPECTS AND CHALLENGES

BY ONYINYE NKECHI ONWUKA AND KINGSLEY CHIGOZIE UDEGBUNAM

Introduction

At the African Union's (AU) 18th Ordinary Session in January 2012, held in Addis Ababa, Ethiopia, the heads of state and government of African countries agreed to establish the African Continental Free Trade Area (AfCFTA).¹ This free trade area is outlined in the African Continental Free Trade Agreement among 54 of the 55 AU member states currently. The AfCFTA is the largest in the world in terms of participating countries since the formation of the World Trade Organization,² as it translates to a market potential for goods and services of 1.2 billion people, and an aggregate gross domestic product of about US\$2.5 trillion.³

The United Nations Economic Commission for Africa (UNECA) estimates that the agreement will boost intra-African trade by 52% by 2022.⁴ The AfCFTA treaty, one of the flagship projects of the AU Agenda 2063 and a landmark continental agreement, is aimed at creating a single continental market for goods and services, with

free movement of businesspeople and investment. The agreement was brokered by the AU and was signed by 44 of its 55 member states in Kigali, Rwanda on 21 March 2018.⁵ The agreement went into force on 30 May 2019 and entered its operational phase following the AU Summit on 7 July 2019.⁶ This article examines the key provisions of the AfCFTA with the aim of identifying its prospects, and the challenges that may impede the exploitation of its full potential.

Literature Review

There is a significant body of literature on continental free trade agreements and socio-economic growth.

Above: The African Heads of States and governments during the African Union Summit in Rwanda, following their agreement to establish the African Continental Free Trade Area (21 March 2018).



The launch of the African Continental Free Trade Area (AfCFTA) was the focus of a two-day summit of the 35th Ordinary Session of the Executive Committee of the Meeting of the African Union in Niamey (5 July 2019).

Hosny contends that regional integration is characterised by improved competition, investment flows, economies of scale, technology transfer and improved productivity.⁷ Marinov argues that the effects of regional economic integration include increased investment, expenditure, sustainably increased demands, the consolidation of production and increased specialisation, improvement of the organisation and management of production and production technology, rationalisation of territorial distribution and utilisation of resources, increased production efficiency, and the enhancement of economic growth.⁸ Wandrei opines that trade agreements eventually lead to trade gains for participating countries.⁹

Examining the implications of the AfCFTA for individual states, Jibrilla argues that Nigeria's earlier refusal to sign the AfCFTA was misguided. He contends that Nigeria stands to benefit the most from the agreement if the country improves

its infrastructure, develops human capital, empowers youth and women, develops the agricultural sector, attracts quality foreign direct investment, encourages value addition, designs and implements policies that will allow access to finance by investors, and manages the security situation better.¹⁰ However, Ubi supports Nigeria's initial refusal to sign the agreement, arguing that the AfCFTA was likely to undermine local manufacturers and entrepreneurs or lead to Nigeria becoming a dumping ground for finished goods. Ubi further argues that Africa's development cannot be attained by free trade agreements, because past and current trade agreements involving African nations, particularly Nigeria, have not had any significant impact on the Nigerian economy.¹¹ He further claims that most African countries are not mature enough for free trade, because of the lack of industrialisation. Ubi also states that the manufacturing sector in sub-Saharan Africa has not shown any growth since the 1970s, as the value-added goods percentage of the gross domestic product (GDP) has stagnated at 10%.¹²

This article is therefore an examination of the prospects and challenges of the AfCFTA in the light of these debates. Drawing data from the AfCFTA, African Export-Import Bank (Afreximbank) and the United Nations Conference on Trade and Development (UNCTAD), the article argues that a

HE FURTHER CLAIMS THAT MOST AFRICAN COUNTRIES ARE NOT MATURE ENOUGH FOR FREE TRADE, BECAUSE OF THE LACK OF INDUSTRIALISATION



The African Continental Free Trade Area (AfCFTA) provides a framework that covers trade liberalisation in goods and services in Africa.

commitment to the principles of the AfCFTA, in the light of the signing of the agreement by Africa's largest economies, indeed increases the prospect of the agreement becoming a reality that could improve industrialisation on the African continent and the welfare of the African people.

Overview of the AfCFTA

The AfCFTA provides a framework that covers trade liberalisation in goods and services in Africa. It is a product of negotiations of the Tripartite Free Trade Area (TFTA) – comprising the Southern African Development Community (SADC), the Common Market for Eastern and Southern Africa (COMESA) and the East African Community (EAC). Conversely, trade and market integration are at the heart of the Economic Community of West African States' (ECOWAS) aims and objectives. For instance, ECOWAS's Revised Treaty (Article 3) specifies the removal of trade barriers and harmonisation of trade policies for the establishment of a free trade area, a customs union, a common market and the eventual culmination in a monetary and economic union in West Africa.

In concordance with regional aspirations, Article 3 of the AfCFTA¹³ identifies the general objectives of the agreement to:

1. create a single market for goods and services, facilitated by the movement of people to deepen the economic integration of the African continent, and in accordance with the pan-African vision of "an integrated, prosperous and peaceful Africa" enshrined in Agenda 2063;
2. create a liberalised market for goods and services through successive rounds of negotiations;
3. contribute to the movement of capital and people and facilitate investments building on the initiatives and developments in the state parties and regional economic communities (RECs);
4. lay the foundation for the establishment of a continental customs union at a later stage;
5. promote and attain sustainable and inclusive socio-economic development, gender equality and structural transformation of the state parties;
6. enhance the competitiveness of the economies of state parties within the continent and the global market;
7. promote industrial development through diversification and regional value chains in agriculture and food security; and
8. resolve the challenges of multiple and overlapping memberships, and expedite the regional and continental integration processes.

To achieve these eight objectives, Article 4 of the AfCFTA¹⁴ contains the following seven specific further objectives:

1. progressively eliminate tariffs and non-tariff barriers to trade in goods;
2. progressively liberalise trade in services;
3. cooperate on investment, intellectual property rights and competition policy;
4. cooperate on all trade-related areas;
5. cooperate on customs matters and the implementation of trade facilitation measures;
6. establish a mechanism for the settlement of disputes concerning their rights and obligations; and
7. establish and maintain an institutional framework for the implementation and administration of the AfCFTA.

Furthermore, to guide the process of achieving these objectives, the AfCFTA identifies principles that should guide members' actions:

1. driven by AU member states;
2. RECs' free trade areas (FTAs) as building blocks for the AfCFTA;
3. variable geometry;¹⁵
4. flexibility and special and differential treatment;¹⁶
5. transparency and disclosure of information;
6. preservation of the *acquis*;
7. most-favoured nation (MFN) treatment;¹⁷
8. national treatment;¹⁸
9. reciprocity;
10. substantial liberalisation;
11. consensus in decision-making; and
12. best practices in the RECs, the state parties and international conventions binding the AU.

Article 5 lists the institutional framework for the implementation, administration, facilitation, monitoring and evaluation of the AfCFTA as follows:

1. the Assembly;
2. the Council of Ministers;
3. the Committee of Senior Trade Officials; and
4. the Secretariat.



AfCFTA identifies one of the general objectives of the agreement to improve cooperation on customs matters and the implementation of trade facilitation measures.

In terms of operationalisation, the implementation of the AfCFTA is being done in two phases. The first phase provides a framework for the liberalisation of trade in goods and services, and a mechanism for dispute settlement.¹⁹ For trade in goods, the agreement sets the path for eliminating tariffs on 90% of product categories. Countries can implement tariff reductions over a longer period in the case of sensitive goods, or maintain existing tariffs – where the products are excluded – for the remaining 10% of product categories. The protocol on trade in goods includes annexes on tariff concessions, rules of origin, customs cooperation, trade facilitation, non-tariff barriers, technical barriers to trade, sanitary and phyto-sanitary measures, and transit and trade remedies.²⁰ Annex 4 to the agreement provides institutional structures for the progressive elimination of non-trade barriers (NTBs), a general categorisation of NTBs, reporting and monitoring tools, and facilitation of resolution of identified NTBs.

On the liberalisation of trade in services, member countries have also agreed to a request-and-offer approach, based on seven identified priority sectors: logistics and transport, financial services, tourism, professional services, energy services, construction, and communications. Phase I of the AfCFTA came into effect on 30 May 2019, 30 days after

the 22nd ratification instrument was given to the chairman of the AU Commission.²¹

Phase II of the AfCFTA will cover competition policy, investment and intellectual property rights. Phase II pre-negotiation activities began in November 2018 with a meeting of experts (with the AU and UNECA) to discuss the issues of Phase II negotiations. This will be followed by a validation workshop, scheduled for 16–19 November 2019.²² The workshop will review the draft chapters of the UNECA report, which forms the intellectual foundation of the Phase II negotiation that commences in February 2020.

The AfCFTA garnered added momentum at the AU's 12th Extraordinary Session of the Assembly on 7 July 2019, when the operational phase of the AfCFTA was launched and Nigeria signed the AfCFTA alongside its neighbour, the Republic of Benin, leaving Eritrea as the only country yet to accede to the agreement. With a GDP of US\$376 284 billion, Nigeria is considered the largest economy in Africa. It is followed by South Africa (US\$349 299 billion) and Egypt (US\$237 037 billion).²³ With a population of about 200 million, Nigeria is also Africa's largest market. Nigeria's accession to the treaty is therefore seen as a major boost to the AfCFTA's viability.



Nigerian president, Muhammadu Buhari, signed the landmark African Continental Free Trade Agreement (7 July 2019).



Rwandan President and Chairperson of the African Union, Paul Kagame (centre) launches the Single African Air Transport Market at the 30th Ordinary Session of the African Union Summit in Addis Ababa (29 January 2018).

Prospects and Challenges of the AfCFTA

Although the AfCFTA signals a renewal towards a more integrated Africa in a bid to ease movement and trade, it will undoubtedly contribute to reinforcing African unity and advance “African solutions to African problems”. However, many analysts argue that the AfCFTA calls for cautious celebration and optimism. Currently, intra-African trade only constitutes 15% of overall African external trade. It is envisaged that with the elimination of tariffs, intraregional trade could increase approximately 15–20% in the medium term.²⁴ This is ideally attainable since countries are expected to eliminate tariffs on 90% of products under the AfCFTA, leaving open the possibility of applying the reduction to either tariff lines or import values. Nevertheless, targeting tariff lines could yield tariff reductions as low as 15% only in terms of import values.²⁵

THE AfCFTA’S STRONG POLITICAL BACKING FROM AFRICAN HEADS OF STATE HAS GARNERED TRACTION AT MEMBER STATE LEVEL, PARTICULARLY AROUND THE PROJECTIONS OF INTRA-AFRICAN TRADE GAINS

The AfCFTA’s strong political backing from African heads of state has garnered traction at member state level, particularly around the projections of intra-African trade gains. The enthusiasm further stems from the fact that the AfCFTA comes on the heels of other continental efforts championed by the AU Commission. Notably, the AU launched a single air transport market during the 30th Ordinary Session of the Assembly of Heads of State and Government of the AU on 28 January 2018 in Addis Ababa, Ethiopia, to boost connectivity and cut travel costs across the continent.²⁶ Recognising that freer intra-Africa movement is not dependent on cheaper flights alone, it also launched an AU passport, which could potentially resolve glitches of intra-African mobility of goods and people. The AU passport, no doubt, will eliminate restrictions on inter-regional travel, particularly among countries that still require visas for entry. For example, Africa’s large economies, such as Nigeria and South Africa, still maintain entry by visa.

On the other hand, the range of outcomes from Africa’s RECs suggests that regional integration is a complex process with several factors at play beyond tariffs. Some of the concerns, such as accessibility to solid infrastructure (power, roads, rail, viable national private sector and local industries), would require a longer-term commitment to attain a conducive environment for robust continental trade.

Infrastructure bottlenecks have been a great hindrance to the progress of intra-African trade. African economic integration requires up-to-date technology, and the application and dissemination of knowledge to facilitate rapid trade. For instance, already-existing trade areas such as ECOWAS, EAC and COMESA are grappling with the realities of weak infrastructure in their efforts to implement their regional free trade architecture. Perhaps the low level of critical infrastructure should be addressed before dedicating too much attention to more ambitious continental initiatives, especially as the regional challenges may be the same as those that would impede the AfCFTA initiative.

It is critical to interrogate the reasons behind the reality that Africa has only achieved 15% of intraregional trade and 3% of global trade.²⁷ Even that performance percentage is driven by just four countries: South Africa, Namibia, Zambia and Nigeria – in that order – which does not compare favourably with intracontinental trade in the European Union (EU) (67%), Asia (58%), North America (48%) and even Latin America (20%).²⁸

Nevertheless, beyond the challenges of the infrastructure deficit, poor access to finance, political uncertainty, inter-regional restriction on free movement and the demand for Western goods by some African consumers, some reports indicate that the AfCFTA offers significant prospects for African countries, as it could result in stronger integration among countries.²⁹ From an economic perspective, the application of the principle of subsidiarity requires that the scope of the established regional institutions should match the region benefiting from the spillover. There is the possibility of the creation of a bigger and integrated regional market for African products. Furthermore, producers could equally have the opportunity to benefit from economies of scale and to access cheaper raw materials and intermediate inputs. The African market will not only have improved conditions for forming regional value chains, but will also be able to integrate to global value chains. However, much of the national economies in Africa are dominated by limited industrialisation and a primary production level, which is characterised by the mere extraction of raw materials and the lack of a large industrial sector. There is also the question of how bigger economies such as Nigeria, South Africa, Egypt and Kenya benefit from the arrangement, and how other countries are protected from the more diversified economies.

Conclusion

Beyond the commitment and political determination displayed by African heads of state, the larger operationalisation challenge of the AfCFTA lies in the ownership and participation of the African population. Critical buy-in that will birth local ownership and sustainability depends on the active involvement of the private sector, banking and local manufacturing sectors,



The lack of solid infrastructure in Africa is a challenge for robust continental trade.

small and medium cross-border traders, academia, civil society groups, organised women's groups, cooperative societies and the media, in and across countries.

It is important to expand inclusiveness in the operation of the AfCFTA, especially in commencing early engagement with key national stakeholders. This should facilitate linkage between the RECs and also effectually communicate the benefits of the "celebrated continental arrangement". It is useful to note that among other things, the 12th Assembly Decisions and Declaration of 7 July 2019 urged the UNECA, African Development Bank, Afreximbank and other key stakeholders, including development partners, to provide support for the establishment of the Secretariat of the AfCFTA in Accra, Ghana.

Expectations abound about the progress that will be reported at the January 2020 AU Summit on the AfCFTA. There is concurrence that this agreement may be the starting point of a long and complex journey towards the full realisation of the dream of a functional AfCFTA. The momentum galvanised at the launch of the operational

phase of the AfCFTA on 7 July 2019, at the 12th Extraordinary Session of the AU Assembly, should be sustained by following through on the phases of implementation, as well as respect for the principles and decisions of the African heads of states and authorities. **A**

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- 15 Variable geometry is a strategic principle used in international trade negotiation that involves many countries and issues. Negotiations of some of the issues may not be binding on all parties to the agreement. It provides an alternative to agreements with provisions that are binding on all parties. It is an opt-in agreement devised by a subset of a large group of countries with benefits restricted to the subset countries.
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BUILDING STATE RESILIENCE: A RESPONSE TO TERRORISM IN SOUTHERN AND EASTERN AFRICA

BY KATHERINE MEYER



Introduction

In 2017, the Global Terrorism Database reported 2402 incidents of terrorism in Africa.¹ Perhaps this number is not shocking when considering the extensive international media coverage over the past decade, displaying headlines detailing terrorism-related violence erupting in African countries such as Mali and Libya. Even so, this number is marginally lower than the annual tally over the past five years.² Counterterrorism strategies by African governments, foreign powers such as France, and multilateral efforts from the African Union, among others, have contributed to the decline. However, to begin to disregard terrorism as

an extreme risk on the continent would be a grave mistake. The threat must be considered not only for its intensity, but for its reach as well.

Given the pervasiveness of terrorism in North Africa and the Sahel region, international scholars and practitioners have given their attention to analysing and mitigating the threats in these regions. Yet, recent terrorism-related violence in the eastern Democratic Republic of the Congo (DRC), Mozambique and Tanzania demonstrates the need

Above: Terrorism is a major threat and challenge in Africa.

to carefully consider the risk of terrorism spreading south-east. The key characteristics that have rendered many of the North African and Sahel countries vulnerable to increased terrorism also exist in southern and eastern Africa; these include poverty and unemployment/underemployment, fragile state governance and civilian grievances.

Considering further the poor response to terrorism by the DRC, Mozambique and Tanzania governments, better response mechanisms for this region are needed. Based on the insufficient capacity to protect against the nascent but potentially expanding terrorism, this article argues for urgent attention to be brought to building state resilience that will successfully confront and reverse the spread of terrorism in southern and eastern Africa. This requires developing strong leaders who can make necessary socio-economic and political system changes.

Terrorism: International to Southern and Eastern Africa

The Counter Extremism Project broadly defines terrorism as “the use of violence by a non-state actor to pursue a political end or to intimidate civilians”.³ The global landscape has witnessed the rise of this non-state actor violence in the

post-Cold War era. While terrorist groups exist at a localised level on nearly every continent, two organisations in particular have developed a powerful international following: al-Qaeda, and the Islamic State (IS). Both groups are Islamic extremist groups working to establish a worldwide Muslim state that imposes Islamic law. They have been holding territory, establishing sociopolitical structures and conducting violent attacks. Although both groups originated in the Middle East, their influences have spread globally. Most notably, these groups have developed affiliates in the North African and Sahel regions, such as al-Qaeda in the Islamic Maghreb (AQIM), a wealthy terrorist organisation responsible for kidnappings and formally tied to al-Qaeda since 2006.⁴ Considering the presence of AQIM, among other organisations, these regions have become plagued by extremist violence.

Africa is witnessing a newer trend in Islamic extremism, as these groups have also spread further south-east on the continent. Three notable cases of this can be highlighted in the eastern DRC, Mozambique and Tanzania. In April and June 2019, IS claimed its first two attacks in the eastern DRC. It reportedly used the Allied Democratic Forces (ADF), a long-existing rebel group based in the country, as a proxy



Al-Qaeda in the Islamic Maghreb (AQIM) executed an attack in Ouagadougou, Burkina Faso, that left at least 30 people dead and showed the expanding reach of the terrorist group (18 January 2016).



Congolese men examine a car which has hit by a mortar, after an alleged attack by the Allied Democratic Forces (ADF) rebels, in Beni. A woman was killed in the attack and a man and four children were kidnapped (11 November 2018).

group to carry out the attacks. Although originally set up to fight the Ugandan government, which they believed to be discriminating against Muslims,⁵ the ADF has instead exploited the local grievances of civilians in the eastern DRC,⁶ a region devastated by continual violence brought on by contestation for control over natural resources, an Ebola crisis and lack of government provisions. The ADF has implemented structures such as schools and healthcare facilities for citizens. Offering social services to support communities where the state is absent has legitimised the group's authority over citizens, because their needs are being fulfilled. While the DRC government has managed to weaken the ADF over the past decade,⁷ the new official tie to IS has strengthened its threat since IS can offer the ADF extensive funding, fighters and other resources.

In Mozambique, Ahlu Sunna Wal Jamaa (ASWJ) has carried out violent attacks in Cabo Delgado, a Muslim-majority province in a predominantly Christian country. While it is flush with resources worth billions, such as rubies and natural gas fields,⁸ the people of Cabo Delgado are extremely poor. Locals have connected ASWJ to al-Shabaab, although the potential tie is hazy.⁹ Various causes of the violence have been referenced, including a struggle by the elite for Cabo Delgado's natural resources or socio-economic grievances.¹⁰ Regardless, the group has recently made its presence known in the province – the Armed Conflict Location and Event Data Project reports 37 violent events involving ASWJ in 2018.¹¹ While making some effort to suppress the violence in the

region, Mozambique authorities have ineffectively dealt with the threat and have been accused of wrongful arrests and human rights abuses,¹² which have propelled even more recruits to join the ASWJ.

Against claims of the eradication of terrorists in Tanzania, some assert that al-Shabaab continues to maintain a relatively low presence.¹³ In particular, Tanzania's semi-autonomous Zanzibar island is a hotspot for historical grievances by Muslims. They are the majority religion on the island, while the country as a whole is mostly Christian – similar to Cabo Delgado. Civilians there claim that they have been disadvantaged by the government. While no official ties have been made to the increase in domestic terrorist attacks in the last half-decade, some evidence points to a potential presence of al-Shabaab in Tanzania; this includes authorities discovering al-Shabaab propaganda and training materials in the homes of operatives.¹⁴ On the other hand, IS can be considered a threat, given the publication of a video in 2016 by six men claiming to represent IS's East Africa branch in Tanga.¹⁵

OFFERING SOCIAL SERVICES TO SUPPORT COMMUNITIES WHERE THE STATE IS ABSENT HAS LEGITIMISED THE GROUP'S AUTHORITY OVER CITIZENS, BECAUSE THEIR NEEDS ARE BEING FULFILLED



Africa has some of the highest rates of poverty in the world.

Tanzania has passed national acts for combating terrorism, but has yet to engage fully with regional or international powers to suppress the terrorist threat within its borders.¹⁶

Common Trends and a Different Challenge

In considering the spread of terrorism to southern and eastern Africa, it is important to examine the commonalities of these countries with North Africa and the Sahel region that make them vulnerable. Three trends worth noting are poverty and unemployment, poor state governance, and civilian grievances.

First, North Africa and the Sahel, as well as eastern and southern Africa, suffer from some of the highest rates of poverty and unemployment in the world. The International Labour Organisation reports that North Africa's unemployment rate is expected to sit around 11.8% until 2020, with its youth unemployment rate expected to extend over 30% in 2019. Although the 2018 aggregate unemployment rate in sub-Saharan Africa was significantly lower (5.9%), the extreme working poverty rate was 37.9%, which underlines high rates of underemployment.¹⁷ Minimal economic opportunities, particularly for youth, increase their willingness to join terrorist groups, especially when under false pretences they are given purpose and provisions for their participation. This has contributed to the rise of

terrorism in North Africa and the Sahel, as well as now in eastern and southern Africa.

Second, states with poor governance generally do not have a monopoly on violence and are vulnerable to the actions of non-state actors. Continuous conflict, such as in Sudan; rival ethnic or religious competition, such as in Nigeria; or authoritarian rule, such as in Libya, have weakened government stability in many North African and Sahel countries. Weak or corrupt governance limits a state's ability to provide basic public services, which include education, health and security, and further increases the risk of human rights violations and/or discrimination. These same patterns exist in the DRC, Mozambique and Tanzania, as each country struggles with its state legitimacy and service provision issues.

States that cannot provide proper services or security for its citizens are at risk of an increase in terrorism because these groups offer an alternative source for services and

**MINIMAL ECONOMIC OPPORTUNITIES,
PARTICULARLY FOR YOUTH, INCREASE
THEIR WILLINGNESS TO JOIN TERRORIST
GROUPS**



Social grievances left unaddressed weakens national security and stability.

security. For example, al-Shabaab in Somalia controls the socio-economic and political services for its territories. The same trend exists in the three southern and eastern countries discussed – for instance, the ADF in the eastern DRC took over provisions for schools and healthcare centres in provinces where weak governance did not reach. After offering basic support for the most marginalised people, the legitimacy of these extremist groups is enhanced.

Finally, social grievances left unaddressed weakens national security and stability, providing opportunity for terrorism to enter and grow. Colonialism developed the modern political, economic and social systems that manifest inequality by prioritising certain groups over others. In many countries, these systems are also swamped with further corruption. In addition, poor economic growth and/or continuous violence in most countries across the continent (also legacies of colonial systems) have left governments unable to provide for their people.

Narratives of grief directed at the government are created when patterns of inequality and poor service provision seemingly target a specific group within the population, such as Muslims in Tanzania or other minorities. As a result, those civilians who feel victimised lose trust in the government. They begin to look for other sources of authority, not only to provide services and security but also as a means for achieving justice, if not vengeance. A narrative exists in Zanzibar that the people have suffered under a

Christian-dominated Tanzanian government, while those in Cabo Delgado believe that the Mozambican government exploits the natural resources in the province without benefit to the locals, leaving them impoverished and unemployed.

Despite these three characteristics that can be linked between the regions, the eastern DRC, Mozambique and Tanzania present a different case. Terrorism in many North African and Sahel countries (and Somalia) has already developed significantly, while it is only beginning to seep into these three countries. This is of importance as it demands a different strategy for counterterrorism in the region. Beyond the focus on suppressing the terrorism already in effect, more effort should be placed on building state resilience to protect against extremism.

State Resilience: A Counterterrorism Strategy

The Organisation for Economic Co-operation and Development (OECD) defines resilience as “the ability of households, communities and nations to absorb and recover from shocks, whilst positively adapting and transforming their structures and means for living in the face of long-term stresses, change and uncertainty”.¹⁸ Resilience is not resistance, since resilience involves adaptation and transformation. It is also not an outcome – it is an ability.¹⁹

Moreover, the OECD specifies that while *shocks* refer to when “...risk becomes reality...”, *stresses* are “...long-term trends, weakening the potential of a system and deepening

the vulnerability of its actors..."²⁰ Terrorism, in this sense, is a shock. Environmental degradation is but an example of a stress. Resilience to shocks and stresses is strengthened by three capacities: absorptive (preventing and mitigating negative impacts), adaptive (modifying systems to take advantage of current opportunities and prevent future damage), and transformative (creating new systems).²¹ Any state can be threatened by shocks or stresses, but resilient states can absorb, adapt and transform.

To exemplify state resilience, one could look at the shock of a climate-related disaster. Pakistan is host to perpetual heatwaves and drought, resulting in lives lost yearly. Despite this, the death toll spiked once again this summer due to severe temperatures, highlighting the country's vulnerable

healthcare system and the lack of significant mitigation measures against climate change-related heatwaves. On the other hand, the Netherlands, a country historically threatened by flooding but now facing a long-term stress of rising sea levels due to climate change, has demonstrated an absorptive capacity to complete complex dam-building projects, an adaptive capacity to form urban renewal programmes against climate change, and a transformative capacity as cities such as Rotterdam seek to develop themselves as places for "environmental ingenuity".²²

Looking at the shock of terrorism, there have been IS attacks in countries such as Denmark and Australia, yet these countries are not under a realistic surge of terrorism takeover. This is because their socio-economic and political systems are resilient: most citizens perceive the governments as legitimate, they can provide good public services to most people, unemployment rates are low, social relations are generally positive, and so on. The DRC, Mozambique and Tanzania currently do not exhibit this resilience.

Building resilience in these three countries requires reshaping systems that can absorb, adapt and transform the terrorism shock. More specifically, this implies addressing these countries' most urgent problems that render them

BUILDING RESILIENCE IN THESE THREE COUNTRIES REQUIRES RESHAPING SYSTEMS THAT CAN ABSORB, ADAPT AND TRANSFORM THE TERRORISM SHOCK



Dealing with the problem of bad governance and corruption at the highest levels is necessary to build state resilience.



A bamboo bicycle developed by the Ghana Bamboo Bikes Initiative is featured at an exhibition of environmentally sound technologies in Geneva, Switzerland (November 2013).

vulnerable, such as poverty and poor employment, bad governance and grievances. In their book *Making Africa Work: A Handbook for Economic Success*, Greg Mills, former Nigerian president Olusegun Obasanjo, Jeffrey Herbst and Dickie Davis highlight the need for an entwined development of both economies and good governance in Africa to strengthen such countries. They argue that this must be done through radical changes in economic/political systems and strong democratic leadership. The book is regarded as a “blueprint” for African leaders,²³ and its perspective frames the recommendations made in this article for building resilience in the DRC, Mozambique and Tanzania – and on the African continent as a whole.

Recommendations

Reflecting on the high rates of poverty and underemployment driving vulnerability and increased terrorism, economic growth is needed for creating resilience.

A WELL-RUN ECONOMY DECREASES SOCIO-ECONOMIC GRIEVANCES AND INCREASES TRUST IN GOVERNMENT

Mills et al suggest that there must be an increase in jobs with higher salaries in urban areas to meet the rising number of youth and the rapid urbanisation in these countries.²⁴ In the short term, there should be more financial support and energy devoted to improving education and skills training, as well as an increase in programmes geared towards opening more entrepreneurial opportunities. Examples of this in Africa have included Boomers, a sustainable bamboo bike company in Ghana, and Secret Grand-Mère, which allows Mauritian women to sell their herbal products. These entrepreneurs must be transformed into stronger supporters of the economy to both widen and improve economic benefits in these three countries. In the long term, economic systems must be restructured to include the marginalised, such as women, as the connection between the economic empowerment of women and stabilised economic growth is internationally recognised.²⁵ A well-run economy decreases socio-economic grievances and increases trust in government. In places such as Cabo Delgado and Zanzibar, this would build resilience against terrorist groups that exploit such vulnerabilities.

Moreover, building resilience in these countries requires creating good governance simultaneously with economic growth. Poor public service delivery is rooted in

far more than low economic capacity or no financial aid, but also stems from uneven sociopolitical systems and corruption.²⁶ Some economists, such as Dambisa Moyo, go further to suggest that foreign aid is harmful because it only contributes to corruption and civil conflict, and fosters dependence on foreign powers.²⁷ Overcoming economic grievances will require restructuring poor governance. At a high level, governments must begin making policy and systematic changes that limit the room for corruption, increase equity in public service distribution, and expand government presence (via security and services) throughout the country. But moreover, for preventing violent extremism, the United Nations Development Programme (UNDP) underlines strengthening local government capacities and increasing participatory decision-making.²⁸ Stronger political systems allow the government to be seen by citizens as legitimate, and complements economic growth – this develops resilience against terrorist groups.

FOSTERING SOCIAL HARMONY BUILDS A TRANSFORMATIVE CAPACITY FOR RESILIENCE AGAINST TERRORISM BY LIMITING GRIEVANCES THAT CAN BE TAKEN ADVANTAGE OF BY GLOBAL TERRORIST INFLUENCES

Finally, the need to build new systems to address grievances has not received enough attention from scholars and practitioners. Building resilience requires outlets for the expression of former injustices, to allow civilians to process the grievances they have felt from the past. For the DRC, holding a truth commission could address the decades of civil conflict that has shattered the country. Charles Villa-Vicencio, who worked on South Africa's Truth and Reconciliation Commission, suggests that truth commissions can break the silence on human rights abuses, develop a culture of accountability, uncover causes of violence and begin community reconciliation.²⁹ In Tanzania and Mozambique, reparations to victims of discrimination and community projects promoting social reconciliation can aid in tackling grievances. Fostering social harmony builds a transformative capacity for resilience against terrorism by limiting grievances that can be taken advantage of by global terrorist influences.

Addressing failing systems would bolster the resilience capacities of these southern and eastern African states toward the terrorism shock – specifically by limiting grievances and increasing government legitimacy, since these issues make these states vulnerable to terrorism. Resilience protects against the internal growth of terrorism, but also breeds the state governance needed for effective security systems and border protection for mitigating

external threats of terrorist attacks. The question is, *how* do these countries create good leadership to carry out these recommendations?

Southern and eastern Africa states have their fair share of poor leadership. This is the result of colonial systems that damaged the current sociopolitical atmosphere. There are leaders in power who do not appear to have the political will to make the necessary changes in their country. There are leaders still attempting to gain more authority over their sovereignty due to historical political instability, such as President Mohamed Abdullahi Mohamed in Somalia. And some leaders merely have yet to make any significant change, such as President Emmerson Mnangagwa following his takeover of Zimbabwe after Robert Mugabe's devastating 30-year rule. Leadership in the three cases examined has its challenges, too: Tanzania's John Magufuli faces human rights abuse accusations, the DRC's Félix Tshisekedi rose to power potentially illegitimately and struggles to stabilise a severely unstable country, and under Filipe Nyusi's leadership, Mozambique mishandled once-successful foreign investment, leading to an economic crisis.³⁰ Nyusi's political party has also been accused of fraud.³¹

Therefore, this article's central recommendation is for concerted and increased investment in strong leadership in southern and eastern Africa. This requires more positive external incentives, similar to the Ibrahim Prize for Achievement in African Leadership, which awards exceptional former African leaders with US\$5 million. Heightening accountability measures in regional organisations, such as the Southern African Development Community (SADC), can hold leaders to urgent action for resilience. Similarly, good leaders can strengthen the ability of regional organisations to curb terrorism all over Africa. International and regional powers, multinational organisations and non-governmental organisations must invest more finances and energy into leadership training, workshops and dialogues at both the high and low levels. The World Economic Forum argues that Africa needs "leadership development systems", and to be effective, the skills growth for these leaders-in-training must bear in mind the socio-economic realities and leadership culture of the countries they come from, as well as be mindful of the easier access elite youth could have to these training opportunities.³² Investment in future leaders is crucial, and there must be good efforts made to train them inclusively and effectively.

With good leadership, the socio-economic and political recommendations made in this article have hope for success. Through this restructuring, state systems can better absorb, adapt and transform the shock of terrorism.

Conclusion

This article has highlighted the trends fostering terrorism in the DRC, Mozambique and Tanzania that are similar to North Africa and the Sahel. But given that

terrorism has not fully infiltrated in the south-east African region as with North Africa and the Sahel, a somewhat different approach to counterterrorism must be prioritised in these three countries: resilience. To achieve resilience, countries must make the recommended socio-economic and political changes that can strengthen their capacities to face terrorism. However, these changes are contingent on good leadership and therefore, intense efforts must be made to develop strong leadership. While a lofty goal considering the challenges, the region's ability to handle terrorism and avoid the fate of North Africa and the Sahel region hinges on building resilience. **A**

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POLITICAL FATALISM AND YOUTH APATHY IN SOUTH AFRICA: AN ANALYSIS OF THE 2019 GENERAL ELECTION

BY **GILBERT TINASHE ZVAITA AND DARLINGTON TSHUMA¹**

Introduction

On 8 May 2019, South Africans went to the polls to elect a government of their choice. This election was South Africa's sixth since the country held its first democratic election in 1994. Twenty-five years later, questions are being asked about whether the ruling party has delivered on its electoral promises since its victory

in the April 1994 election. These and other questions have arisen due to the country's socio-economic challenges such as increasing youth unemployment,

Above: The election on 8 May 2019 was South Africa's sixth since the country held its first democratic election in 1994.



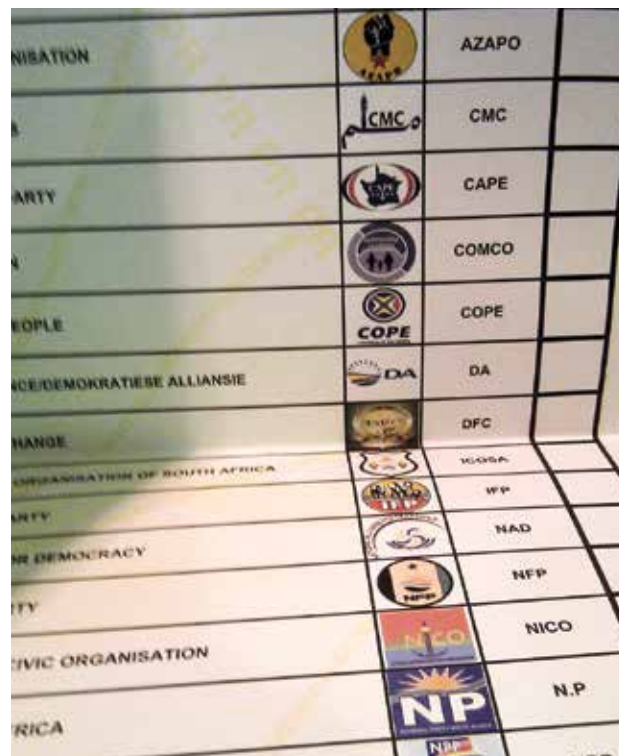
Map No. 3768 Rev. 6 UNITED NATIONS
February 2007

Department of Peacekeeping Operations
Cartographic Section

massive public-private sector corruption and deep-seated inequality. These challenges have resulted in renewed calls for political alternatives. This search for political alternatives is evidenced by a significant increase in the number of new political parties that have formed since 1994 – over 40 political parties contested the May 2019 election in various parts of the country. In spite of the growth in the number of political parties, the question that has not generated sufficient debate in either political and policy circles is the role of the youth in South Africa's democracy, and in electoral processes in particular.

This article reports on the findings of a socio-anthropological research study on society, politics and electoral processes in South Africa, conducted as part of an international research project titled *Re-examining Elections after African Experiences*.² The article provides an analysis on what the electoral process and voting specifically means to South African youth.

There was a significant increase in the number of new political party formations that contested the May 2019 election in South Africa.



WARRENSKI



The Ladder of Citizen Participation theory states that representation and participation of all groups in society is key and fundamental to the existence of a vibrant democracy.

ACROSS THE WORLD, THE ACTUAL CASTING OF VOTES ON POLLING DAY IS CONSIDERED ONE OF THE MOST EFFECTIVE WAYS TO ENGAGE CITIZENS IN POLITICAL AND ELECTORAL PROCESSES

Theoretical Framework

Arnstein³ advanced the Ladder of Citizen Participation (LCP) theory to reflect on the marginalisation of the voices of minority groups in the United States (US), and how the marginalisation of these voices affected the quality and vibrancy of democracy in the US. The theory holds that representation and participation of all groups in society is key and fundamental to the existence of a vibrant democracy. In other words, a vibrant democracy requires that all social groups have a voice in how they wish to be governed, while institutions tasked with the exercise of this civic duty must provide spaces that allow for full and effective participation.

Arnstein highlights two important aspects that are essential in our analysis of the electoral process in South Africa. These are *citizen participation as citizen power* and *empty ritual*. Citizen power implies that the citizenry is given full and adequate support to participate in democratic processes, including electing public officials. Empty ritual describes situations where citizen participation is skewed in favour of certain constituents. In this article, we consider voting as a participative process that gives citizens the power to influence political decisions. The ability of the electorate to participate in electoral processes therefore ideally becomes an essential process that ensures a vibrant democracy. In addition to the electorate seeing themselves as crucial partners in the building of progressive society, in a vibrant democracy the electorate usually has power to control the behaviour of those they elect. The implication here is that citizen engagement through voting processes gives the electorate the ability and power to decide who gets to govern. However, if the process of participation is skewed and twisted to benefit only a select group, then participation becomes an empty ritual. Under these circumstances, the electorate's disenchantment with political processes



The youth are increasingly becoming disenchanted with political processes, and electoral processes in particular.

becomes a threat to democracy. This article outlines various political factors that result in electoral processes being rendered empty rituals from the perspective of the youth in South Africa.

Across the world, the actual casting of votes on polling day is considered one of the most effective ways to engage citizens in political and electoral processes. Scholars⁴ note that although there has been a noticeable decrease in voter turnout in South African elections since 1994, the poor and disjointed participation by the youth in particular is concerning. A vibrant democracy anywhere in the world depends on active and effective participation by the electorate.

Methodology

This article focuses on the findings of an electoral research project conducted in various provinces across South Africa between January and June 2019. The research is part of an international socio-anthropological study on society, politics and electoral processes undertaken by the *Institut des Mondes Africains*, a research institute based in France. We adopted a purely qualitative methodology and the data is analysed

A VIBRANT DEMOCRACY ANYWHERE IN THE WORLD DEPENDS ON ACTIVE AND EFFECTIVE PARTICIPATION BY THE ELECTORATE

thematically. The data collection process was divided into two phases. The first phase was the construction of a data archive, and involved the collection and analysis of information about the electoral process in the country. Information collected for archival work was gleaned from newspapers, journal articles, television and radio interviews, and opinion editorials.

The second phase, which forms the basis of this article, involved the research team conducting primary research, largely through interviews and observation. This was conducted before the election, on the voting day and after the election, in the same areas. Observation was employed on the election day to complement data obtained through other sources. Semi-structured and in-depth interviews were conducted with voters, political party representatives and important stakeholders, during

and after the election. This article reports on findings as they relate to youth involvement in the electoral process in South Africa. Arnstein's theory is an efficient tool to examine the role of youth within the broader democratisation process in South Africa.

Youth Apathy in the South African Elections

There is increasing evidence that in the 21st century, youth across the globe are increasingly becoming disenchanted with political processes, and electoral processes in particular. Most recent studies show that in countries including the US and the United Kingdom (UK), there is a noticeable increase in the number of young citizens who have consciously and intentionally distanced themselves from political activities and electoral processes since the late 1990s.⁵ A study conducted by Hill and Rutledge-Prior⁶ in Australia shows that the country experiences a high number of intentional, informal voting (spoilt ballots), and youth are usually associated with this

ALTHOUGH THE YOUTH DISCUSSED POLITICS AND SHOWED A HIGHER INTEREST IN POLITICAL AND PUBLIC AFFAIRS, THEY WERE LESS LIKELY TO PARTICIPATE IN AN ACTUAL ELECTION

behaviour. In some contexts, this behaviour is associated with "protest voting" – a situation where the electorate intentionally spoils ballots to express their displeasure with governing parties, or simply to punish political parties they believe are failing them.

A survey⁷ of 36 African countries by Afrobarometer – a pan-African, non-partisan survey project that measures citizen attitudes on democracy, governance, the economy and civil society – notes that African youth exhibit the lowest levels of political and civic engagement compared with other age groups, as evident in Figure 1.

Political and Civic Engagement of Youth in 36 African Countries (2014/2015)

SOURCE: AFROBAROMETER

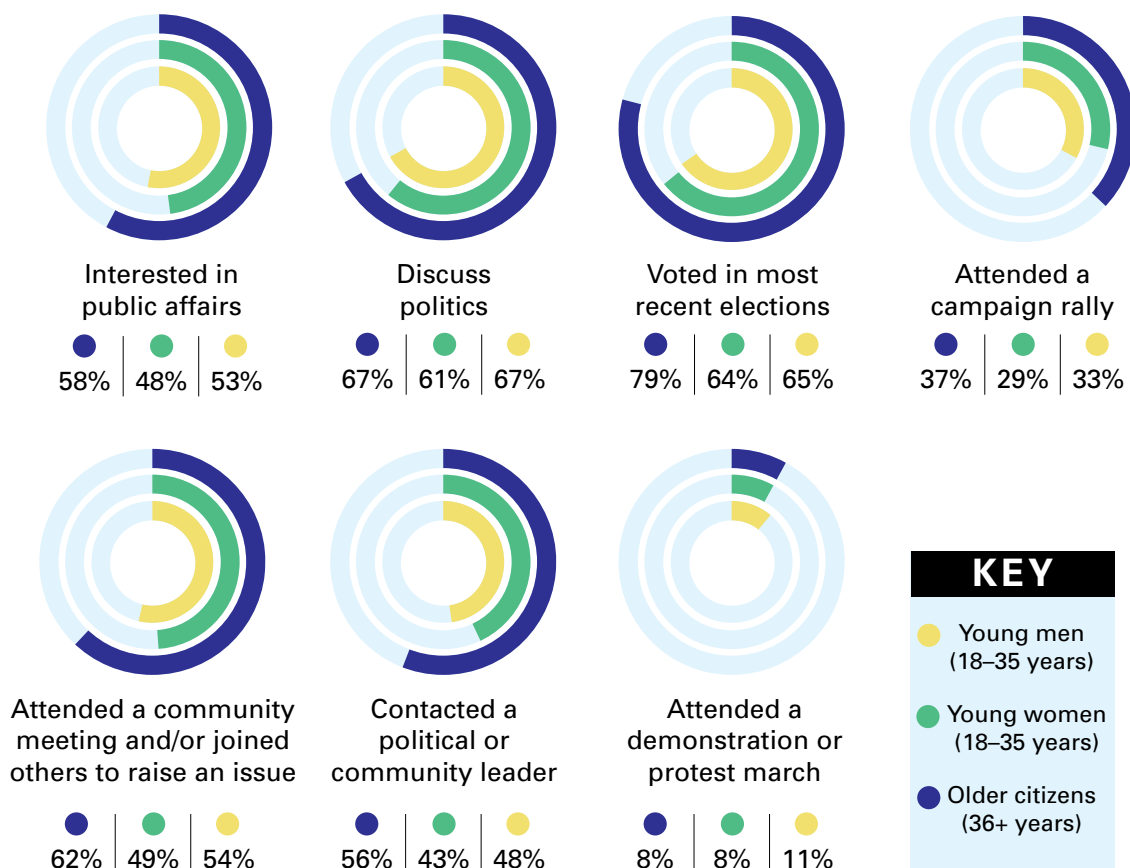


Figure 1: Political and civic engagement of African youth in 36 countries 2014/15⁸



The youth remain socially and politically engaged through social media.

FURTHERMORE, YOUNG PEOPLE OFTEN FEEL DISEMPOWERED BY THE SAME POLITICAL ACTORS WHO SHOULD BE EMPOWERING THEM

Although the youth discussed politics and showed a higher interest in political and public affairs, they were less likely to participate in an actual election. We found this to be the case with the youth we interacted with during our research.

Some reasons that have been provided to explain voter apathy and political disengagement, particularly by youth, include a lack of political party membership and low levels of political participation, a disinterest in electoral politics, high levels of cynicism about politics and a low level of confidence *in* the country's democracy. These factors were found to hold true in a survey conducted by the Institute for Social and Economic Research at the University of Essex in the UK.⁹ In some contexts, it is because most young citizens feel political parties do not have their concerns and interests at heart. Our findings show that some of these factors partly explain why youth in South Africa exhibit low levels of conventional political engagement and participation.

The general election in 2014 was noted for being the first national election in which young South Africans, mostly those born after 1994 (the "born-frees") were

expected to participate. Malila¹⁰ argues that the participation of youth in the election in 2014 was critical for two reasons. First, it remained a formal and legalistic way for people who have come of age politically to have their voices heard. Second, it was the first opportunity for this generation of South Africans to establish their political identity as active and engaged citizens, to fulfil their constitutional obligations and exercise their democratic and civic rights. However, the low voter turnout in that election, particularly among youth, was a wake-up call for South Africa. Analysts¹¹ suggest that vote casting on polling day is only a part of a bigger and broader democratisation process. The point is that political participation cannot be reduced to vote casting alone. There are many ways to participate in political and electoral processes – for example, attending community meetings or writing to and contacting an elected official.

Emerging research on political and civic participation among youth in South Africa points to the fact that youth find formal political processes not only frustrating and alienating but also less likely to yield desired results.¹² It is not surprising, therefore, that young citizens in South Africa are often apathetic and feel marginalised, sceptical and distrustful of political parties, and politicians in particular. These factors hinder their full, effective and active participation in political and electoral processes. Furthermore, young people often feel disempowered by the same political actors who should be empowering



University of Cape Town students clash with police during the #FeesMustFall protests in Cape Town, South Africa (21 October 2015).

them.¹³ Our research team also observed that on election day, the number of youth at polling stations was lower compared to other age groups.

However, some scholars¹⁴ warn that youth voter apathy, in particular, must not be seen as general apathy to political participation. They argue that although youth participation in political and electoral processes has waned over the years, civic engagement in democratic processes remains vibrant in communities, university campuses and alternative platforms such as social media. Youth in South Africa remain actively engaged in various significant governance processes such as service delivery protests, community demonstrations and protests on university campuses. Although not necessarily new, this form of “unconventional engagement”, to use Dalton’s¹⁵ phrase, addresses various sociopolitical and economic issues that concern youth. A good example is the #FeesMustFall movement¹⁶ that gripped university campuses across South Africa in 2015, leading to policy shifts on the part of government on higher education financing.

Hills and Rutledge-Prior and Malila¹⁷ argue that although youth participation in legalistic and formalistic ways has declined – for example, in general and municipal

elections, youth remain socially and politically engaged through other means such as social media. In the past, opinions shared and discussed on social media platforms such as Twitter and Facebook have fundamentally transformed the social and political landscape in South Africa – for example, the #FeesMustFall protests. These alternative spaces offer conducive platforms for political organising. The importance of these platforms will become more crucial as more people get access to social media tools.

Political Fatalism and Voter Apathy among Youth in South Africa: Findings

The Electoral Act 73 of 1998 (S. 1) of the Republic of South Africa¹⁸ states:

Any South African in possession of an identity document has the right to register as a voter. Where a citizen is ordinarily resident outside the Republic, she/he must in addition to the identity document produce a valid South African passport. A person of 16 years or older may apply for registration but, if the application is successful, the applicant’s name may only be placed on the voter’s roll once the applicant reaches the age of 18.

South Africa's National Youth Commission (NYC) Act of 1996 defines youth as persons aged between 15 and 35. The Act asserts that the essence of this categorisation is that many of the older youth, most of whom were disadvantaged by their role in the struggle against apartheid, needed to be included in youth development initiatives.¹⁹ However, our research exclusively focused on the 18–35 year age group.

An Unresponsive Political System

Mattes²⁰ notes how South Africa's transition from an authoritarian regime to a democratic dispensation was stalled by a paradoxical political situation that prevented the effective consolidation of democracy. He further posits that a stagnating economy, abetted by high levels of inequality, threatened the transition to democracy. Many factors – including but not limited to high unemployment (particularly among the youth); high poverty among blacks; poor and, in some instances, non-existent service delivery; and a corrupt and self-interested political elite – seem to have convinced the youth that voting is simply a waste of time. Poor governance problems have resulted

in low levels of confidence in the ability of the political system to curb vices such as corruption. Governance problems are major disincentives to political participation. In our research, a participant explained the following:

The leaders are corrupt and only use voting to endorse themselves into office so that they can continue looting. How then can I participate in such a scam? I am educated but I cannot land any job with my degree, simply because some politicians are too busy thinking of how they can keep themselves rich, forgetting our [youth] struggles. There is no future for young people unless we decide to do something about it, but not by voting, it will not change anything.²¹

This view was widely shared among a number of young citizens. It confirms conclusions by Mattes and Richmond²² who, in 2013, found that South Africa's youth are generally seen as disengaged from conventional forms of political participation such as voting and contacting elected officials, yet they are also seen to be disproportionately more likely to engage in



JULIAN KOSCHORKE

Protests are a platform for the youth to express their dissatisfaction with corruption, poor governance and poor service.

protests and political violence. Interestingly, some party representatives saw this disengagement by young people as a betrayal of the youth of previous generations, who were involved in the Soweto Uprising²³ in 1976 and, later, the street protests of the 1980s.

Low levels of political engagement do not necessarily mean that the youth are completely disengaged from political and civic matters. We agree with Mattes and Richmond,²⁴ who argue that cognitive engagement – that is, the degree to which people are interested in politics and discuss it with family and friends – remains relatively high, especially among youth. The youth of South Africa seemed well versed with the political climate in the country. In fact, some of their predictions were insightful, especially once election results were officially announced a few days later:

Mmmmm, you see, we have a very complex political situation in South Africa. I hate to tell you this, my brother, but the ANC [African National Congress] will win. They have a huge following in rural areas and key metros like Gauteng and KZN. I don't think the alleged factional fights within the ruling party will cost them the election. In any case, I expect them to get anything above 55%. The EFF are good but they don't stand a chance. The ANC is the people's liberator. Although I won't be voting in this election, if I were forced to, I would go with the ANC.

When questioned further on why he would not be voting, the participant's response was:

Why should I vote people who don't care about my well-being? I enjoy talking politics, but I am not the person to waste my time nourishing a system that doesn't recognise my self-worth. I have better things to do than wait for a political saviour.

This response is characteristic of the mistrust that exists between politicians and the electorate, on the one hand, and between the younger generation and the older generation, on the other. Young people generally place blame on the political system and see it as responsible for their misfortunes. Malila²⁵ and others argue that an unsupportive political system is probably the biggest threat to youth participation in modern-day politics and political processes. Mattes and Richmond²⁶ also confirm that youth apathy and political fatalism have increased over the years due to poor governance, the generational factor and general disinterest in political matters.

Our research found that young people are more comfortable engaging in other forms of activism, such as service delivery protests and protests at university campuses, which have become commonplace occurrences in South Africa. The youth see these protests as a platform to express their anger and disgust with public sector

corruption, poor governance and poor service. However, as rightfully noted by Galton,²⁷ these forms of activism usually fall outside the purview of the law, and often turn out to be violent and chaotic. This militant approach was justified by another participant as necessary to “get them to hear us”. She noted the following:

There is no way they will listen to us if we go and sit with them in air-conditioned boardrooms. After the boardroom, we are back to square one. We do not condone violence, but sometimes it's the only way to get them to listen.

Economic Challenges and Youth Tokenism

Economic challenges were also cited as major disincentives inhibiting the youth's effective participation in electoral processes. When asked about his take of the electoral process, a participant had the following to say:

I did not register to vote, nor did I feel the urge to take part in the electoral process. You see, my brother, the nature of my job pays according to the effort I put into it. My boss does not care if I voted or not; he wants me to meet his daily target. I cannot afford to lose money because of elections which will not change my situation. I voted in the past, but nothing has changed, I am a little worse off today than I was 10 years ago. This thing simply doesn't work!

Even though he did not register to vote, the participant affirmed his undying loyalty for the ANC ruling party and expressed his optimism that the party would emerge victorious. He recalled how his late father was a veteran of the ANC and a key member of the party's armed liberation wing. However, he still expressed reservations with the ANC, noting:

The ANC I grew up knowing is no longer the same ANC. Too many corruption scandals. It has soiled the party.

It is important to highlight that despite the youth demographic advantage, the majority expressed low confidence in electoral systems and political processes. It was also interesting that some young people seemed prepared to sacrifice democracy for a government that could promote development, create jobs and improve service delivery, as noted by a participant:

I don't care about democracy. I only care about my well-being and that of my family. If democracy cannot provide jobs and a decent living, what's the point?

Although very few identified with political parties, those who did had reasons for doing so – for example,

familial political ties. Others formed political identities based on their dislike for other political parties. Political processes driven by dislike for the other party results in polarisation, with severe consequences. There is a need for voter education that invests in ideological politics rather than personalities. This is a process where political education and communication evolves from simply expressing why one candidate is better than the other to explaining what one should consider in selecting a preferred candidate. This is one way to mitigate political polarisation while minimising voter apathy, particularly among the youth.

Conclusion

While South Africa remains a democratic model in the region and the continent more broadly, the realisation that the country's young population has lost faith in political systems, and electoral processes in particular, is concerning and does not bode well for democracy. Political parties and electoral bodies must strive to create conditions that allow for the effective participation of all age groups in politics, including young citizens. The rise to prominence of Robert ("Bobi Wine") Kyagulanyi Ssentamu in Uganda, Nelson Chamisa in Zimbabwe and Julius Malema in South Africa is confirmation that young people are beginning to question the status quo and are pushing the limits of old systems. These dynamics demonstrate how generational politics can shift the political landscape and possibly bring countries within tipping points of new crises. **A**

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Endnotes

- 1 We are grateful to Pietro di Serego for reviewing and providing insightful comments on an earlier draft of this article.
- 2 The data gathered in this research project is accessible through the EleQta platform at <www.eleqta.org>
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- 9 BBC (2014) 'Most Young People Lack Interest in Politics – Official Survey', Available at: <https://www.bbc.com/news/uk-politics-26271935> [Accessed 15 July 2019].
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- 12 Ibid.
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- 14 Hill, Lisa and Rutledge-Prior, Serrin (2016), op. cit.
- 15 Dalton, Russell (2009) *The Good Citizen: How a Younger Generation is Reshaping American Politics*. Washington, DC: Congressional Quarterly Press.
- 16 #FeesMustFall was a student-led protest movement that began in mid-October 2015 in South Africa. The goals of the movement were to stop increases in student fees and to increase government funding of universities.
- 17 Hill, Lisa and Rutledge-Prior, Serrin (2016) op. cit. See also Malila, Vanessa (2016) op. cit.
- 18 Electoral Act 73 of 1998, Juta and Company Ltd. Available at: <http://www.elections.org.za/content/WorkArea/DownloadAsset.aspx?id=989> [Accessed 15 July 2019].
- 19 Government of South Africa Department of Planning, Monitoring and Evaluation (DPME) (2014) *Background Paper: Youth. Twenty-year Review 1994-2014*. Pretoria.
- 20 Mattes, Robert (2012) op. cit.
- 21 The data gathered in the EleQta platform can be accessed at: <www.eleqta.org>
- 22 Mattes, Robert and Richmond, Samantha (2015) 'Are South Africa's Youth Really a "Ticking Time Bomb?"', *Afrobarometer*, Working Paper No. 152, Available at: <http://afrobarometer.org/sites/default/files/publications/Working%20paper/AfropaperNo152.pdf> [Accessed 18 July 2019].
- 23 The Soweto Uprisings were a series of demonstrations and protests led by black schoolchildren in South Africa that began on the morning of 16 June 1976.
- 24 Ibid.
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- 26 Mattes, Robert and Richmond, Samantha (2015) op. cit.
- 27 Dalton, Russell (2009) op. cit.



AMNESTIES AND HUMAN RIGHTS WITHIN THE FRAMEWORK OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

BY **FRÉDÉRIC FOKA TAFFO**

Many African countries, over the past years, have suffered the effects of civil war – and, more specifically, gross human rights violations. During peace negotiations, victims of human rights abuses are generally not prioritised, as the focus on peace is seen by political actors as superseding the interests of victims and justice. However, what kind of peace can be built in total disregard of the suffering of

hundreds or thousands of people? Can a democratic society and sustainable development be achieved where there is no accountability for human rights abuses?

Above: The focus on peace is often seen by political actors as superseding the interests of victims and justice.



REUTERS/MOHAMED NURELDIN ABDALLAH

Prisoners from Darfur rebel movements wait to be released, in Khartoum, according to the general amnesty decision made by President Omar al-Bashir (9 March 2017).

Usually, amnesties are used as an instrument of conflict settlement. The effect of these amnesties is to preclude any investigation or prosecution of perpetrators of human rights abuses committed during the conflict period. Amnesties are often an insurmountable obstacle to the victims' right to a fair trial, and an ineffective remedy for the prejudice suffered. Amnesties can be defined as the legal measures that are used in transitional processes, often as part of peace settlements, to limit or preclude the application of criminal processes and, in some cases, civil actions against certain individuals or categories of individuals for violent actions committed in contravention of applicable human rights and international humanitarian law rules.¹ From this definition, "amnesties have a long pedigree in peace negotiations and have historically been commonly used as part of peace settlements even for armed conflicts manifesting most atrocious acts."²

Amnesties bring into confrontation two fundamental needs of all democratic societies: the need for peace and the need for justice. For example, this was the case after the fall of the apartheid regime in South Africa. The need for peace

led the new regime, with Nelson Mandela at the helm, to opt for a Truth and Reconciliation Commission rather than using the judiciary to inquire into past atrocities.

As such, the aim of this article is to put forward the position of the African Commission on Human and Peoples' Rights (hereafter African Commission) on the question: are amnesties compatible or incompatible with the human rights obligations of state parties to the African Charter on Human and Peoples' Rights (hereafter African Charter)?

AMNESTIES BRING INTO CONFRONTATION TWO FUNDAMENTAL NEEDS OF ALL DEMOCRATIC SOCIETIES: THE NEED FOR PEACE AND THE NEED FOR JUSTICE

The Incompatibility of Amnesties with States' Duties under the African Charter

In accordance with article 1 of the African Charter, state parties shall recognise the rights, duties and freedoms enshrined in this Charter and shall undertake



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Thousands of people participate in a march in Ouagadougou, Burkina Faso, to ask for “truth and justice” for the victims of the violent crackdown on a popular uprising in 2014 (November 2017).

to adopt legislative or other measures to give effect to them. Interpreting this provision, the African Commission concluded that state parties to the African Charter are under a general duty to respect, protect, promote and fulfil human rights. By so doing, they also have the specific duty to investigate and prosecute all illegal acts that amount to human rights violations.³

The Incompatibility of Amnesties with States’ Duties to Respect, Protect, Promote and Fulfil Human Rights

The duty to respect human rights imposes a negative obligation on the state not to interfere with the rights enshrined in the African Charter. The duty to protect human rights refers to a positive obligation on the state to ensure that third parties do not interfere with individual rights. This same positive obligation also derives from the duties to promote and fulfil human rights, according to which the state is under the obligation to advance the enjoyment of human rights by creating an enabling environment where a culture of human rights can thrive.⁴ All these duties impose on every state party the obligation not only to adopt multidimensional measures to guarantee to every person the effective protection of their rights, but also to refrain from

adopting measures that can preclude people from exercising their rights.

As such, by adopting an amnesty law with the effect to preclude a person’s right to a fair trial and an effective remedy for abuse suffered, the state is acting in contradiction with its basic obligations. The African Commission made it clear that by being a party to the African Charter, a state “has no basis to deny its citizen those rights as guaranteed and protected by an international convention, which represents the minimum on which the state parties have agreed to guarantee fundamental human freedoms”.⁵ It went further to add that the entry into force of the Charter in a country creates for that country an obligation of consequence, deriving from the customary principle of *pacta sunt servanda* (agreements must be kept). The country consequently has the duty to adjust its legislation to harmonise with its international obligations.⁶ This adjustment obligation does not start and end at the moment of ratification of the Charter; it exists even after entry into force of the Charter, with the effect of precluding states to adopt legislations that are contrary to their international obligations.

Amnesties fall within this category of legislations, since they do not only remove victims’ rights to an effective remedy but also create an atmosphere of impunity that is

favourable to human rights violations. This was the case in many South American countries, such as Argentina, El Salvador, Peru and so on, where amnesty laws were adopted to extinguish the criminal responsibility of military regimes in total disregard of the victims' right to an effective remedy. The African Commission pointed out that "it is generally believed that the single most important factor in the proliferation and continuation of human rights violations is the persistence of impunity, be it of a *de jure* or *de facto* nature".⁷ The African Commission added that "[amnesties], it is believed, encourages *de jure* as well as *de facto* impunity and leaves victims without compensation and effective remedy".⁸ For clarification, *de jure* impunity generally arises where legislation provides indemnity from legal process in respect of acts to be committed in a particular context, or exemption from legal responsibility in respect of acts that have been committed in the past. *De facto* impunity occurs where those committing the acts in question are, in practice, insulated from the normal operation of the legal system.⁹ In any of these cases, amnesties are unequivocally contrary to states' duties to investigate and prosecute human rights violations.

States' Duties to Investigate and Prosecute Human Rights Violations

The international customary law principle of *aut dedere aut judicare* (extradite or prosecute) obliges any state that is unable to investigate and prosecute serious human rights abuses to extradite their perpetrators to any other state which is willing to do so. From this arises an international obligation to bring to justice and punish serious violations of human rights. This obligation has been recognised and established in all regional human rights mechanisms.

BLANKET OR UNCONDITIONAL AMNESTIES ARE THOSE THAT COMPLETELY PRECLUDE INVESTIGATION AND PROSECUTION OF CRIMES COMMITTED DURING A PERIOD

For instance, the Inter-American Court of Human Rights has held that states must prevent, investigate and punish any violation of the rights protected by the American Convention on Human Rights. It stated in the landmark case of Barrios Altos versus Peru that "amnesty provisions, provisions on prescription and the establishment of measures designed to eliminate responsibility are inadmissible, because they are intended to prevent the investigation and punishment of those responsible for serious human rights violations".¹⁰ Based on this, the court concluded on the "manifest incompatibility" of amnesties with the American Convention on Human Rights, outlining the fact that "the said laws lack legal effect and may not continue to obstruct the



The Barrios Altos massacre took place on 3 November 1991, in the Barrios Altos neighborhood of Lima, Peru. Fifteen people were killed, and four more injured, by assailants who were later determined to be members of Grupo Colina, a death squad made up of members of the Peruvian Armed Forces.

investigation (...) or the identification and punishment of those responsible"¹¹ for serious human rights violations.

The African Commission held that "blanket or unconditional amnesties that prevent investigations (particularly of those acts amounting to most serious crimes referred to in Article 4(h) of the African Union (AU) Constitutive Act) are not consistent with the provisions of the African charter".¹² It emphasised the fact that "African States in transition from conflict to peace should at all times and under any circumstances desist from taking policy, legal or executive/administrative measures that in fact or in effect grant blanket amnesties, as that would be a flagrant violation of international law".¹³ Blanket or unconditional amnesties are those that completely preclude investigation and prosecution of crimes committed during a period. They should be distinguished from conditional amnesties, which only provide for the extinction of responsibility of low-level officials, and only under certain circumstances.

A large number of international human rights and humanitarian law instruments explicitly require state parties to ensure that criminal proceedings are instituted against



Protesters participate in a demonstration, in Morocco, called by Amnesty International on International Day in Support of Victims of Torture (June 2014).

perpetrators of acts prohibited in those instruments. As such, it is generally accepted that an amnesty which completely foreclosed accountability measures for such prohibited acts would be in contravention of those instruments. More specifically, “amnesties are (...) deemed to be incompatible with human rights treaties like the African Charter that do not explicitly address prosecution but which have been understood to require State Parties to institute judicial measures when serious violations occur (...). Amnesties that preclude accountability measures for gross violations of human rights and serious violations of humanitarian law, particularly for individuals with senior command responsibility, also violate customary international law.”¹⁴

This customary and fundamental prohibition of amnesties, especially blanket amnesties, is absolute in cases where serious human rights violations have been committed, such as torture or assaults to life. As such, even when amnesty is intended to establish conditions conducive

to a peace agreement or to foster national reconciliation, it should be kept within certain bounds – that the perpetrators of serious crimes under international law and the perpetrators of gross and systematic violations may not be included in the amnesty unless the victims have been unable to avail themselves of an effective remedy and obtain a fair and effective decision.¹⁵

The Incompatibility of Amnesties with Rights Protected under the African Charter

The AU Constitutive Act stipulates that the promotion of democratic principles and the protection of human and people’s rights in accordance with the African Charter are among the AU’s objectives. These are also some of the main principles protected by the AU, which are built on respect for the sanctity of human life, and the condemnation and rejection of impunity and political assassination.¹⁶ From these objectives and principles, one can derive a fundamental prohibition of assaults to life and human dignity and a consolidation of the right of everybody to reparation.

A Fundamental Prohibition of Amnesty in Cases of Torture and Assaults to Life

The prohibition of torture in all circumstances and the protection of human life and dignity are non-derogable rules of international law. This rule is clearly stated in the

THE PROHIBITION OF TORTURE IN ALL CIRCUMSTANCES AND THE PROTECTION OF HUMAN LIFE AND DIGNITY ARE NON-DEROGABLE RULES OF INTERNATIONAL LAW

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and articles 2 and 7 provide for a global duty to fight against the impunity of these acts. The African Commission affirms that the right to life is “the fulcrum of all other rights” and the “fountain through which other rights flow”.¹⁷ For these reasons, “article 4, which safeguards the right to life, ranks as one of the most fundamental provisions in the African Charter, to which no derogation is permitted. Together with article 5 [which prohibits torture], it also enshrines one of the basic values of democratic societies. (...) It prohibits in absolute terms torture or inhuman or degrading treatment or punishment, irrespective of the circumstances and the victim’s behavior”.¹⁸

The absolute character of the protection of life and prohibition of torture imposes on states an obligation to investigate, prosecute and punish all those responsible for acts of torture and assaults to life. This also means that amnesties are fundamentally prohibited if they result in shielding those who have committed such acts. The United Nations (UN) Special Rapporteur on Torture has expressed his opposition to the passing, application and non-revocation of amnesty laws (including laws in the name of national reconciliation, the consolidation of democracy and peace, and respect for human rights), which prevents torturers from

being brought to justice and hence contributes to a culture of impunity.¹⁹ The Vienna Declaration and Programme of Action stipulates that “states should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations”.²⁰ The Inter-American Court of Human Rights in the Barrios Altos case reaffirmed the prohibition of amnesties for serious violations of human rights such as torture, summary or extrajudicial or arbitrary executions and enforced disappearances.²¹

The African Commission has adopted the Robben Island Guidelines, which stipulate that states should ensure that there is no immunity from prosecution for nationals suspected of torture or ill-treatment.²² In its General Comment number 4 on prohibition of torture,²³ the African Commission affirmed that states are precluded from extending blanket amnesty for torture as a gross violation of international human rights law, as a crime against humanity and as a war crime. This fundamental principle has also been re-emphasised by the International Court of Justice in the case opposing Belgium to Senegal over the fate of the former Chadian president Hissène Habré. In the court’s opinion, the prohibition of torture is part of customary international law and has become a peremptory norm (*jus cogens*).²⁴ As such, no state may grant amnesty leading to



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Both justice and peace are important and necessary and it is up to leaders to determine how best to reconcile them in peace settlement processes without frustrating the rights of victims to an effective remedy for human rights abuses suffered.



Members of the Delegation of Senegal during the reading of the Judgment of the International Court of Justice in the case concerning Questions relating to the Obligation to Prosecute or Extradite former president Hissène Habré of Chad. The Court ruled that, in compliance with its obligations under the Convention Against Torture, Senegal must prosecute or extradite Habré (20 July 2012).

the impunity of torturers. Moreover, states are under an obligation either to prosecute torturers or to extradite them to a country where they can be prosecuted. According to the African Commission, “states are under an obligation not only to make sure that torture is absolutely prohibited in their legislation, but also in practical terms. Where torture is allegedly inflicted and this is brought to the attention of the State, it is also under an obligation to initiate prompt, impartial and effective investigation in order to determine the veracity of the allegations and to bring the perpetrators to justice if the allegations are founded, as well as to afford redress to the victims.”²⁵

Amnesties as an Obstacle to the Victim’s Right to an Effective Remedy

The African Commission notes that “although the African Charter does not expressly provide for the right to adequate remedy, reparation or compensation; this right is a well-established principle of international law”.²⁶ In fact, the protection of human rights would be inefficient if victims of abuses could not have access to a judge from whom they could obtain redress. Article 1 of the African Charter imposes on state parties a dual obligation of means and results.

A state is under an obligation of means when the international instrument requires from it only the adoption of measures to give effect to the rights enshrined in the said instrument. A state is under an obligation of results if, in addition to adopting these measures, it must also make sure that they produce the necessary results in terms of effective protection of the rights enshrined in the international instrument.

Through this provision, state parties commit themselves to give effect to the rights enshrined in the Charter. As such, they are under an obligation not only to allow for victims to seek redress before competent courts, but also to refrain from precluding victims from doing so. On this ground, the African Commission has found that legal measures completely excluding prosecution with no alternative measures of accountability are incompatible with the provisions of the African Charter. This is especially the case with the right of individuals to have their cause heard under article 7(1).²⁷ This position was affirmed in the General Comment number 4 on the prohibition of torture, where it states that blanket amnesties violate the victim’s right to judicial protection and to having their cause heard, such as in the Barrios Altos case previously mentioned.

This right should not be sacrificed for any reason – be it peace or national reconciliation. A UN report prepared by Louis Joinet pointed out that there can be no just and lasting reconciliation unless the need for justice is effectively justified, and that national and international measures must be taken with a view to securing jointly the interests of the victims of human rights violations, observance of the right to know and, by implication, the right to truth, the right to justice and the right to reparation, without which there can be no effective remedy against the pernicious effects of impunity.²⁸ The UN Human Rights Committee noted that amnesties are generally incompatible with the duty of states to investigate human rights abuses, prevent them and make sure they do not occur in the future. “States may not deprive individuals of the right to an effective remedy, including compensation and such full rehabilitation as may be possible.”²⁹

By adopting amnesty laws, states are in contravention with their duty to set up impartial, independent and competent courts for everyone to have their cause heard and to obtain reparation. The importance of this right was outlined in the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, which states that adequate, effective and prompt reparation is intended to promote justice by redressing gross violations of international human rights law. All states are under an international obligation to provide reparation to victims of such violations.³⁰

To sum up, this incompatibility of amnesties with the rights of individuals and the duties of states parties to the African Charter does not automatically mean that the interest of justice supersedes the interest of peace. Both are important and necessary, and it is up to the leaders of democratic societies to determine how to reconcile them in peace settlement processes without frustrating the rights of victims to an effective remedy in case of human rights abuses. **A**

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Endnotes

1 African Commission (2018) *Thomas Kwoyelo v. Uganda*, Communication 431/12, § 286.

2 Ibid., § 285.

3 African Commission (2012) *Noah Kazingachire and al. v. Zimbabwe*, Communication 295/04, § 126–133.

4 Ibid.

5 African Commission (2000) *Malawi African Association, Collectif des Veuves et Ayants-Droit and al. v. Mauritanie*, Communication 54/91, 61/91, 98/93, 164/97, 196/97, 210/98, § 84.

6 Ibid.

7 African Commission (2012) *Noah Kazingachire and al. v. Zimbabwe*, op. cit., § 200.

8 Ibid.

9 Ibid.

10 Inter-American Court of Human Rights (2001) *Barrios Altos v. Peru*, judgement of 14 March 2001 (Merits), § 41. This case concerns the actions of members of the Peruvian Army, acting on behalf of a death squad known as the “Colina Group”, which carried out their own anti-terrorist programme and indiscriminately fired at a crowd, killing 15 people and seriously injuring four more. After the incident, an amnesty law was passed, which exonerated members of the army, police force and civilians who had violated human rights or taken part in such violations from 1980 to 1995. As a result, no legal action was taken against the perpetrators at the domestic level. The court found that the state violated the American Convention on Human Rights.

11 Ibid., § 43.

12 African Commission (2018) *Thomas Kwoyelo v. Uganda*, op. cit., § 293.

13 Ibid.

14 Ibid., § 289.

15 Sub-Commission on Prevention of Discrimination and Protection of Minorities/Commission on Human Rights (1997) *Question of the Impunity of Perpetrators of Human Rights Violations (Civil and Political)*, 49th session, E/CN.4/Sub.2/1997/20, 26 June 1997, principle 28. This report is also known as the Louis Joinet Report.

16 AU Constitutive Act, article 3 (g) and (h) and article 4 (m) and (o).

17 African Commission (n.d.) *Gabriel Shumba v. Zimbabwe*, Communication 288/04, § 130, 137 and 138.

18 Ibid.

19 African Commission (2012) *Noah Kazingachire and al. v. Zimbabwe*, op. cit., § 209.

20 Vienna Declaration and Programme of Action, World Conference on Human Rights, Vienna, 25 June 1993.

21 Inter-American Court of Human Rights (2001) *Barrios Altos v. Peru*, op. cit.

22 Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel Inhuman or Degrading Treatment or Punishment in Africa (The Robben Island Guidelines), African Commission, 32nd session, October 2002, Guideline N° 16.

23 Adopted at the 21st Extra-Ordinary Session of the African Commission on Human and Peoples' Rights, held from 23 February to 4 March 2017 in Banjul, The Gambia.

24 International Court of Justice (2012) *Questions Relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)*, judgment of 20 July 2012, § 99. In this case, Senegal was reluctant to try Hissène Habré for the crimes committed while he was in power in Chad. Senegal also refused to extradite him to Belgium, where there were proceedings pending against him for these crimes.

25 African Commission (2014) *Monim Elgak and al. v. Sudan*, Communication 379/09, § 100.

26 African Commission (2012) *Noah Kazingachire and al. v. Zimbabwe*, op. cit., § 209.

27 African Commission (2018) *Thomas Kwoyelo v. Uganda*, op. cit., § 291.

28 Sub-Commission on Prevention of Discrimination and Protection of Minorities/Commission on Human Rights (1997) op. cit.

29 Human Rights Committee (1992) *CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)*, 44th session, 10 March 1992, § 15.

30 UN General Assembly (2005) *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, Resolution 60/147, 16 December 2005, § 15.

HUMAN-WILDLIFE CONFLICT AND WILDLIFE CONSERVATION: ATTITUDES OF THE OVAHIMBAS IN NAMIBIA

BY YOLANDA SADIE



JBDODANE

The problem of human–wildlife conflict (HWC) in Africa – meaning the interaction between humans and wildlife that results in negative effects for both humans and wildlife – poses risks to the preservation of livelihoods as well as wildlife conservation. HWC affects the food security of people, it decreases their physical and psychological well-being and increases their workload.¹ In Botswana, for example, where the largest concentration of elephants on the continent can be found (estimated at 126 114 in October 2018),² the significant number of elephants is not only putting pressure on the ecosystem, but has also led to increased HWC. The wildlife numbers pose a threat to

human life, with official statistics indicating that between February 2018 and June 2019, 20 deaths by elephants and several injuries were recorded.³ Elephants encroach on communities, not only killing people but also destroying crops, thereby impoverishing the rural communities who rely on farming for their livelihood. Hidden costs in the

Above: The significant elephant population in Botswana is placing pressure on the ecosystem and has led to increased human-wildlife conflicts.



form of diminished psychosocial well-being and disrupted social activities raise additional concerns.

On the other hand, HWC is ranked among the main threats to conservation in Africa.⁴ Given the previously mentioned negative effects for people, conservation efforts can be undermined by arising animosity and intolerance to wildlife. It can also increase illegal poaching and lead to the extinction of wildlife. Therefore, HWC poses a challenge to national governments, while the management of HWC can also generate political conflict between local people and government institutions. HWC is therefore a multifaceted problem.

This article focuses specifically on HWC in Namibia, and draws attention to the manner in which the government

approaches the problem of wildlife conservation and HWC. It also provides a brief overview of selected attitudes to wildlife conservation and HWC of the Ovahimba people in the Kunene region.

The incidents of HWC in Namibia are high, totalling 8067 conflict incidents recorded in 71 of the country's 83 registered conservancies during 2017.⁵ According to *The State of Community Conservation in Namibia* report,⁶ these figures may be an underestimation, given the fact that only 71 conservancies reported figures in 2017. Furthermore, HWC has increased, due to the growth in wildlife populations and the shifting patterns of movement of humans and wildlife in response to drought. Livestock attacks, in particular, have shown a substantial

increase in 2017: there was an average of 106 incidences per conservancy, of which an average number of 91.1 were livestock attacks (up from an average number of 75.5 per conservancy in 2016) and 13.1 were incidents of crop damage, while the average number of human attacks per conservancy were only 0.2. Other conflicts related to wildlife and humans are damage to property (such as waterpoints and boreholes, fences, gates, kraals and houses), damage to vegetation and wildlife, and competition with livestock for forage.⁷

Wildlife conservation – and thus also HWC – in Namibia cannot be separated from the country’s community-based natural resource management programme (CBNRM) and its chosen model of conservancies.

Conservancies and Wildlife Conservation in Namibia

In 1996, the Namibian government created an inventive CBNRM that is concerned with the suitable management of natural resources – particularly, but not exclusively, wildlife on communal land. The Nature Conservation Amendment Act of 1996 was adopted, allowing rural communities the rights to manage and benefit from the use of wildlife and tourism. The CBNRM programme was intended to respond

to several policy concerns in the country, ranging from the large drop in wildlife numbers on rural communal lands as a result of a combination of a civil war, drought and poor incentives to protect wildlife, to high poverty levels. Furthermore, white farmers had the right to manage wildlife found on their freehold land and benefit from the commercial use of this resource (enacted in the Nature Conservation Ordinance No. 4 of 1975). Therefore, white farmers held some property rights over wildlife, while black Namibians were denied these rights. Consequently, white commercial farmers had incentives to protect wildlife on their property, while for black people there was little incentive to protect wildlife on communal farms. Instead, they often cooperated with poachers to gain some benefit on their land. A change in the Ordinance provided black rural Namibians living on communal land with legal rights and responsibilities over their natural resources.⁸

IN SEVERAL PLACES, PEOPLE AND WILDLIFE COMPETE FOR THE SAME RESOURCES



Human-wildlife conflict is a significant threat to conservation in Africa. Conservation efforts are undermined by rising intolerance for wildlife, and results in illegal poaching and possibly the extinction of wildlife.



Conservancies in Namibia earn income from tourism and hunting operations.

Wildlife may now be utilised sustainably under conservation management in communal conservancy areas. CBNRM is therefore a policy to address conservation and rural economic development by giving local people incentives to search for profitable ways to manage wildlife and develop tourist-related activities. It operates through communal conservancies, each having clearly defined boundaries, a defined membership, a legally recognised constitution, an elected body of representatives for equitable distribution of benefits from resources to members, and a plan.⁹ The essential elements of good governance, set out by the Ministry of Environment and Tourism (MET) in its standard operating procedures (SOPs), are to be obeyed. The MET can degazette a conservancy that fails to comply with the SOPs.

There are currently 83 registered communal conservancies, covering 163 151 square kilometres (comprising 19.8% of Namibia), representing 52.9% of all communal land in Namibia and inhabited by an estimated 212 092 residents.¹⁰ The registered conservancies have achieved various levels of success. Conservancies earn income from tourism and hunting operations. In 2017, community conservation generated over N\$132 million in returns for local communities, of which the

benefits distributed by conservancies to members stand at an average of about 20% of conservancy income. These benefits are paid after costs – which include office expenses, vehicles and salaries (particularly to the game guards) – have been met.¹¹ Besides the cash benefits, other benefits are in-kind, such as meat distribution and fringe benefits from tourism employment, such as staff housing. Other successes that have been achieved include remarkable wildlife recovery due to government and conservancy efforts – for example, a large free-roaming lion population outside of national parks and growth in the elephant population from 7 500 to 22 800 between 1995 and 2016.¹² However, as noted previously, the increase in wildlife populations, together with the shifting patterns of movement of humans and wildlife in response to the three successive drought years since 2015 (the worst in 30 years), has resulted in a considerable increase in livestock attacks in 2017. In several places, people and wildlife compete for the same resources.

Namibia's HWC Policy

One of the challenges to the CBNRM programme over the years has been HWC. Although HWC occurs throughout

THE NAMIBIAN GOVERNMENT DOES NOT OFFER DIRECT COMPENSATION TO INDIVIDUAL FARMERS OR COMMUNITIES, DUE TO THE COMPLEXITY OF COMPENSATION SCHEMES AND THEIR POTENTIAL TO BE OPEN TO ABUSE

Namibia on communal as well as freehold land, the main problems occur on the communal land outside protected areas, where the most elephants and large predators are found and where people are the least able to bear the costs of losses and damages. In 2009, the MET implemented the National Human–Wildlife Conflict Management Policy. In 2018, a revised and updated policy was published to reflect changing circumstances (according to the report), a new thinking regarding HWC and the experience gained in managing the issues since the first policy. The government's point of departure is that it is not possible to eradicate all HWC, but that the conflict has to be managed effectively so that it can be reduced to an acceptable level.

The policy¹³ sets out a number of objectives, as well as 12 strategies to address the impact of HWC, including: land use planning and integrated measures to avoid HWC, appropriate technical solutions for mitigating HWC, removal of problem-causing animals, addressing the losses of affected persons, and HWC management schemes. The strategies can be categorised in terms of prevention (avoidance of such conflict and addressing its root causes), protection strategies (when the conflict has occurred or is about to occur) and, lastly, mitigation strategies (attempting to reduce the impact and lessen the problem).

The removal of problem-causing animals, for example, is allowed in exceptional cases where life and property are persistently threatened, or when the numbers of wild animals are so high that the conflict can no longer be tolerated by the resident people. This, however, can be done only with the authorisation of the minister in terms of strict requirements.

The Namibian government does not offer direct compensation to individual farmers or communities, due to the complexity of compensation schemes and their potential to be open to abuse. However, conservancies receive fixed payments through the Human Wildlife Conflict Self Reliance Scheme to compensate farmers for



GIANLUIGI GUERCIA/AFP/GETTY IMAGES

To receive compensation for livestock killed by wildlife it is required that animals be kept in livestock enclosures at night.



The semi-nomadic Ovahimba people are the native occupants of the Epupa conservancy in Namibia.

their losses. People in non-communal areas (similar to the 2009 policy) are also entitled to payments, but not people on private land. For every hectare destroyed by elephants, buffaloes and hippos, an amount of N\$1000 per hectare is paid out, while for livestock, N\$300 is paid out for cattle, N\$500 for a goat, N\$700 for a sheep, N\$800 for a horse, N\$500 for a donkey and N\$700 for a pig. Payments will be made only if certain requirements are met, such as reporting the incident within a day, keeping the animals in adequate livestock enclosures at night, and that the killing is verified by a ministry staff member or a community game guard (where such structures exist). Also, in incidents where a person is killed by a wild animal, N\$10000 is paid towards funeral cover. The stated amounts have increased by 50% from those set out in the 2009 report. Although the government acknowledges that the amounts do not cover the full value of the animal concerned, the purpose is to partially compensate the farmer for the loss. The revised policy has not made provision for property damaged by wildlife, as was the case in the 2009 policy. One of the government's objectives is to establish an insurance scheme for human death and injury caused by wild animals, as well as a HWC livestock insurance scheme. Once in place, these insurance schemes will replace the Human Wildlife Conflict Self Reliance Scheme.

Attitudes of the Ovahimba in the Epupa Conservancy to Wildlife Conservation and HWC

The attitudes of local people towards wildlife is critical for communal nature conservation. On the other hand, HWC can have an impact on the attitudes of people towards wildlife, as wildlife can have a negative influence on people's livelihoods.¹⁴

This research focused on the Epupa conservancy (it includes the Epupa Falls), which is located in the north-west of Namibia and is one of the most recently registered conservancies (gazetted in 2012), with approximately 3518 permanent inhabitants. The semi-nomadic Ovahimba people are the native occupants of the conservancy. Pastoralism (goats, cattle and sheep) is the main form of subsistence.

Three focus group discussions (FGDs) were conducted in May 2019. One FGD consisted of 10 women and was conducted in the vicinity of the Epupa Falls. A snowball sampling technique was used to recruit the women, who came from seven different villages. The second female FGD was conducted approximately 60 kilometres north-west of the Epupa Falls. These women, from five different villages, were busy building a kraal with huts to display their culture to tourists. A male FGD, which consisted of 17 men from eight different villages, was conducted in the same area. The men were gathered for a traditional ceremony. A female interpreter was used for the female groups, while a



Respondents were adamant that they would report people who kill wild animals such as kudu.

male interpreter accompanied a male interviewer. A number of informal discussions were also held with individuals in the conservancy.

The focus of the research was not specifically on HWC, but on the broader topic of wildlife conservation, poaching and the role of the conservancy. Given the fact that people's attitudes to wildlife can be influenced by the negative effects on livelihoods of such conflict, the issue of HWC was also raised.

The first aspect raised with the focus groups was to establish their attitudes towards the conservation of wildlife (or killing of wild animals). Respondents made it clear that before the conservancy, it was acceptable to kill wild animals. However, "nowadays it is not good to kill wild animals." Various reasons were provided, such as:

- "wild animals are our own";
- "the community benefits when hunters with permits come and hunt – so wild animals should not be killed off";
- "wild animals should be protected because that will bring development to the community (in this regard, trophy hunters are great because they bring in money)";
- "the conservancy is our area and outsiders cannot come and destroy this"; and
- "wild animals are the responsibility of the community – it is important to keep wild animals for the future generation".

If people are caught killing wildlife, they will go to jail. Respondents were also adamant that they would report people who kill wild animals such as kudu.

On the question of whether wildlife have killed some of their animals, a number of respondents indicated that their animals have been killed on several occasions. The most troublesome animals are jackals, hyenas, leopards, cheetahs and crocodiles. To members of the focus group in the Epupa Falls area (Kunene River), crocodiles pose the biggest problem to both humans and animals, and some women had no problem with the idea of killing/shooting the crocodiles, which has been done on the Angolan side of the river. The women who live more inland stated that their goats were killed by jackals and hyenas. The women stay in the villages with the goats while the men go with the cattle into the mountains for

ON THE QUESTION OF WHETHER WILDLIFE HAVE KILLED SOME OF THEIR ANIMALS, A NUMBER OF RESPONDENTS INDICATED THAT THEIR ANIMALS HAVE BEEN KILLED ON SEVERAL OCCASIONS



Crocodiles pose the biggest problem to the Ovahimba people and their livestock.

better grazing, where they are attacked by cheetahs and leopards. They have had no incidents of crop damage, since crops such as maize, pumpkin and watermelons are no longer planted because of the persistent drought. From the discussions, it became evident that retaliation killing of troublesome animals (except crocodiles) is not an option to those who have lost livestock. In the words of one woman: "If jackals kill our livestock – how can we kill it if it is part of our wildlife – hunters would like to kill so protect them."

The greatest concerns, however, relate to the issue of compensation for livestock death by wild animals. In this regard, two problems were mentioned. First, the compensation is inadequate. The amount paid out is below the replacement value of the animal. As one respondent remarked: "If 10 goats are killed, we will only get paid the worth of two goats." The second problem relates to the payment process. In the words of respondents:

- "we do not get paid";
- "payments are not processed";
- "only some people get paid"; and
- "the conservancy/government takes time to pay".

From the informal discussions with community members (including some of the focus group respondents), it seems that reimbursements or payments to livestock owners are not made because many do not meet the policy

compensation requirements. For example, livestock are mostly left unattended during the day and are also not in enclosures at night, as required by the HWC policy. Furthermore, due to distances and an immediate lack of transport, as well as no credit on phones or bad reception, the killing of their animal is not reported within the required 24-hour period. On the other hand, community members confirmed that they are also aware of the fact that compensation (from the conservancy) for killed livestock takes a long time to be processed, or that these "payments" are not made at all. Given the requirements in terms of reporting and the problem with reimbursements, losses are increasingly not being reported. This situation has an impact on official figures on HWC in the conservancy.

Given the fact that the conservancy is the model for the CBNRM programme on wildlife conservation and development, it was also important to establish the attitudes of respondents to the role of the conservancy. Some of the respondents did not know much about the conservancy, while the majority had mixed views. Positive aspects about the conservancy that were raised were:

- "the conservancy gave us the idea to build huts to show our culture to tourists and preserve wildlife";
- "they brought water close to us";

- “before the conservancy we cut trees – now we must ask for permission – it is good because trees have been damaged”;
- “the conservancy is a good thing – they made four boreholes”;
- “they provided waterpoints”;
- “we only see good from the conservancy”;
- “they [the conservancy] introduced rotation of grass for animals so that other parts grow – before the drought – now grass does not grow”;
- “conservancy protects wildlife – we trust them”.

Respondents also mentioned the fact that they have a conservancy meeting the first week of every month, where they talk about wild animals. Negative points against the conservancy were also raised, such as the lack of payment for killed livestock by wild animals, and that the conservancy makes money from the lodges, tourism and hunting, but the local people do not get any of this.

Conclusion

Despite the fact that Epupa is one of the most recently established conservancies, it was evident from all the FGDs that the message of the value of conservation – and particularly wildlife conservation – has spread in the community. Before the establishment of the conservancy, respondents acknowledged that wild animals were not protected. Furthermore, the benefits of wildlife, such as hunting and tourism, have made respondents more appreciative of the value of wildlife.

The positive attitude towards wild animals also seems to have an effect on their attitudes to HWC. The immediate reaction of respondents to questions on these attacks was not that of killing the animal (except for crocodiles), but rather the fact that they are not adequately compensated for their losses. Not only were the amounts paid out far below the value of the animal killed but, in many instances, they have reported their losses but have had no payments from the conservancy. The reasons for the failure of payments are not quite clear – whether it can be attributed to failing to meet the requirements set out in the government’s HWC or incompetence on the side of the conservancy/government. The fact that the men have to travel to different areas with their cattle as a result of the drought does create problems of securing animals in enclosures at night, while it is also often problematic to report incidents within the required 24 hours. This could possibly change the attitudes of the community to HWC and back to the retaliatory killings of troublesome animals, if this issue is not addressed by the conservancy and the government.

The severe drought in the area poses a serious problem for the community. Not only are they losing livestock because of the drought due to a lack of grazing, but the availability of wildlife (for permit hunting) is also affected.

This could also lead to an increase in incidences of HWC. If the drought continues, the community may, as a last resort, be compelled to illegally hunt kudu and other wild animals for food. For the protection of wildlife and the potential impact of the drought on HWC, the conservancy needs to engage with the community on ways in which the effects of the drought can be mitigated. **A**

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THREAT OF SECESSION: THE BIAFRAN STORY

BY **HUSSAIN TAOFIK OYEWO**



REUTERS/AFOLABI SOTUNDE

Introduction

There is a considerable popular feeling of exclusion and perceived sense of injustice among various units of the Nigerian federation – a situation that has led to alienation, suspicion and apprehension among various groups in the country. Over time, different groups have pursued separatist ambitions in Nigeria – some examples are Ogoni nationalism and the Boko Haram insurgency. This article focuses on Nigeria's unresolved ethnic tensions and suspicions of domination that led to the declaration of the state of Biafra, leading to the Nigerian civil war between 1967 and 1970, and the subsequent persistent agitation for an independent state of Biafra since the end of the war.

Origin of the Problem

In 1914, the protectorates of Northern Nigeria and Southern Nigeria were amalgamated to form a single colony and protectorate of Nigeria by the British colonial administration. This amalgamation of 250 diverse ethnic groups and two separate provinces is related to the first military coup in Nigeria and the subsequent declaration of the state of Biafra. This was a forceful merger of not only different identities and religions; it was also a clash

Above: A supporter waves the Biafra flag.



Map of the secessionist state of the Republic of Biafra (1967–1970).

of political class, since both provinces had different administrative systems.¹ A colonial constitution divided Nigeria into three political regions in 1947: east, north and west. The north, which is the largest area, was predominately Hausa-Fulani, Igbos were the majority in the east and Yorubas dominated the west.² The territorial and ethnic identities of the colonial system were still in place on the eve of independence.³ The limited integration of cultures resulted in rivalry and the formation of political parties that were largely regional and based on ethnic identities: the Action Group (AG) in the west, the Northern People's Congress (NPC) in the north and the National Council of Nigeria and the Cameroons (NCNC) in the east. The parties also had different ideologies – for example, the NPC and the AG favoured a loose confederacy, while the NCNC preferred a unitary/united structured country.

The years leading to, and after, independence were tense, as they were dominated by the quest for ethnic dominance by the three political entities. Politicised ethnicity

and competition over scarce resources led to a high degree of nepotism and tribalism at the expense of nationhood. This competition and insecurity eventually peaked in 1966 with the demise of the first republic.

On 15 January 1966, Chukwuma Kaduna Nzeogwu led the first-ever military coup in Nigeria. The coup plotters claimed they wanted a better and united Nigeria that offered equal opportunity to its citizens without regional or ethnic considerations and nepotism, large-scale looting of public wealth, persistent poverty of the people, insecurity, the Tiv riots⁴ and the western region's consistent violent protests.⁵ While there have been various assertions about the details or cause of the coup, this article is concerned with the outcome of the coup in relation to the suspicions from various regions and the eventual birth of Biafra.

The jubilations that initially greeted the coup quickly waned after a sudden realisation of the sectional and imbalanced composition of the coup leaders, as well as the nature of the assassination and killings of prominent



Johnson Aguiyi-Ironsi (centre) abrogated the federal system of government and substituted a unitary system in 1966, which reinforced northerner's fears that the southerners could take control of everything.

politicians and military officers as a result of the coup. The coup planners were Kaduna Nzeogwu (Igbo), Adewale Ademoyega (Yoruba), Emmanuel Ifeajuna (Igbo), Timothy Onwuaturuegwu (Igbo), Chris Anuforo (Igbo), Humphrey Chukwuka (Igbo), Don Okafor (Igbo), Ben Gbulie (Igbo), Emmanuel Nwobosi (Igbo) and Ogbo Oji (Igbo).⁶ Nine of the 10 coup initiators were Igbo from the then eastern region of Nigeria, and one Yoruba from the western region. The coup resulted in the assassination of Ahmadu Bello (Fulani), the premier of northern Nigeria; Samuel Ládòkè Akíntòlá (Yoruba), the premier of the western region; Abubakar Tafawa Balewa (Baggara), prime minister of Nigeria; and Festus Okotie-Eboh (Itshekiri), federal minister of finance. The senior officers who were assassinated during the coup were Zakariya Maimalari (Kanuri), Samuel Ademulegun (Yoruba), Abogo Largema (Kanuri), James Pam (Berom), Arthur Unegbe (Igbo) and Ralph Shodeinde (Yoruba).⁷ Although the coup might have been planned with the best of intentions, its outcome looked to target mostly

non-Igbo ethnic groups. While leaders from the northern, western and mid-western regions were killed during the coup, no Igbo leaders were assassinated. Nnamdi Azikiwe (Igbo), president of Nigeria, had at the time gone on a prolonged medical trip to London.⁸

The coup succeeded in Kaduna (the northern region capital), failed in Lagos (the federal capital) and Ibadan (the western regional capital) and barely took place in Benin (the mid-western capital) and Enugu (the eastern capital). In the absence of the prime minister, acting president Nwafor Orizu was compelled to hand over to the military, which was headed at the time by General Johnson Aguiyi-Ironsi, an officer from the eastern region.

Whatever suspicions people had were validated by Ironsi's policies. He failed to address the accusation that the coup was sectional, and refused to bring the leaders of the coup to trial. He did not establish a broad-based government, preferring instead to work with a small team – who incidentally were Igbo. In spite of a one-year



Yakubu Gowon was appointed Head of State in July 1966, following a counter coup.

freeze on promotions, he elevated 21 officers to the rank of lieutenant-colonel – 18 of whom were Igbo.⁹ Against all advice, Ironsi promulgated Decree Number 34 of 1966, which abrogated the federal system of government and substituted a unitary system, opening up the northern civil service to Igbo officers for the first time. Given the already charged atmosphere, this action reinforced northern fears. As the north was less developed than the south, a unitary system could easily lead to southerners “taking over control of everything”.¹⁰ Political violence began in Kano, Sokoto, Katsina, Maiduguri and other areas in the north in support of a secession bid called “araba”. It was at the height of the northern opposition to unitarism that the countercoup of July 1966 took place. Top-ranking Igbo officers – including Ironsi – lost their lives, and northern dominance was restored.¹¹

Lieutenant-Colonel Yakubu Gowon was appointed head of state by the July 1966 coup conspirators. Hassan Katsina,

military governor of the northern region, David Ejoor, military governor of the mid-west region, and a group of leading Yoruba leaders all agreed to accept Gowon as the head of state. However, Chukwuemeka Odumegwu-Ojukwu, the governor of the eastern region, insisted that the military hierarchy be sustained. Ojukwu wanted Babafemi Ogundipe, who was the most senior after Ironsi, to take over leadership. However, Ogundipe was unable to assert his authority over the troops, especially the coup plotters, who clearly wanted Gowon to take over leadership.¹² This fall-out led to a sequence of events that resulted in the Nigerian civil war.

Although Gowon abrogated Ironsi’s unification decree and reinstated the federal system, this did not pacify northerners, as a massive pogrom against Igbos in the northern region at the time led to a large exodus of Igbos to the eastern region. Ojukwu eventually relaxed his position and sent delegates to an ad hoc constitutional conference, initiated by Gowon, to deliberate the country’s political future.



Chukwuemeka Odumegwu-Ojukwu declared secession and the independence of the Republic of Biafra on 30 May 1967.

The regional debate ended abruptly as killings of Igbos in the north increased – this time, the killings were organised by soldiers and civilians.¹³ In October 1967, Ojukwu asked all non-Igbos to leave the eastern region and both sides started arming.¹⁴ A summit of military leaders was organised in Aburi, Ghana in January 1967 to resolve the disagreements. The Aburi Accord became a source of contention with no comprehensive agreement. In anticipation of eastern secession, Gowon moved quickly to weaken the support base of Ojukwu's eastern region by creating 12 new states that contained minority groups, who had demanded the creation of separate states since the 1950s. East-Central State, South-Eastern State and Rivers State were carved out of the eastern region. Gowon rightly envisaged that non-Igbo eastern minorities (Rivers State and South-Eastern State) – who had large reserves of oil and access to the sea – would not support the Igbos, given the prospect of having their own states should the secession effort fail.¹⁵

On 26 May 1967, Ojukwu called a meeting of the Advisory Committee of Chiefs and Elders on the situation, and sought their decision on the next move. The following day, on 27 May 1967, the consultative forum mandated Ojukwu to declare secession and on 30 May 1967, he declared independence as the Republic of Biafra – named after the Bight of Biafra, a bay on the country's Atlantic coast.¹⁶

The federal government took no immediate steps to attack the eastern region, but rather declared "police action". Ogoja, Nsukka and the oil terminal in Bonny were captured by federal forces in July 1967. The "police action" didn't last long, as it unfortunately resulted in a full-scale war after Biafran forces retaliated with a surprise invasion in the mid-western region on 9 August 1967.¹⁷ This led to a 30-month civil war between the federal government and the secessionist state of Biafra. The war ended when Ojukwu fled the country and his deputy, Phillip Effiong, surrendered to the Nigerian forces.¹⁸

The war, which remains a threat to Nigeria's unity, resulted in over a million deaths.¹⁹ The federal government under Gowon declared a policy of "no victor, no vanquished" and instituted the 3Rs – rehabilitation, reconstruction and reintegration. The implementation of the 3Rs is alleged to have been problematic, as no extensive infrastructural reconstruction was undertaken in the south-east region. In addition, the administrative policy of giving only 20 pounds to former Biafrans, regardless of how much they had in

their accounts before the war, was criticised locally and internationally.

Biafran Agitation and the Quest for Secession

It is not uncommon for groups who have fought and lost a secession war to nurse desires for independence. Shared victimhood makes for easy mobilisation of support. The Igbos continued to feel alienated from Nigeria after the civil war. They believed they had been excluded from the political and socio-economic mainstream of the country, and the clamour for a separate existence from Nigeria continued to gain momentum. This eventually led to the establishment of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) in 1999. MASSOB, described as a non-violent separatist movement, with its philosophy hinged on the principle of non-violent conflict as propagated by Mahatma Gandhi, was founded by Ralph Uwazuruike, a lawyer, on 13 September 1999. MASSOB

advertised a 25-stage plan through which its goal for peaceful secession from Nigeria would be achieved.²⁰ MASSOB successfully mobilised Igbo in the country to shut down their businesses for a day on 26 August 2004, and embarked on demonstrations in Canada, Germany, Italy and France.²¹ Their activities provoked the government and led to several arrests of Uwazuruike and his followers for unlawful gatherings and the disruption of public peace. In July 2000, Uwazuruike was arrested for storming the 36th Organisation of African Unity (OAU) Summit in Lomé.²² He was again arrested and arraigned for treason in Abuja in 2005. He was released on bail in 2007 after some political interventions, and finally discharged and acquitted with his members in 2011, during the Goodluck Jonathan administration. The movement has since lost steam, as it failed to gather the support of the south-east governors amid concerns in certain quarters that the movement was too politicised.

Another group, the Biafran Zionist Movement (BZM), was founded in 2010 by a United Kingdom-based lawyer, Benjamin Onwuka, who said it was founded to give “seriousness” to the Biafran dream. The group submitted an application to United Nations (UN) Secretary-General Ban Ki-Moon for observer status for the Republic of Biafra in 2012.²³ Onwuka’s attempt to declare himself as the leader of the new Biafran Republic in a live broadcast

resulted in a gun battle with the police, and his (and his members’) subsequent arrest. They were charged with treason but granted bail.²⁴ Onwuka and his members were again arrested in 2018 while marching to Enugu State Government House to hoist the Biafran flag. They are now on trial.²⁵

Nigerian-British Nnamdi Kanu created the Indigenous People of Biafra (IPOB) group, a more radical breakaway faction from MASSOB. Although the group existed before Muhammadu Buhari became president in 2015, its agitation took on an aggressive dimension a few months after the new government was inaugurated. Kanu’s broadcasts on Radio Biafra from London quickly gained popularity, especially among Igbo people. Unlike MASSOB, IPOB appears to encourage violent conflict. For example, Kanu was seen on video footage seeking arms at the World Igbo Congress in the United States. He claimed that the only language the Nigerian government understands is war, and that he was going to regroup and surprise Nigerians.²⁶

Kanu was arrested for treason in October 2015. He was granted bail in April 2017 on health grounds, on condition that he would not engage the public on matters related to Biafran independence. While he was in prison, an Amnesty International report²⁷ accused Nigerian forces of killing over 150 pro-Biafra activists.²⁸ After his release, Kanu violated



PLUS UTOMI EKPE/AFP/GETTY IMAGES

Members of the banned Movement for the Actualisation of the Sovereign State of Biafra (MASSOB) drive past police with a Biafran flag in Onitsha (6 December 2005).



Pro-Biafra supporters wave flags and chant songs as they march through the streets of Aba, Nigeria, to call for the release of Nnamdi Kanu, the leader of the Indigenous People of Biafra (IPOB) (November 2015).

his bail conditions and continued his verbal war against the government, and his group was accused of harassment in some south-east states. In reaction, some northern youth groups declared “war” against all Igbos residing in the north, demanding they leave the area within three months.

Northern leaders intervened and mounted pressure on the youth to withdraw the threat, while the Nigerian army deployed a special formation, Operation Python Dance II,²⁹ to the south-east states to curb the security situation there. The troops allegedly invaded Kanu’s family home and shot and arrested some IPOB members during the attack.³⁰ The whereabouts of Kanu and his parents during and after the invasion were not made public until he resurfaced in 2018. The South East Governors Forum subsequently banned the activities of IPOB after an emergency meeting in Enugu, and it also advised that all grievances be channelled through the chairman of the South East Governors Forum.³¹ President Buhari also began the process of proscribing IPOB in the country after accusing the group of terrorist activities, such as setting up parallel military and paramilitary organisations, clashing with the national army, and mounting roadblocks to extort people, among others.³² The attorney-general of the federation and minister of justice, Abubakar Malami, filed an *ex parte* motion, asking the court to ban the activities

of IPOB and declare it a terrorist organisation. The Federal High Court granted the motion and consequently ordered the proscription of the group.³³

It is important to note that there are many contradictions in the motives for the Biafran agitation. Some people use it as bargaining chips and some for personal gains, while some sincerely want secession. A good majority of Igbos in the south-east and other parts of the country do not support the movement, and would rather have a fair and equitable Nigeria than a separate state of Biafra.

The proscription of IPOB with the support of the south-east governors has subdued the agitation. However, it is important for the government, in partnership with stakeholders in the region, to take proactive steps to address the underlying factors behind the agitation to avoid a resurgence.

Moving Forward

Strength in Diversity

Nigeria is inhabited by people of diverse languages, religions and customs, with divergent human and natural resources. This diversity defines the uniqueness of its statehood. The resources, innovation and creativity that comes from different parts of the country should be



Nnamdi Kanu, the leader of the Indigenous People of Biafra in front of his house in Umuahia, Nigeria, before the commemoration of the 50th anniversary of the civil war (26 May 2017).

harnessed for the commonwealth of Nigeria. There should be inclusion, recognition and acceptance of diversity and the value that different groups contribute to the country. There is a need for fair and equitable development and policies that ensure equity and equality. Nigeria's position in the international community is derived from its diversity and population. Developed countries in Western Europe came together to establish the enviable European Union for peace and prosperity, and this shows the strength possible in diversity.

Dialogue

It has been over 50 years since the civil war resulted in over a million deaths. There is a need to reflect on such brutality by citizens against each other, and the reasons for the resurgent agitation for the state of Biafra five decades after the war. There is a need to know the roots of the agitation, understand the claim of unequal treatment in terms of federal appointments and infrastructure development, and allegations of victimhood and poor responses from the government. These issues have to be discussed by the government and stakeholders in the region. The government should create a forum for discussion on what needs to be done for Igbos to feel that they belong and are not alienated in Nigeria.

Purposeful Regional Leadership

The leaders in the south-east region must improve governance at all levels. There is a need to initiate policies and projects that will help to satisfy the daily economic, social and political needs of the people. The south-east region's combined internally generated revenue (IGR) is less than that of Ogun State in the south-west. High reliance on federal allocations and lack of investment and innovation in the south-east – which is the most densely populated region in Nigeria – is breeding economic frustration and resentment against the government. It is important for the south-easterners to hold their leaders accountable and ensure that they improve the security and economy of the region, fight for the region's equitable share from the centre and, most importantly, not distance itself from the pulse and aspirations of the people.

Conclusion

Following the proscription of IPOB by the south-east governors and the federal government, and the restoration of peace to the region, the time is ripe for the federal government to focus on the south-east region. The government should establish a transparent commission of inquiry to look into various issues in the Biafran agitation.



People participate in a demonstration in London, during a Freedom March for Biafra held worldwide and organised by the Indigenous People of Biafra to mark the anniversary of the unilateral declaration of independence in 1967 that sparked a brutal 30-month civil war in Nigeria (30 May 2017).

The commission should investigate the activities of pro-Biafra groups and government agencies, especially the role of the police and military in extrajudicial killings and human right abuses. The government should prosecute those implicated in the abuse and killings of Biafran agitators, and consider granting amnesty to Biafran agitators in the interest of national unity.

The government, in collaboration with leaders from the south-east region, should establish a reconciliation forum for pro-Biafra groups to express their grievances, and to advise the government on how best to address grievances. It is important to note that the civil war ended after Biafra surrendered and not after a peace agreement, as is the norm after most civil wars. A reconciliation forum will hopefully help to resolve conflict left over from the past and recreate a sense of national unity.

Finally, although self-determination is a cardinal principle in international law and is enshrined in the AU and UN charter, it has to be done in accordance with the law and international best practices. As such, agitators such as IPOB, MASSOB and BZM must desist from acts that endanger lives and property. Most importantly, their cause should be focused on the interests of those whom they wish to protect,

and they should ponder this crucial question: Is a landlocked Biafra surrounded by a possibly hostile Nigeria the best option for Igbos? **A**

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