State, Non-State Actors and the Emerging Trajectories of Conflict in Africa

Editors: Cyril Obi and Charles Ukeje
About AfSol Journal

“Making and sustaining peace and security is also an intellectual challenge. We therefore undertake to build the capacity of our universities and research institutes to explore the nature of African conflicts, to investigate what succeeds and what fails in conflict resolution efforts, and to arrive at African-centred solutions, drawing from our own distinctive and unique experience.”

Tripoli Declaration (2009)

Africa, like every other continent in the world, does not only have unique problems that require special diagnosis but also unique socio-cultural and political landscape that marks the peace and security arena as distinct. With the transformation of the OAU into the African Union (AU) in 2002, new sets of objectives under the new framework stressed the need to define and find African-centred solutions for peace and security in the continent. While the African Peace and Security Architecture (APSA) have been operational with a bigger vision, there is an emerging urge to the AU to focus more on the interface between peace, security and governance. This is making the search for African-centred solutions in peace and security more complex and broad since the solutions have to include elements of governance, democracy, human rights and the rule of law.

Pursuant of these needs, it is time for Africans to actively discuss the past, present and shape their future by debating and analysing conflict, peace and security issues through an African perspective targeting what is best for Africa. Vision 2063 of the AU, reflects and pursues this “through a people-driven process for the realization of the vision of the AU for an integrated, people-centred, prosperous Africa, at peace with itself”. Noting this continental vision, we would like to recognize the Tripoli Declaration on the “Elimination of Conflicts in Africa and the Promotion of Sustainable Peace” in 2009, where the African Union Heads of States and Governments recognized peace and security as an “intellectual challenge”. IPSS is offering a Journal as a platform for critical debate, responding to this “intellectual challenge”; the journal will avail theoretical and practical knowledge to academia and policy makers.

We believe this knowledge is to be drawn from newly emerging practices and from past experiences, to be found hidden in oral verses and practices of Africans, written in academic publications, daily periodicals and policy documents. It is embedded in what Africa has achieved in the past and in what it could have done better; it is entrenched in its history, its traditions, values and its people. Our vision is to bring this knowledge together, publish papers with high academic standards, yet presentable to policy makers and to everyone devoted for a peaceful and prosperous Africa.
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  o Leadership
  o African shared values
• Narrate and analyze undocumented events or practices with acceptable academic standard
• Unless it is especially relevant to the present or is a critical account of a missing piece of history purely historical, biographic and/or autographic narratives are not published by this Journal

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• Pan-Africanism, diversity, integrity, and inclusion
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Introduction

By Cyril Obi and Charles Ukeje

This Special Issue of AfSol focused on the theme, “State, Non-state Actors and Emerging Trajectories of Conflict in Africa” is based on a collaborative effort between the Institute for Peace and Security Studies (IPSS), Addis Ababa University and the African Peacebuilding Network (APN) program of the Social Science Research Council (SSRC). The various articles in this volume explore the changing dynamics of conflict in Africa, particularly since the end of the East-West Cold War and the shifts of power in global geo-politics as well as the emergence of competing sites of power within the continent. The changing dynamics reflect increased levels of intra and trans-state violence, the emergence of new non-state conflict actors, and growing connections between local, national and regionalized conflicts, particularly in West, Central, East, and the Horn of Africa. These new trends have had wider implications for the geography of conflict, insecurity, and transnationalization on the continent. Debates within Africa involving scholars, policy makers and civil society practitioners focus on understanding the “conflict dynamics”, home-grown initiatives, innovative thinking, and institutions that seek to respond to emerging conflicts and insecurities at the regional and continental levels, including the terms and forms of engagement with global actors/institutions.

This volume explores the diverse perspectives to the role of state and non-state actors in the emerging trajectories of violent conflict, analysing and unpacking the changing role of local, national, and African regional organizations and states as peace or conflict actors. It also examines Africa’s engagement with diverse local, national, transnational multilateral, global, and non-state actors in the quest for sustainable peace in the face of challenges posed by the emerging trajectories of conflict.

In the article on “The Rationale for AfSol in Peace and Security: The Global, National and Regional Precipitants”, Ndubuisi Ani, interrogates the notion of “African Solutions to African Peace and Security Challenges” (AfSol), popularized following the creation of the African Union (AU) to assert Africa’s responsibility to take ownership of the structures and processes for addressing the continent’s emerging peace and security challenges. This critique unpacks the normative and institutional underpinnings of AfSol, and points to some of its limitations, both in relation to its operationalization and implementation. It is suggested that AfSol can only be strengthened on the basis of purposeful leadership, good governance and context-specific actions to remedy the problems confronting peace and security in Africa. Also on the subject of African Peace and Security, Francis Onditi, writing on “Multidimensionalism or Militarism? A Decade of Experimentation in African Peace Support Operations”, analyzes the evolution of
the African Standby Force (ASF), drawing on two of its regional brigades: the Eastern Africa Standby Force (EASF) and the ECOWAS Standby Force (ESF). By focussing on the gaps in the relationship between the military, police, and civilians in both brigades, and critiquing the privileging of the military over the other groups, the author makes a compelling case for greater cohesion and bridge-building between the various security forces as a step towards enhancing the capacity of the AU to address peace and security challenges at the regional and continental levels.

In the article “Presidential Limits: A Threat to Peace and Security in Africa”, Oita Etyang, explores the implications of the growing trend of the removal of presidential term limits for peace and security in Africa. Using a comparative case study of the politics of tenure elongation in Burkina Faso where the attempt failed, and Burundi where the incumbent managed to cling on to power after changing the relevant clause on term limits, the article concludes that constitutional term limits have to be strengthened as part of the effort to consolidate democratic peace on the continent. The article that follows, by Jolade Omede, Arinze Ngwube and Christine Okoroafor, “The Internationalization of the Coup in Burkina Faso”, critically examines the domestic and international dimensions of a coup attempt, after the resignation of Blaise Compaore due to mass protests following the failed attempt to change the constitution to prolong his 27-year rule. The article argues for socio-economic reforms, people-friendly policies, and the institutionalization of constitutional safeguards against future coups as modalities for safeguarding democracy, peace and security. The subsequent article on legitimation of traditional peacemaking, “Appeasing the land: Local Peace Communities and the Legitimation of traditional peacemaking in Kenya”, by Eric Kioko and Willis Okumu, is based on an ethnographic study of Local Peace Committees (LPC) in the post-2007/2008 election-related violence in Enoosupukia, “a former hotspot of inter-ethnic clashes in Kenya”. Exploring the performance and effectiveness of LPCs as agents of grassroots mediation and conflict management, the authors caution that some care has to be taken so that LPCs do not lead to conflict between traditional and formal laws/institutions.

The contribution by Adebola Bakare, Asimiyu Murana, and Fatima Aliu, “State Policing in Nigeria: A Response to Emerging Trajectories of Conflict and Crime”, intervenes in the debate over the level/type of policing that can respond appropriately to emerging trajectories of civil conflict and crime in Nigeria. After examining the pros and cons of federal or centrally-controlled policing, the authors argue for a flexible, but highly professional state police force that co-exists with the federal police, each with clearly delineated jurisdictions. The article that follows, by R. ‘Igho Aboribo, focuses on conflict involving non-state actors in two Nigerian states. Titled, “Fulani Mobile Herdsmen and the Risk of Political Violence in Edo and Delta States, the author explores the growing conflict between mobile herdsmen and sedentary farmers over land and water resources.
in two neighbouring South-central Nigerian states. It shows how the conflict has been complicated by ethnic and religious identities, with dire implications for Nigeria’s fractious politics, peace and security, and concludes with a set of recommendations to help address the roots of the conflict. The last essay in the volume is an article by Clement Obagbinoko, “State responses to violent conflicts: An assessment of the Nigerian State and the Indigenous People of Biafra (IPOB) separatist movement”, which explores the ramifications of IPOB’s quest for self-determination, seen by the federal government through the lens of treason, for peace and security in Nigeria. The author suggests that a more viable option for addressing the separatist agitation of IPOB lies in Nigerian federal government’s adoption of dialogue and peaceful negotiations, rather than suppression.

This Special Issue captures the varied dimensions, innovative thinking and practices underpinning African responses to emerging trajectories of conflict on the continent, by bringing together research outputs from various studies that proffer actionable solutions to some of the emerging challenges to sustainable peacebuilding in the continent.
The Rationale for AfSol in Peace and Security: The Global, National and Regional Precipitants

By Ndubuisi Christian Ani

Abstract

Since the establishment of the African Union in 2001, there has been a heightened activism for African Solutions (AfSol) in peace and security as opposed to the reality of external impositions and interventions. This article contends that while international factors play a role in Africa’s insecurities, the continent suffers largely from the ineptitude and myopic interests of Africa’s leadership at the state and regional levels. The clamour for AfSol by political leaders often serves to mask the complicity of local actors in Africa’s crises especially in peace and security. To ensure sustainable peace and stability on the continent, the AfSol concept should be underpinned with good governance and reliable attempts at context-specific solutions alongside mainstream development and security paradigms.

Keywords: African-centred Solutions (AfSol), Africa, African Union, African Peace and Security Architecture (APSA), Somalia

Introduction

This article advances knowledge on Africa’s security by interrogating the rationale for ‘African (-centred) solutions’ (AfSol) to African peace and security challenges, which has become a buzzword in contemporary African peace and security discourses. Although AfSol could be traced back to the emergence of Pan-Africanism and the independence of African states in the 1960s, there is a need to critically engage the rationale underpinning the recent calls for AfSol. Using three levels of analysis – global, state and regional, the study argues that the clamour for AfSol is precipitated by several factors that influence Africa’s peace and security landscape.

The study is premised on the considerations that since 2002, the Organisation of African Unity (OAU)’s successor, the African Union (AU), has been equipped with normative and institutional mandates to coordinate and spearhead the provision of African solutions wherever possible (Apuuli, 2012; Okello and Gebremichael, 2016). The robust security interventions of the AU as well as the sub-regional organizations are considered as examples of the renewed commitment by African leaders to ensure African solutions (Dersso, 2012). However, there remains persistent doubt about what AfSol entails because the so-called ‘AfSol’ employed by African actors is not often endogenously driven (Arman, 2014).

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In ‘who owns African ownership’, Franke and Esmenjaud (2014) argue that while security has been Africanized, in terms of Africans being involved in peace operations, there are compelling reasons to argue that the process does not bode well for the principle of African ownership. Using the case studies of the AU mission in Darfur and Central African Republic (CAR), Franke and Romain (2014) stress that external actors still have immense influence on the decisions of African actors to establish a mission in spite of AfSol, and external actors also hold sway over the mission’s mandate, operations, and termination. Moreover, the discourse on AfSol is often around the implementation capacity of Africa with limited discussion on the broader conceptual/endogenous capacity of Africa to resolve its challenges.

There tends to be less regard for the school of thought that argues that many peace and security initiatives are carried out under the paradigms of dominant powers to the detriment of other approaches that could yield sustainable solutions (Avruch, 2002). For Salem (2007), the mainstream conception of conflict resolution portrays fundamental ideas, assumptions, beliefs, values and thought processes of dominant/western powers. As such, the value systems of other localities – such as that of Africa – remain untested and marginalized in mainstream peace and security discourses and processes. In ‘Decolonizing Conflict Resolution’, Walker (2004) argues that the power imbalance in the research and practice of conflict resolution perpetuates colonialism and upholds the hegemony of western views while indigenous worldviews are marginalized. Thus, whether an intervention is carried out by an African actor or an external one, the intervention could reek of the values and perspectives of the dominant frameworks of powerful actors.

There has been inadequate engagement with the foregoing dynamics in the mainstream political discourses on AfSol. This is because ‘the precise meaning of the concept of “African-led Solutions” to African problems in general is still debatable’ (Komey, Osman, and Melakedingel, 2013: 1). Dersso (2012: 11) observes that “even though the political ideal of African solutions underlying the APSA (African Peace and Security Architecture) is routinely used in the literature and policy circles, questions still remain on what it actually entails and how it informs and shapes African policy making on peace and security issues affecting the continent.” This article makes the point that the lack of conceptual and policy clarity of AfSol is the result of limited research on the factors that motivate the advancement of AfSol in the interdependent context of the global system. Yet, for any constructive effort to make meaning of AfSol’s place in peace and security in contemporary Africa, it is imperative to engage with its precipitants.

Thus, this article argues that AfSol is reflective of the complex external and local factors that constrain durable peace and security in Africa. This essay explores the enabling factors in favour of, and the challenges facing AfSol at the global, state, and regional
levels by drawing on specific cases in some African countries, particularly Somalia. It contends that while external factors partly inform the call for AfSol, national and regional actors are central to Africa’s continued security conundrum and inability to realize the goals of AfSol.

**Africa in the Global Context: Misgiving over external solutions**

Africa’s independence in the 1950s and 1960s raised widespread euphoria around African ownership and responsibility for self-determination and development. However, the newly introduced state-system exposed the continent to many socio-economic and political challenges that provided grounds for external powers to hold sway over the continent. It is within this context that Serequeberhan (1994: 8), in The Hermeneutics of African Philosophy, notes that it is between the ‘ideality’ of African independence and the ‘actuality’ of neo-colonialism many discourses on Africa find their expression.

**Efficiency of external interventions**

While external interventions have helped to contain many conflicts in the continent, there is a growing critique that external interventions have not often contributed to lasting peace. This is due to the consistent use of approaches that hardly resonate with the interests and contextual realities of the continent (Ayittey, 1994; Zartman, 2000; Nhema, 2008; Boege, 2011). Komey, Osman, and Melakedingel (2013) argue that outsiders – who are not directly affected by conflicts – are mainly concerned about the immediate outcomes of crisis regardless of the process and the long-term consequences. This is true of the response to the Libyan crisis in 2011. The North Atlantic Treaty Organization (NATO)’s intervention in Libya is considered as one of the numerous cases where external interveners pursue quick solutions, undermine African voices and end up providing cosmetic solutions with dire consequences for Africa’s long-term security.

As a less powerful entity, the AU’s suggested political solution to peace in Libya was sidelined for a more coercive solution that saw the ousting and killing of Colonel Muammar Gaddafi. Since Gaddafi’s ouster, Libya remains on the verge of state collapse in view of the continued upheaval in the country. In the face of the current uneasy stasis in Libya, western powers who were the leading actors in the NATO coalition now insist on a political solution to the crisis in the country as previously argued by the AU (AFP, 2015). It is against this background that Zartman (2000) maintains that despite the intervention of seasoned foreign peacemakers and peacekeepers in the attempt to solve conflicts in Africa, many conflicts in the continent remain unresolved.
Concerns about the motive for external interventions

The interventions of external actors have aided in lessening the impact of conflict on Africa. The UN, which is funded largely by external powers, has set up over thirty peacekeeping missions in Africa since 1948. Under the auspices of dominant powers, over 70% of all UN military, police and civilian officers are in Africa to address the continent’s security challenges (DefenceWeb, 2014). The United Nations’ Peacebuilding Commission (PBC), which was set up in 2005 to help countries emerging from war, has consistently prioritized African states, namely Burundi, Sierra Leone, Guinea, Guinea-Bissau, Liberia, and the Central African Republic.

The recent French interventions in Cote d’Ivoire in 2010, Central African Republic (CAR) in 2014, and Mali from 2012 to date have saved countless lives and minimized conflict-related suffering in the continent. Pertinent to France’s effort, for instance, Robert Dussey, Minister of State and Minister for Foreign Affairs and Cooperation of Togo, affirms that “Togo knows too well the value of the efforts made by France to fight alongside African countries” (cited in UN News Centre 29 September 2014). Dussey encouraged the continued and strengthened support of the international community in addressing Africa’s problems. This note of appreciation was made during the annual UN debate of the sixty-ninth session of the General Assembly in 2014.

Critics of powerful actors have often contradicted themselves in many instances. When dominant powers intervene in crisis settings, as in the case of France in Mali in 2014 and the NATO intervention in Libya in 2011, some critics are wary of such externally imposed actions, and call for African solutions in their place. However when dominant powers show reluctance to intervene, as in the case of the 1994 Rwandan genocide and the terrorist challenge in Nigeria, critics argue that powerful states care less about human lives in Africa. Yet, when they do intervene, a barrage of criticism follows suit.

However, much of the criticisms around external intervention are foregrounded on the modus operandi of external interventions which tend to portray arrogance and nonchalance of local structures and authorities. In view of Africa’s experiences of racial domination and colonialism, external interventions that are carried out with little backing from local structures conjures images of colonialism, imperialism and the blatant display of the superiority, even if the interventions are ‘well-intended’.

Indeed, the perception of neo-colonialism, coupled with internal grievances, has contributed to the emergence of radical and extremist movements that seek to oppose certain western values and policies. This includes terrorist groups, such as the Al-Qaeda in the Islamic Maghreb (AQIM), Boko Haram of Nigeria, Al-Shabaab in Somalia, Ansar Al-Shariya in Tunisia, the Al-Qaeda-linked Mulathameen Brigade (the ‘Masked Ones’) in Algeria, the Islamic State in Libya as well as the Jamâ’ah Nusrah al-Islâm
wal-Muslimîn in Mali and the Sahel region. Despite their unjustifiable means, these extremist groups, among other goals, appear to invest a lot of time and effort to counter western influence in their localities and regions.

The Reliability of External Interventions

The uneven responses of powerful states to the insecurities in some parts of the African continent further raise concerns about the value accorded to African lives. One of the most recounted failures of external actors is the decision not to intervene to halt the massive killings of people during the Rwandan genocide in 1994. For Dersso (2012: 16), “in the global power calculus of the time [of the genocide], Africa was far less significant than other parts of the globe such as the Middle East and Asia”. Though African actors are indicted for their poor response as well, that episode suggested that foreign actors could abandon Africa in times of need, especially when an intervention does not satisfy the interests of powerful states.

During the initial period of the armed conflicts in Sudan, Liberia and Sierra Leone in the late 1990s, the powerful states were conspicuously inactive until the latter period (Williams 2011). During the Liberian and Sierra Leonean crises, ECOWAS was most responsive before a UN Peacebuilding intervention was established. Dersso (2012) argues that the “decade of international disengagement and UN inaction, or lack of effective involvement, in Africa” is a driving force for Africa’s proactive stance in peace and security. It is based on the foregoing concern that Ramose (2002: 2) asks “why is it that the African’s right to life continues to be denied, derecognized, and remains practically unprotected by the beneficiaries of the violence, irrationality, and the inhumanity of colonization?”

Beside the question of the reliability of external actors in terms of intervention, another worrying concern is that external actors have historically played crucial roles in engendering and stoking conflicts in the continent. As argued by Ngwane (1996: 4) “even though the West are the first to appear in any trouble-spot or war zone in Africa posing as humanitarian relief agents and Peacekeeping forces, they are sometimes the catalysts of most tragic reactions in Africa”.

The interest of powerful states in Africa’s resources has also been a cause of insecurity in the continent. Williams (2011) observes that Africa “offers profitable business opportunities, especially in the energy, telecommunication, and minerals sectors”. The parochial interests of foreign powers regarding African mineral wealth have contributed to underdevelopment, bad governance and other factors that incite conflict (Southhall and Melber, 2009). France, for instance, is dependent on Africa for many raw materials and energy resources (Renou, 1999; Utley, 2002). In fact, the need to access Africa’s cheap materials on a permanent basis informs much of its policies in Africa.
In their quest to have a stake in Africa’s resources, powerful states in Europe, Asia, and Russian Federation have used the foreign aid schemes to get African states to adopt favourable policies that enable them to prey on Africa’s resources. While aid is considered necessary for the growth of developing states, Glennie (2008) highlights how foreign aid rather discourages actual growth and encourages a dependency syndrome among the recipients. Secondly, it serves as a channel through which donor countries impose their values on the recipients (Glennie, 2008).

Pertinent to the foregoing observation, the more aid African countries receive, the more dependent they become on donors. This is because foreign-aid encourages laziness on the part of the recipients who fail to foster growth from local capacities. It is rather ironic that countries that have received the most aid in Africa, like Somalia and the Democratic Republic of Congo, “have slid into virtual anarchy” (Maren, 1997: 11).

In Somalia for instance, Siad Barre’s regime had relied heavily on foreign aid which his regime barely used for the nation’s development (Pham 2011). In his bid to sustain his inefficient regime, the generous aid from the Soviet Union, and later western powers, was used for self-aggrandizement, maintenance of power, and oppression of opposition groups and rival clans. Following the end of the Cold War between 1988 and 1989, foreign aid to Somalia diminished, thereby weakening the Somali central government. External donors further terminated support to Somalia. Menkhaus (2007) contends that by mid-1980s, Somalia could already be referred as a failed state due to its weak foreign-aid based economy. What followed was the inability of the state to provide political goods and security in the country, thereby leading to the civil war and protracted state collapse.

Maren (1997: 11) regards foreign aid as ‘a self-serving system’ that bolsters the interests of powerful states given that foreign aid is often given under the condition of open market economics. This is to enable the sustained foothold of multinational companies (MNCs) from powerful states in Africa’s economy. Notably, the MNCs that have taken charge of Africa’s economy do not have the interest of Africa at heart given the poor knowledge transfer mechanisms available to capacitate locals (Goodwin 2005).

Mo Ibrahim (2014) goes further to contend that MNCs do not pay taxes as they should, because small African countries have weak tax collection systems and they lack lawyers and forensic accountants to challenge the companies. The report of the High-Level Panel on Illicit Financial Flows (IFF)² from Africa that was presented by Thabo Mbeki to the AU summit in early 2015 provides a clearer idea of the ills of MNCs in Africa. The report highlights that much of the illicit financial flows from the African continent are from multinational companies that evade tax payment (AU and ECA 2015). It is along

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² The High Level Panel on IFFs refers to IFFs as ‘money illegally earned, transferred or used’ (AU and ECA 2015).
such considerations that Murobe (2002: 574) surmises that “the success of powerful countries is based on their ability to prey on the economic and political weaknesses of poor countries”. The resultant poor development in Africa has led to mass grievances that lead to many conflicts in the region.

Based on the misgivings over the efficiency, motive and reliability of external relations with Africa as explained in this session, AfSol thrives on the imperative for African actors to proffer solutions to the continent’s development and manage Africa’s peace and security. This resonates with Kwame Nkrumah’s (1961) claims in I Speak Freedom where he observes “for too long in our history, Africa has spoken through the voices of others. Now what I have called the African Personality in International affairs will have a chance of making its proper impact and will let the world know it through the voices of Africa’s own sons.”

Nevertheless, it is narrow-minded to hold that Africa’s continued challenges are solely because of external impositions and interventions. William Minter warned that “what should be clearly rejected…are simplistic accounts that reduce events to a simple story of outside interventions or a clear dichotomy between external and internal causes” (in Schmidt, 2013: xiv). This turns our attention to the internal factors that contribute to Africa’s continued security challenges.

The National Context: The Complicity of African State Actors

The complicity of African states in engendering insecurities and wrong policies in the continent is an implicit but significant rationale for the clamour of AfSol after over fifty years of political independence. While AfSol is imperative, the maxim has been used often by some African elites to divert attention primarily to ‘external factors’ while masking their culpability in Africa’s problems.

Poor governance: political economy of predation

Ake (1992) and Ayittey (1994) rightly observe that the optimism of post-independent states was shattered by the ineptitude of African elites. African leaders have not inspired growth that could rival developed states in any significant economic or political context. One can only look at some states – like Brazil, Singapore, and Hong Kong that experienced colonialism – to note that colonial legacies could be transcended. As noted by Mo Ibrahim (2014), colonialism is not really the problem of Africa given that “at the moment of independence, many African countries like Ghana and Egypt had higher income per capita than China, India or Singapore. Where are we now? And where are those guys?”
The status quo in many countries is that national treasuries as well as the foreign-aid pumped into African states are plundered and stashed away in private and covert foreign banks by political elites. Thabo Mbeki’s report on Illicit Financial Flows (IFFs) from Africa to the AU Summit in February 2015 estimates that approximately over US$50 billion worth of illicit money flows out of Africa every year. The funds include money transferred by corrupt officials.

These illicit flows are greater than the official development assistance (ODA) from donor countries and organisations to Africa (AU and ECA 2015). The irony is then that the illicit money flows from the continent exceeds the foreign aid flowing into the continent. As such, through illegal means, Africa then becomes a significant and implicit donor to developed states. Mbeki’s report further notes that the Millennium Development Goals (MDGs) could be achieved in a timely manner only if the outflow of capital from the continent is stopped. Even with such realization, there remains little hope that Africa’s leaders are keen on revamping their gloomy economic systems.

Ngwane (1996: 2) surmises the predicament of African states by noting “whenever a leadership comes to power, it metamorphoses itself into a coterie of black termites eating deep into the coffers of the country’s wealth”. Thus, coupled with the impact of continued exploitation by powerful states, the stark truth is that African elites have also played a huge part in deepening post-colonial poverty and dependency.

Based on the frustration-aggression theory as propagated by Gurr (1970) in his Why Men Rebel, discontent due to the gap between expectation and achievement contributes to various forms of aggressive acts. When the state and its institutions do not fulfil people’s basic needs – due to corruption and bad governance –, the state gradually loses its authority and legitimacy in the eyes of its citizens, leading individuals and groups to suspect that they are particularly marginalized in the system. For Uwazie (2011), “many African citizens have lost faith in the ability of their nations’ courts to provide timely or just closure to their grievances.”

Without reliable avenues to express their grievances or influence governments, aggrieved citizens as well as interest groups resort to unconstitutional means to articulate their political ideologies and interests. Many rebel groups have risen in this regard to assert their interests, and sometimes, with the aim of toppling state governments. This is evident from the crisis in Somalia, Mali, the DRC, CAR, and Burundi as well as the so-called ‘Arab Spring’ revolutions in Tunisia, Egypt, and Libya. From Somalia’s independence in 1960 until state collapse in 1991 for instance, governance was characterized by
corruption, incompetence and oppression. Grievances against the state fostered the emergence of opposition movements that ultimately toppled the government.

It could be held that the protracted state collapse in Somalia and the continued challenge of state-building in the region is due to the strong misgivings of Somalis over the state-system. This is as a result of their experience of statehood between 1960-1991 and the continued experience of state failure in the era of the transitional and the current mainstream governance from 2004 to the present. The new government in Somalia remains highly dependent on foreign aid and they manipulate figures to receive more funds that do not translate to the provision of political goods and services to the people (Menkhaus 2007). For Menkhaus (2003: 406), the “protracted state collapse and armed conflict’ in Somalia has created ‘opportunity for profit, not a crisis to be solved”. Between 2009 and 2010, only $2,675,000 of the $75,600,000 international aid pumped into the country could be accounted for by Somalia’s Transitional Federal Government (Pham 2011). Such mismanagement of resources deepens the misgivings towards the state system and sustains extremist ideologies as exposed by Al-Shabaab.

### Political repression

One of the foundations of insecurity in Africa is the massive divide between the state and civil society. African political elites have, over the years, effectively alienated the rest of the masses from political and decision-making matters. The state positions itself as an independent sector with little or no connection to the society, thereby creating alienation and distrust. Bates (2008: 7) observes that “the conditions that led to the breakdown of order in Africa are the authoritarian nature of its states and their rulers’ penchant for predation”.

Despite the so-called civilian and democratic order in contemporary Africa, the election crises in Cote d’Ivoire, Kenya, Burkina Faso, Burundi, Gabon, The Gambia, and the Democratic Republic of Congo (DRC) reflect the sit-tight-in-office syndrome in the continent and the difficulties involved in attaining peaceful transitions of power in the continent. The reality of political oppression in the continent further highlights the

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3 The nine years of civilian leadership (1960-1969) in Somalia was mired in chronic mismanagement with a proliferation of political parties that were divided along clan lines with competing interests and unstable allies. The disregard of the interest of the electorate and the discontent against the state resulted in a bloodless coup on 21 October 1969 as masterminded by Maj. Gen. Muhammad Siad Barre, the Commander of the Somali Army. With the deposition of Mohamed Ibrahim Egal’s civilian regime, Barre took over the reins of leadership from 1969 to 1991 (Ismail 2010, p. 86). Barre’s regime also failed to prioritise the provision of goods and services to Somalis. Barre introduced socialism to enable him to control every facet of the economy. Instead of developing the state, the socialist practice created a platform for Barre’s regime to use national funds and foreign aids for self-enrichment and to finance clampdowns on opposition groups. The socialist experiment further created a large, wasteful, corrupt and inefficient public sector because public offices were not held by merit but by loyal elites and clan members of Barre (Menkhaus 2007, p. 80).

4 Between 2000 and 2015, 16 African states tried constitutional reform for the purpose of extending presidential term limits and 10 of the states were successful (Zimbabwe Times 2015).
continued willingness of Africa’s ‘strong men’ to use every means possible to remain in power. As observed by Brown (2001), violent opposition is likely to erupt if a state adopts oppressive or violent measures against its people. By trying to suppress opposition movements and terrorize their citizens, tyrannical African regimes ended up fostering and strengthening rebellious movements that are willing to do all it takes to get rid of such regime.

In other contexts where the regimes fail to collapse despite rebellion, some rebel movements merely continue destabilizing the state and/or benefiting from the economic gains of war. This is true of cases such as the Lord’s Resistance Army (LRA) which originated in Uganda and spread to other countries in Central Africa. These players have no interest in upholding state sovereignty or territorial integrity (Boege 2011). The rapid growth of extremist groups in Africa reflects the growing resistance against, or outright defiance of state structures, as well as the hegemonic world order.

**Politicization of ethnicity**

Based on a traditionalist view, ethnicity is indicted for being detrimental to state cohesion especially in Africa. However, Claude Ake (1992) examines the role of ethnicity in African conflicts and contends that it is a misconception to hold tenaciously that ethnicity is at the heart of African problems. He argues along the lines of an instrumentalist view by noting that what manifests as ethnic conflict in Africa often masks the manipulation of ethnic differences by political elites for selfish interests.

According to Anthony Smith, “an ethnic community is a named human population with a myth of common ancestry, shared memories, and cultural elements; a link with a historic territory or homeland; and a measure of solidarity” (cited in Brown, 2001: 210). Adedeji (1999) notes that, ethnic or tribal identity is not an absolute phenomenon that can be identified by tangible facts like mere language or dress code. Rather, ethnic and tribal identities are perceptions about a group of people. Since ethnic identity is largely perceptual and as a result subjective, it shifts or metamorphoses over time in the face of added facts or experiences.

Some political leaders use ethnicity as an instrument in the society to create disorder to assert their interests and maintain a sustained foothold on power (Ismail, 2010). For Ake (1992), ethnicity does not necessarily cause people of a particular ethnic group to be antagonistic towards people of different ethnic groups. Rather, the changing nature of ethnic identities makes it susceptible to manipulation by some influential people who mobilize ethnic identities for their selfish interests. When their political and economic

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5 Many conflicts in Africa – such as that of Rwanda that culminated in the 1994 genocide and the clan conflict in Somalia – are ostensibly dubbed ethnic conflicts.
interests are threatened, opportunistic elites transform their personal issues and problems into ethnic issues.

Consistent with the Somalia example, Somalis share the same culture, ancestral origin, language and religion. However, when Somali elites began drawing on clan solidarity by devaluing and demonizing other clans, clan divisions became pronounced in the country. As noted by Rotberg (2002: 94), “Mohammed Siad Barre arrogated more and more power and privileges to himself and his clan” to the disadvantage and dismay of other clans. Notably, the state was run by Barre’s Darod sub-clans, specifically the Marehan sub-clan of his paternal relations, the Ogaden clan of his maternal kin, and the Dulbahante clan of his principal son-in-law Ahmed Suleiman Abdule. Barre projected his interests as though it were the interest of his Darod clan. When threatened by opposition groups, Barre scapegoated and demonized the clan of the leaders of the opposition groups and mobilized his clan to stand in solidarity with him.

Consistent with Thomas Scheff (1994), the feeling of being alienated and oppressed could instigate a group to take up arms against its perceived enemy. When a cultural group’s shared grievances about marginalization and social ills are combined with a strong sense of group identity, there is a tendency for the eruption of violent responses against the source of their marginalization whether real or imagined (Gurr, 1970). As the result of his favouring his Darod clan members and other allied clans, marginalized and mistreated clans embarked on a widespread opposition movement against Barre’s regime in the 1980s that culminated with the collapse of the government in 1991. Thus, the “roles played by domestic elites in transforming potentially violent situations into deadly confrontations” should not be underestimated (Brown, 2001: 210).

To shift blame from themselves, it is commonplace for some African leaders to deflect the continent’s ills to external factors. This is sometimes through the clamour for AfSol by referring to the negative influence of external powers and the spurious resolve to pursue African-oriented solutions.

In view of the challenges facing Africa’s states, many analysts have looked to the continent’s regional organizations to provide a holistic solution to Africa’s challenges. The expectations and limitations of regional responses also contribute to the re-invigorated clamour for AfSol in peace and security.

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6 Colonial powers have already done their part in politicizing clans in Somalia by dividing their colonies along clan lines. Given that they recognized some clans as allies while others as enemies, they ended up pitting clans against each other (Ismail 2010, p.42). To aggravate the colonially sown hatred, Siad Barre’s regime further politicized clanism in Somalia.
The Expectations and Shortcomings of Regional Solutions

The clamour for AfSol should be seen as a renewed attempt by regional actors to address Africa’s challenges, particularly in Africa’s peace and security landscape. The AU’s predecessor, OAU, which was formed on 25 May 1963, was expected to drive the then Pan-African agenda of limiting external involvement in the continent’s affairs and upholding the sovereign and territorial integrity of the newly independent states in Africa as captured in Article II of the OAU’s 1963 Charter.

According to Poku, Renwick, and Porto (2007), the over three decades of OAU’s existence was characterized by non-interference in the internal affairs of member states. Even with the formation of the Mechanism for Conflict Prevention, Management and Resolution in June 1993, the OAU was constrained by its non-interference stance. Incidents such as the 1994 Rwandan genocide occurred while the OAU and its Mechanism were supposedly functional.

In 2002, the OAU was re-launched as the AU with normative and institutional mechanisms to play an active role in the continent as well as in the global arena (OAU, 1999). As noted by Nhema (2008: 3) “there is a new realization in Africa that, while the role of external actors is indeed laudable, Africa will have to rely increasingly on its own resources to provide the long-term solutions to its own problems.” Pertinent to peace and security, Alpha Oumar Konaré, the first chairperson of the AU Commission, affirmed at the special meeting of the UNSC in September 2007 that:

... the primary responsibility for ensuring peace in Africa belongs to Africans themselves. They must shoulder that responsibility. Our partners must let Africans run their own business. Financing is important, but it does not justify unbridled intervention or conduct. I feel that to be of extreme importance, because the vital interests of the African peoples are involved [...] Africa is no longer a private hunting ground; it is no longer anyone’s backyard; it is no longer a part of the Great Game; and it is no longer anyone’s sphere of influence. Those are the few simple rules that will allow the continent to shoulder its responsibility and to demonstrate inter-African solidarity (Konaré, 2007: 17).

Since 2002, most of the peace operations in the continent were initiated by the AU and sub-regional organizations before a UN response. This is evident from the cases of the regional interventions in Burundi, Comoro Islands, Sudan, Somalia, Mali and CAR. Inasmuch as the regional body recognizes the inviolable rights of states to sovereignty, the AU stresses its right to intervene in the internal affairs of member states in response to human rights violations and grave security threats in line with article 4(h).7

7 Article 4(h) of the Constitutive Act notes that the AU has the right ‘to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity’ as well as a serious threat to legitimate order.
However, despite the impressive norms and interventions of the regional body, the AU is yet to meet up to expectations (Williams, 2011). This led Møller (2009) to maintain that there is a huge gap between the ambitions and accomplishments of the AU. The most worrying aspect of the AU’s capacity is its perennial resource constraint and dependency on external support, which has debilitating implications for the regional body’s capacity for proactive intervention (Kobbie, 2009; Vines, 2013). Such limitations have undermined early warning and early response initiatives of the continental body. At the 27th Summit in Kigali in 2016, the AU made known its intention to establish an African force in Mali and the Sahel to combat the terrorist threat in the region, but financial constraints limited it from taking any decisive steps towards establishing the mission.

Although the AU has the mandate to engage in long-term peace operations, the AU missions have mainly been designed as stabilization operations to be replaced by a well-resourced UN peace operation from about 90 to 120 days because of limited resources. Beside the case of Somalia, the AU has pulled out its missions from Mali, CAR, Sudan, and Burundi and they have been replaced with UN missions. This questions the regional body’s commitment and capacity for long-term strategic solutions to Africa’s security challenges. An exception to AU’s withdrawal is the case of it mission in Somalia (AMISOM) which is highly funded by external powers particularly the EU. In 2016, the AU developed an exit strategy for AMISOM by 2020 despite the concern that such an exit will be untimely. The exit plan is highly motivated by financial challenges besides the need to complete the stabilisation effort and allow the country to take full responsibility for its development. In 2015 when the exit strategy was revealed, AMISOM officers were said to have endured six months without pay. The EU, which provides the funds for AMISOM personnel, has also decided to cut down its financial support to AMISOM by 20%.

Thus, despite the supposed riches of the continent, resource constraints remain the perennial impeding factor for robust and sustained AfSol in the continent. It remains an expectation that the proposed funding plan for the AU will be implemented by AU member states. At the 27th Summit in Kigali, the AU adopted a new funding plan for the AU, a 0.2% levy on all imports. If the AU is able to secure local funding, AfSol will be less encumbered by the dependence on the goodwill of external actors to fund peace initiatives in Africa. For Kobbie (2009), however, there is a long way for the AU to go to be capable of managing or solving the conflict challenges in the continent without external support.

Resource challenges, however, are not the only aspect of regional limitations. The AU Peace and Security Council (PSC) has only paid attention to managing conflicts rather than preventing them. Less attention seems to be paid to security threats such as environmental degradation, diseases climate change and transnational criminal activities that undermine peace and security in the continent (Williams, 2011). Hence, the AU remains comfortable with serving as a fire extinguisher rather than a coherent
organization working effectively to prevent conflicts. While there are norms for conflict prevention, the limited effort in terms of conflict prevention undermines the quest for durable solutions to Africa’s security problems.

The AU also suffers from the poor political will, half-hearted measures and indecision of African actors (Apuuli, 2012). This makes it relatively easy for external actors to meddle in the affairs of the continent. For Apuuli (2012), the half-hearted measures and poor political will of the AU contributed to the French-led UN intervention in Cote d’Ivoire (2011) and NATO’s intervention in Libya (2011). The half-hearted measures of the AU is also evident from the delay in terms of escalating (intensifying) efforts to convene a national dialogue for reconciliation in Libya, as announced by the AU PSC Commissioner, since the 27th AU Summit in Kigali in July 2016. The national dialogue remains crucial to uniting the rival governments and leaders of Libya, including General Khalifa Haftar who commands the Libyan military forces in the eastern part of the country.

There remains a huge expectation that Africa’s regional organisations will, overtime, gain the required capacity to solve the continent’s peace and security challenges. It is within the context of the limitations on regional solutions that the maxim AfSol makes meaning. The maxim of AfSol serves to inspire confidence and a sense of purpose amongst African actors who are continually challenged to exercise robust agency in addressing the continent’s security challenges.

**Conclusion**

This article argues that the maxim of ‘African solutions to African problems”, behoves African leaders and stakeholders to lead the re-invigoration of the ambition of Africa to define the terms of its engagement with the world, by fundamentally owning, resourcing and taking the lead in addressing its peace and security challenges.

Nevertheless, the AfSol vision demands good governance and development on the continent. African leaders and people have to also constructively explore the place of endogenous concepts and practices within the mainstream governance, development, and peace concepts and practices. In his The Conversation of Races, du Bois (2007) maintains that Africa should strive to enhance its mode of existence by adapting to current realities and at the same time ensuring that their values are not subsumed by the views, ideologies and values of others.
The AU’s Study on ‘African Union Government’ of 2006 also agrees by highlighting that:

*Although Africa has, for well-known historical reasons, lost some of its self-sustaining characteristics, it is of paramount importance to use the shared values as leverage towards closer unity among and joint purpose of action by African countries and people. They should particularly be used at the national, regional and continental levels to devise and implement developmental policies and programmes that are people centred and well rooted in African traditions. Thus, through a skilful combination of indigenous and modern knowledge systems, African countries could devise well thought-out and creative strategies for the transformation of their social structures, political systems, and economic organizations to the present world environment so that the continent as a whole would successfully claim the 21st century (AU, 2006: paragraph 21).*

Devising, testing, and developing context specific solutions for Africa’s socio-economic and political challenges lies at the heart of attaining sustainable solutions to the insecurities in the continent.
References


Multidimensionalism or Militarism? A Decade of Experimentation in African Peace Support Operations

By Francis Onditi

Abstract

The relationship between the military, police, and civilians within the African Peace and Security Architecture (APSA) has, at times, been characterised by considerable tension and mistrust. This bears direct implications on the effectiveness of the African Union in promoting peace and stability on the continent. This article explores the evolution of the African Standby Force (ASF) based on case studies of the Eastern Africa Standby Force (EASF) and ECOWAS Standby Force (ESF) to understand why and how the 2015 benchmark for achieving ASF’s full operation capability did not happen. The article argues that, with regard to the uncertainty surrounding the evolution of the ASF; it is not enough to focus solely on the macro-level factors affecting the evolution of ASF. Instead, internal processes and structures such as the attitude of peacekeepers to each other is, without doubt, an inseparable part of the ‘sluggishness’ in the realization of a rapid deployment capability (RDC). It is, therefore, more appropriate to consider the role of internal processes and civil-military power relations in the evolution of the ASF post-2015.

Keywords: Peace support operations; African Standby Force, civil-military relations

Introduction

Even though the growing asymmetric warfare in Africa and the regionalization of conflicts calls for a multifaceted approach to peacemaking processes, there still is a heavy militarization of forces. In an increasingly multipolar world, characterized by growing threats from extremist groups (Solomon, 2012), such as Boko Haram and Al Shabaab, the militarization of peacekeeping practices has made some countries become fixated with the exercise of military power (Welz, 2016). Such inconsistencies in how forces are constituted and mobilized for Peace Support Operations (PSOs) are what this article describes as the fundamental enigma. Against the backdrop of this enigma, is the debate on the need to invigorate the structural and institutional capabilities of the African Standby Force (ASF) in the quest to promote the ideology of ‘African solutions to African
problems’ (Tieku, Obi and Scorgie-Porter, 2014). The ASF is however, faced with several challenges, including lack of cultural interoperability (Bayeh, 2014), duplication of regional organization’s role, overlapping memberships of Regional Economic Communities (RECs) (Brosig, 2011), and the vicious cycle of excessive dependence on external financing, among others (Solomon, 2013; Apuuli, 2016). Elsewhere, I and my colleagues have argued that the most salient of the problems facing the ASF seems to revolve around the covert tensions among those entrusted with the responsibility to plan, design, and keep peace (Onditi, Okoth, and Matanga, 2016).

The ASF is one of the five pillars of the emerging African Peace and Security Architecture (APSA), established in 2003 and adopted during the African Chiefs of Defence and Security meeting in Durban, South Africa, in 2004 (African Union, 2013). The concept of the ASF was to be replicated across the continent as follows: the Economic Community of West African States (ECOWAS) Standby Force (ESF); Eastern African Standby Force (EASF); Southern African Development Community (SADC) Standby Force; the North Africa Regional Capability (NARC), and the Central Africa Multinational Force (FOMAC). Apart from these five structures, the African Union Peace and Security Council (PSC) protocol embraces an expanded and comprehensive agenda that cuts across the spectrum of PSOs. The intention is to enable AU peace and security structures to respond to continental crisis in a timely and efficient manner (Dersso, 2010). As such, these regional structures are expected to address multiple issues, such as early warning and preventive diplomacy, conflict prevention, peacemaking and peacebuilding. Others include the encouragement and promotion of democratic practices and humanitarian and disaster management interventions. It is therefore obvious that within this gamut of issues, deploying ‘boots and berets’ alone cannot offer an effective response to contemporary conflict-related threats facing the continent (Aall, 2000).

The development of these peace and security structures is part of the AU’s efforts to take charge of African affairs, including matters of peace operations (Franke and Esmenjaud, 2008). Moreover, this development is part of the drive towards Africanization and ownership of the pan-African project to cultivate the culture of self-reliance and minimize external overdependence (Franke, 2006). Many efforts have been made by the AU to undertake peace interventions since the first peace operation in Burundi in 2003, the AU peacekeeping mission in Darfur in 2004, and the mission in Somalia in 2007 (Murithi, 2009). These efforts were partly driven by the understanding that ongoing conflicts in Africa require a new concept of intervention, one that is not only fast, reliable and effective, but also multidimensional (involving civilians, military and police) in its composition. The former UN Secretary-General, Boutros Boutros-Ghali, in his 1992 An Agenda for Peace, argued for proactive peacekeeping and humanitarian intervention (United Nations, 1996). Thus, the ASF and its regional structures present an opportunity...
for African countries to tackle challenges to peace operations within this institutional arrangement. Ideally, the linkages between the various pillars of APSA should provide for the effective coordination of plans and actors to effectively intervene in conflict.

It was envisaged that, once established, the ASF will consist of standby multidisciplinary contingents, with civilian and military components based in their respective countries, but ready for fast deployment to conflict zones anywhere in Africa, and possibly even outside the continent (African Union, 2010). However, effective command and control of the ASF requires a multidimensional and integrated approach to manage a host of technicalities and actors. The technicalities range from the establishment of an appropriate Africa-wide diplomatic and political engagement in election-related crises to the installation of an integrated and inter-operable command, control, communication and information system (C3IS), as well as infrastructure to link deployed units with mission headquarters (Gowan, 2008; Burgess, 2011). The inadequacy of operational resources is not unique to African institutions; historically, even the United Nations peacekeeping missions operating globally have experienced inadequate expertise, logistics, and diplomatic resources (Osmancavusoglu, 1999). However, the unpredictability of funding and lack of political will from African leaders has particularly been singled out as major problems facing the ASF’s operationalization and sustainability (Oluwadare, 2013).

Although the ASF has the potential to contribute substantially to addressing asymmetric warfare on the continent, it cannot entirely overcome such challenges given that the overall force strength of the ASF is itself limited. The outcome of the second continental-wide field training since the formation of ASF, AMANI AFRICA II Field Training Exercise, which took place at the Army Combat Training Centre in the Northern Cape, South Africa, in October/November 2015, neither guaranteed the emergence of a stronger ASF nor did it promise to ensure an integrated force. So far, the ASF and its regional structures have not been able to reach a consensus on the composition of the force, and there is no satisfactory conceptual analysis of the Force, especially regarding the impact of civil-military tensions and exclusive nature of peacekeeping platform that continue to undermine its evolution (Tshiband, 2010; Bah, 2013; Hultman et al., 2013). This article addresses the policy lacuna by assessing the evolution of ASF structures, analyzing the challenges facing it, including the source of tensions between military and civilian actors, by drawing on the case of the EASF and ESF.

The article is structured into three major parts. The first, borrowing from Samuel Huntington’s civil-military relations conceptual framework (Huntington, 1995), provides the conceptual and methodological perspectives to the study. In the second section, the article discusses challenges and prospects encountered by the ASF in its evolution as a multidimensional force. Based on the discussion on conceptual issues and challenges
facing the evolution of the ASF, the article delves into the question of the fundamental enigma. Drawing together the challenges and prospects for a multidimensional ASF and the dynamics of PSOs, the third part examines the policy leverages of a possible return of the ASF to the original vision of a multidimensional PSO platform. The conclusion, anchored on principles of multidimensionalism, examines the prospects for policy reforms.

Conceptual Issues

Whereas traditional peacekeeping focuses on ceasefire agreements and political settlements using the military model, multidimensional peacekeeping operations comprise a mix of military, police and civilian components working together to lay the foundations for sustainable peace (Bellamy and Williams, 2010). The Handbook on United Nations Multidimensional peacekeeping operations, reinforces this view that a multidimensional peacekeeping operation would traditionally perform two functions: i) ease tensions between hostile parties, and ii) create space for political negotiations (UNDPKO, 2003). Similarly, the Brahimi report identified key elements of multidimensional peacekeeping, including that they:

... must be part of a more comprehensive strategy to help resolve a conflict by taking into account its regional dimension, and addressing the political, economic, developmental, institutional-building, humanitarian and human rights aspects (United Nations, 2000:22).

Likewise, the AU peace support operations’ doctrinal aspiration defines multidimensional peace operations as initiatives that involve the military, police and civilians to address diplomatic, political, and military issues in the social and security sectors and consolidating economic development (African Union, 2006). Conceptually, peacekeeping refers to a range of interventions intended to address conflicts and security issues through activities performed by civilians, the military and police, whose working relationship (civil-military relations (CMRs) is critical. Civil-military relations are more than a century old; some of the leading scholars (Huntington, 1957; Schiff, 1995) identify the relationship between the state, society and military as key to understanding how peace and security institutions function (Janowitz, 1960). This article conceptualises civil military relations to mean a level of trust among the various peace operation actors that naturally allow free exchange of information, while at the same time building on their comparative advantage to achieve the peace mission (Laura, 2011). A trusting civil-military relationship should be sustained through a mechanism that allows participation of all the components in planning for a peace operations. The absence of structural linkages among the PSO actors is a recipe for undermining peace operation capacities.
In addition to lagging behind on conceptual clarity of the ASF, there was also evidence that the operational road map of the force did not blend with realities of the emerging APSA. As such, some policy analysts view this as a gap that allowed military chiefs in Addis Ababa to craft the African Capability for Immediate Response to Crisis (ACIRC) as a response to the ‘sluggishness’ in achieving rapid deployment capability (RDC) (Lotze, 2015). Because of inconsistencies and development of competing structures, Walter Lotze suggests that there is need for a new operational design for the ASF that recognizes that the model of the AU working with the regions and member-states in different ways at different times is key to success.

In the context of African peace operations, civil-military relations are directly related to the concept of multidimensionalism in two ways. In the first instance, the military, police, and civilians should be seen collectively planning and conducting joint operations by reinforcing each other’s skills and expertise. In the second instance, the military, police, and civilians engage jointly in integrated PSO training and field-based exercises. Such training exercises are organized to put them in a state of alert and readiness. Moreover, a multidimensional approach within these institutions is expected to foster both peacekeeping and PSO capacities. Some scholars have highlighted the importance of evaluating peace operations in relation to policy formulation and development (Towle, 2015), while others have noted discrepancies between the different components of peacekeeping and the need for joint, international, multinational, and inter-agency approaches to peace operation (Anderson and Walton, 2008). Despite the fact that most parts of Africa have experienced military interventions, existing policy studies have concentrated more on peacekeeping capacity gaps (De Coning, 2010; Carvalho and Ettang, 2011; De Coning and Karlsrud, 2011), instead of spurring debate on the transformation of peace and security institutions from military operation to a multidimensional approach, especially within the African peace and security institutions. As a result, there exists a gap in knowledge on the institutional evolution of AU peace operations, particularly with regard to the attitude and behaviour of various peacekeeping components. While the ASF in Addis Ababa is expected to set policies and offer overall coordination through the AU Peace Support Operation Division (PSOD) with the aim of realizing a fully integrated force, the RECs/ RMs are the actual implementers. It is, therefore, critical that vertical coordination of both processes and personnel are effectively developed. However, as this article illustrates, although both EASF and ECOWAS have developed the three components, their respective liaison officers at the AU are either serving or retired military officers (Onditi, 2015).

The next section examines features of an African PSO model in the context of APSA, as one of the emerging African institutions, presenting opportunities for fulfilling ‘the African Solution for African problems’ vision, yet stuck in both systemic and structural challenges.
Historical Challenges and Prospects for an African-led PSO Model

The ASF project continues to experience challenges that undermine its growth and attainment of full capability. Some scholars have argued that the idea of a Pan-African military force goes as far back as 1922, during the initial stages of the Pan African movement when African anti-colonial fighters resisted the colonial intruders (Franke and Esmenjaud, 2008). The foundations for this structure had been laid during the All-African People’s Conference in 1958 (Beza, 2015). This notion of an African High Command was mooted by the founding President of Ghana in 1961 during the Casablanca conference. Its three objectives were: 1) to defend the states against the disadvantageous military pacts with, 2) to offer African states a feasible alternative to these disadvantageous military pacts, and 3) to spearhead the liberation of areas under colonial and what was considered white supremacist control.

However, the idea of a High Command was not endorsed by the majority of Africa’s leaders, leading to the establishment of an alternative structure, referred to as the Defence Commission (Franke, 2006). In the absence of a common defence structure to manage post-independent threats, the former Organization for African Unity (OAU) occasionally undertook less complex ceasefire monitoring missions, such as the Bamako Ceasefire Commission (1963) (Murithi, 2009). The Pan African peacekeeping force that operated in Shaba Province of Congo (Kinshasa) in 1978-79 was the first OAU peace support operation, followed by the Chadian operation (1979-82), which was also the only OAU peacekeeping venture of a complex nature during this period (Cilliers and Malan, 2005; AU, 2013).

Regarding concretization of the idea of a common African army/ASF, there were several philosophical and practical justifications put forward in African policy discourses. The emancipation of the African people from the neo-colonial dependency as well as the bitter lessons learned from the UN failure to intervene in the horrific 1994 Rwandan genocide provided sufficient reasons for African leaders to revitalize the AU institutions (Magosi, 2007). However, the transformation of ASF and the regional standby force structures from military operations to a continental force with multidimensional capacities remains elusive. Some policy analysts have attributed this situation to inadequate financial resources (Cilliers and Hedden, 2014), while others have expressed optimism that the AU PSO platform has performed well by intervening in conflict situations, such as that of Somalia, with a view to fostering stability on the continent (De Coning et al., 2015; Freear and De Coning, 2013; Segui, 2013).

The concept of a multidimensional force has not been understood, even though AU has developed various policy briefs on the concept (AU, 2006). Moreover, the concepts of
peacekeeping and PSO have not been properly operationalized despite their continued use and presence among the peacekeeping formations. Both terms are used interchangeably and sometimes even synonymously. Traditional peacekeeping operations are intended to support peacemaking between states by creating the political space necessary for belligerent states to negotiate political settlements, characterized by ceasefire agreements and military observation. Some scholars have pointed out the importance of shared values among Africans and African institutions as key to the success of the envisaged African-Centered Solutions (AfSol) (Rwengabo, 2016; Yohannes, 2016). To this end, Sebastiano Rwengabo identifies three success factors: 1) commitment, 2) ownership, and 3) shared values (Rwengabo, 2016). While these factors are relevant, the financial uncertainty surrounding some of the African-led peace missions, such as the African Union Mission in Somalia (AMISOM), blights the rapid deployment capability vision. These concerns are also shared by Dawit Yohannes, who notes that, “Lack of material, logistical and financial capacity to deploy these missions is a self-evident but crucial factor that infringes upon the autonomy, success, and vitality of the interventions” (Yohannes, 2016: 64).

Key drivers to the challenges of developing a multidimensional force remain: i) ideological and practical divergence between the military and civilians; ii) unwillingness of AU members to adhere to their financial and capacity contribution (Rein, 2015); ii) the need to establish a permanent institutional framework to train civilian and military collectively (Murithi, 2009); and iii) the AU partnership with bilateral actors, such as the UN and European Union (EU), that do not fit neatly with the existing AU institutional frameworks such as the ASF or the regional economic communities (Williams and Boutellis, 2014). In addition, the brigades lack synchronization across regions and proper planning. For example, the AU Mission in Sudan (AMIS) and the frequent rejection of the UN Security Council (UNSC) of AU’s plans to deploy a mission due to gaps in planning and inadequate information (Beza, 2015). Moreover, the hostility and mistrust between states, such as the situation between members of the Intergovernmental Authority on Development (IGAD): Ethiopia and Eritrea over their unresolved border conflict and Ethiopia’s non-mandated intervention in Somalia in 2006, militated the potential of EASF in consolidating capacities for the crisis in Somalia and South Sudan (Zamalek, 2012).

Lessons from previous civil-military interaction in African PSOs paint a gloomy picture of the future of such a model. For example, the experiences of Sierra Leone and Liberia and the more recently the African-led International Support Mission to Mali (AFISMA) indicate that among other challenges that undermined the mission in Mali were civil-military relational issues as well as poor cooperation resulting from lack of financial and logistical muscles (Oluwadare, 2013). It is important to note that challenges facing
the ASF are not unique to the African institutions. More advanced militaries in the west have developed the so-called joint inter-agency, international, multi-national military operation (JIIM) that is applied in coordinating military and civilian resources in a focused and coherent fashion (Fitz-Gerald, 2003; Hun et al., 2015). Although some scholars have emphasized lack of political support for the development of the ASF (Burgess, 2011), lessons from the Darfur peacekeeping mission indicate that concerns persist about the financial implications of implementing such objectives (Neethling, 2006). As the AU and African continent look to operationalizing the ASF, the significant costs related to its establishment have led African leaders to seek support from the international community.

Although the ASF structures, particularly EASF and ESF, have put anecdotal structures in place to deepen civil-military relations, there exists no context-specific doctrine on CIMIC. Such a doctrine would enhance synchronization of the mandates, roles and activities of the various stakeholders and actors in the peacebuilding system through joint efforts aimed at prioritization, sequencing, and harmonisation of programmes to meet common objectives (De Coning, 2007). It is also important to caution that ‘shopping’ for ideas in developing CIMIC structures may land ASF structures in an incongruous situation with ideals of good governance. The CIMIC structures in advanced military establishments such as the NATO and EU doctrine are mainly motivated by the need to establish cooperation between the military force as a separate, legally mandated entity and the civilian actors in their area of operations. This does not fit well with preferred models, such as the one advanced by the UN, which is built on the understanding that improved coordination between the military component and the civilian component is a pre-requisite for an integrated mission.

The ‘Fundamental Enigma’

One of the key proposals of the ASF was that regional standby forces would develop an integrated training system with the ability to provide individual and collective training for regional forces by the end of 2015 (Murithi, 2009). However, it has proved difficult to reach this goal which includes an AU rapid deployment capability within the ASF arrangement. Analysts have cautioned that there seems to be no ASF structure on the continent that can assemble an integrated RDC for deployment within 14 days as envisaged (Neethling, 2015). What ails the African PSO structure, first, is that the quality and suitability of the peace operation training programmes have not only been found to be below international standards, but also appear to have entrenched the militarization of the ASF structures. For example, studies on the internal processes of ASF structures reveal that, although 35 (45%) of the peacekeepers considered the various training initiatives to have increased integration of PSO concept, 25 (32%) totally disagreed with the view that such training could create an integrated military-humanitarian data base to enhance
the sharing of information (Onditi, 2015). The most notable structural inadequacies cited among the peacekeeping training environment are: an undue emphasis on traditional peacekeeping training while ignoring the ethos and principles of a contemporary PSO; a lack of lucid and evidence based training methodologies resulting in a mismatch between the training outcome and the emerging peace and security threats across regions; and inadequate policies and enforcement mechanisms aimed at harmonization and coordination within the primary PSO actors.

Second, for the ASF to attain rapid response capability to crises on the continent, there must be strong political will and commitment, and adequate financial resources. These insufficient logistical capabilities feed into dependence on external partners. Some policy analysts have applauded the AU-international partnership with institutions such as the European Union, towards building coordination and collaboration (Rein, 2015). This very approach is problematic because it simply enhances financial dependence and technical overreliance on global institutions such as the UN and EU (Fiore, 2014). Like any other development initiative in Africa, funding problems have remained, what we refer to as the fundamental enigma of the ASF initiative.

A review of the institutional resource mobilization strategy in an international centre of excellence, such as the International Peace Support Training Centre (IPSTC), reveals that 67% of the budget is provided by foreign countries compared to only 22% given by the Kenyan Government in the form of military personnel, land, and other fixed assets. The same finding reveals that the remaining 10% of the budget is provided by international non-governmental organizations (INGOs) (Onditi, 2015). In the same vein, it is evident that both EASF and ECOWAS structures rely on technical advisors (TAs) drawn mainly from Denmark, Finland, Iceland, Norway, and Sweden, as well as the USA, Britain and Germany. Due to funding constraints and inadequate technical capacity within the ASF structures, the multilateral partnerships are mired in suspicion and are founded on a needs basis as opposed to building long-term capacities of African peacekeepers. Most of the partnership difficulties occur when the available frameworks of the regional economic communities do not address the policy challenges at hand. This was the case with Mali when ECOWAS mechanisms were not optimally configured for responding to the crisis alone (Williams and Boutellis, 2014). In this case other non-ECOWAS states, including Algeria, Chad, Morocco, and Mauritania, had to engage using different methods (Francis, 2009).

On this note, international peacekeeping analysts have observed that frustrations caused by the failure to achieve full capability in 2015 have compelled a number of countries led by South Africa to refocus on the African Capacity for Immediate Response to Crisis (ACIRC) formed in 2013 (Lotze, 2015). Among the challenges preventing the
success of the African-led peace operation, is that the AU distanced itself from long-term autonomous regional peacekeeping, and currently favours interim missions that are a prelude rather than an alternative to UN peacekeeping (Coleman, 2011).

Third, in relation to the quest for ASF effectiveness, it is imperative that evidence-based indicators, that investments in training are making a difference in improving behaviour of peacekeeping personnel, are needed. It is also important to show that funding is supporting high-quality training, and that efforts are not being duplicated. There are concerns about the perceived lack of transparency and accountability of regional peacekeeping training centres. These centres seem to have evolved separately from each other, with little coordination, and have not received much guidance from the AU to date. The skewed training-deployment transition rate is also an issue that both EASF and ECOWAS Standby Forces are grappling with. These training-deployment related challenges that impeded the operationalization of the ASF are not unique to the continent. They also affect the peacekeeping efforts of the UN in other parts of the world. Due to the fluid nature of conflicts, a conflict can change quite rapidly from a low intensity conflict into unrestrained violence. In Somalia, for instance, the civil war started in 1991 and on 24 April 1992 the UNSC established UNOSOM I to implement the ceasefire plan (United Nations, 1996). However, troop deployment only started in August 1992; the delay gave room for the belligerents to arm themselves effectively and prepare for the conflict. This slow deployment is one challenge identified by the study as militating against successful missions across the globe (Osmancavusoglu, 1999).

The founding principles of the African Governance Architecture (AGA) provides opportunities for the ASF structures to deepen democratic governance. Over for the last two decades, the AU has taken steps to improve its democratic and governance structures; but critics have portrayed the AGA as the single biggest achievement (Tissi and Aggad-Clerx, 2015). Like any other doctrine within APSA, the concept of AGA suffers a combination of shortcomings, including weak linkages with APSA and a lack of clarity on the role of other independent but interrelated institutions, such as the African Peer Review Mechanism (APRM). Even without dwelling on the weaknesses of the AGA, it is important to note that Africa has developed several other governance models. For instance, the principle of ‘non-interference’ was instrumental in safe-guarding the newly independent states in the 1950s and 1960s. This has now been replaced by the principle of ‘non-indifference.’ Despite the establishment of AGA as a framework for coordinating governance institutions, such as the Pan African Parliament, the New Partnership for Africa’s Development (NEPAD) and its APRM, the framework is viewed as another ‘white elephant’ project, created with good intentions but without operational priorities and the role that existing governance instruments and actors can play to support the agenda. This is part of the larger ‘organizational hypocrisy’ that continues to give rise to
impunity owing to the domineering ‘chide’ and ‘bully’ approach of the military generals who lead the regional ASF structures. The forceful development of ACIRC as a parallel to ASF, rather than complementing the existing efforts by the military committee in Addis Ababa, demonstrates the overbearing influence of the military at all levels of the African PSO.

Governance issues emerge as a key factor against the realization of an integrated force on the continent. Notably, hostile policies against the so-called ‘foreign interference’ initiated by most African leaders blight the potential of ASF as the ideal Pan African solution to the political, human rights, peace and security challenges facing the continent. The unilateral decision by the Kenyan regime under leadership of Uhuru Kenyatta to contribute funds to the ASF at the time when the Kenyatta regime was facing both moral and legal questions at the International Criminal Court (ICC) at The Hague is an abuse of the principles of AGA as well as those of APRM. This is what some scholars have described as development-politics clash (Kumah and Brazys, 2016).

An equally unethical action occurred when the President Uhuru Kenyatta’s regime in Kenya made the unilateral decision to support the controversial presidential election process in Burundi against the backdrop of human rights violations and the unconstitutional re-election of Pierre Nkurunziza in 2015. The narrow-minded approach to the notion of African Solution to African Problems (ASAP) by African political class and leaders portrays the AU institutions and actors as lords of double standards, guided by politics of hypocrisy and least concerned with the plight of ordinary people. Apparently, lack of measures to mitigate such tendencies raises risks of continued disrespect for the pillars of democracy, which also spread to the very institutions that are supposed to define the ‘rules of the game.’ Yet, in what seem to deepen authoritarian rule in the very ‘heart’ of the AU institution, Ethiopia continues to experience symptoms of receding democracy (Walker and Way, 2016).

In an environment riddled with authoritarian rule, statism and injustices, scholars have argued that civil society organizations (CSOs) are best placed to offer checks and balances (Mangu, 2002; Adejumobi, 2004). However, their engagement with AU and associated structures has been mostly marked by deep-seated cynicism. Although CSOs cannot fulfil all roles that a state plays in fragile environments, civil society leaders and organizations provide an important perspective that sheds light on a particular community’s needs and cultural characteristics. Studies reveal that civil society involvement on matters of peace building is a key factor in determining whether peace initiatives will be successful and sustainable. However, the state-centric approach adopted by the ASF structures gradually excludes the involvement of CSOs on matters of human rights and peace and security (Mangu, 2002). Yet, building relationships among PSO actors is dependent on
the coherence of a joint strategy of multinational military forces and CSOs (Abiew, 2003).

Although CSOs are better placed to offer alternative models on matters of peace and security, their experience with AU is rather poor: i) Despite the rhetoric on creating a union of people rather than governments, CSOs on the continent continue to operate in an atmosphere of suspicion and mistrust linked to external funding; ii) the AU may have undergone transformation, but the culture of the institution remains rigid, excluding CSOs, and requiring engagement with institutions, with a few exceptions, that are based on individual networks other than official CSO-AU engagements; iii) there is also a lack of culture regarding access to information among AU institutions, making it challenging to engage without the free flow of information. Currently, much of the information released is obtained through interpersonal relationships and subsequently shared among CSOs; iv) for CSOs’ engaging at the continental level requires large amounts of resources not only to attend meetings, obtain information and keep track of what is happening, but also in establishing and maintaining the necessary interpersonal relationships. This, combined with apathy towards the institution and the limited access, discourages many CSOs from engaging at the continental level; and v) lack of co-ordination among AU institutions and between the AU and RECs means that CSOs must engage multiple times with different institutions, as there is no guarantee of a trickle effect. This means a heavier investment on the part of CSOs working towards bringing their issues to the AU table. Although AU member states have agreed on the need for accelerated peace and security on the continent, the process of reaching this goal is still largely contested.

Apart from the mistrust between the primary PSO actors and CSOs, the personnel imbalance between the two has contributed to the ineffectiveness of the ASF. Although the occupational distribution among peacekeepers does not indicate a wide gap among them (military forces 62 (36.5 %), police 57 (33.5%), and civilians 51 (30%)), there were some levels of disparity between regions (Onditi, 2015). The same study shows that EASF recorded 47 (47%) civilians among those undertaking PSO training at the IPSTC in Karen, Kenya. Comparatively, the ESF had only four (4) civilians (5.7%) among those undertaking a regional leadership PSO training at the National Defence College (NDC) in Abuja, Nigeria. These operational challenges are not isolated cases, but are influenced by existing policy frameworks on training and force generation. For instance, whereas the policy framework for the establishment of the ASF lays down the requirement for the military and police personnel as elements of the order of battle, the structure is ambiguous over the number and categories of civilians required for the same purpose. The structure outlines that, for the ASF to be regarded as adequate to undertake an operation, there should be 200-500 military observers. At the same time, 240 civilian police officers, two companies of police units (FPUs), and civilians are
required to conduct such an operation. The fact that the policy does not quantify the number of civilian experts required points to the difficulties in matching the peace and security needs to the PSO training, their coordination, and management and coordination of civilian capacities whenever any of the AU member states experiences crisis.

Conclusion

While the African Standby Force presents an ideal framework for enhancing the multidimensionality of capacities for responding to peace and security challenges, the framework has been beset by several challenges that have prevented it from achieving full operational capacity in 2015. Of note is the tactical and ideological diffusion of military traditions from which structures and processes are developed and tend towards military domination on matters that would be best handled by civilian or police personnel. One such structure developed by the AU and seen to be in competition with ASF is the African Capacity for Immediate Response to Crises (ACIRC). Yet, what would be required to have a successful African-led PSO model is a redesigning of ASF to better conform to the principles of a multidimensional approach.

Both militarism and political clientelism are so rooted in the African PSO environment that areas requiring specialized skills from civilian experts, such as gender, child protection, and human rights are implemented by professional soldiers with limited or no subject expertise in those matters. In some cases, the retired military person in civilian mode assumes civilian roles, masquerading as either ‘protection’ or ‘human rights’ experts. These cases of manipulations of peace and security positions and structures do not necessarily reflect the doctrine of a multidimensional force as originally configured. The result, in part, is that ASF structures across the continent are incapable of deploying a multidimensional force.

It is worth noting that ASF is not only one fundamental element in finding a solution to African conflicts. Its success is challenged by, among others, the fact that the capability of the regional structures and RECs is very uneven and there is no clarity concerning mandating authority. Notwithstanding the memorandum of understanding signed between AU and RECs on their general relationship, there is nothing specific that regulates their respective roles and powers in the use and authorization of ASF capabilities. As a result, there is lack of clarity about whether the AU needs to negotiate with RECs/RMs on the use of the brigades that they have raised and maintained. If this is going to be the case, there is no doubt that it will complicate matters. Additionally, it is a fact that some regional Standby Forces have a rich experience and an advanced level of capability while others do not. In this regard, the default option is to resort to firefighting or ad-hoc responses that stop short of institutionalising multinational peace support capabilities.
Policy Recommendations

Addressing the challenge of civil-military tensions implies that harmonious inter-organizational and inter-personal civil-military relationships should be institutionalized and legitimized through legal and policy instruments. This arrangement should be negotiated and agreed upon by the peacekeeping training centres, regional standby forces, RECs and AU, particularly the PSOD of the AU. The following are recommendations to address existing policy gaps:

i. Existing peacekeeping training centres in both regions (EAC and ECOWAS) offer opportunities for, and should introduce initiatives/courses for enhancing harmonization of norms, values, and adjustments of attitudes based on lesson learnt mechanisms. PSO institutions with leadership drawn from diverse backgrounds, including CSOs, should be created. The African Peace Support Trainers Association (APSTA) is an ideal platform for enhancing the participation of civilians in decision making processes.

ii. All PSO actors should take steps to revisit and reconfigure the concept of multidimensionalism to make it more inclusive to other actors, such as civilian-based organizations, think-tanks, and indigenous community leaders. Also, the term ‘Force’ needs to be reviewed to allow for the development of capacities apart from militarization as implied by the term. This is a problem which could be addressed by reconceptualising doctrines that inform operations within African political and socio-cultural realities rather than the blind application of universal concepts.

iii. PSO actors at all levels should make deliberate efforts to strengthen the linkages of ASF structures to existing continental governance mechanisms such as the AGA and APRM. For this approach to benefit the majority of African people, the processes should be led by Pan-African CSOs.

iv. PSO training requires a number of well-equipped, well-resourced and well-staffed training centres that can provide regional and continental support. Additional resources should be provided to build their capacity to meet the ASF training needs. In addition, existing infrastructure and personnel capabilities need to be upgraded, and training curricula need to be revised in line with the emerging peace and security architecture and the ASF requirements.
References


Presidential Term Limits: A Threat to Peace and Security in Africa

By Oita Etyang

Abstract

This article interrogates the recent trend whereby some African leaders resort to constitutional amendments to remove presidential term limits. It seeks to identify the factors that explain why this pattern is gaining ground in a growing number of countries, and analyzes its implications for peace and security in Africa. Attention is paid to two countries: Burundi and Burkina Faso which recently grappled with the issue of term limits with different outcomes. The article holds that the extension of presidential term limits threatens long-term peace and security in Africa. It argues that such political acts encourage unconstitutional changes of government, undermine human security, and weaken democratic institutions—all of which are critical to peace and security.

Key Words: Peace, Security, Term Limit, Constitution, Coup, democracy

Introduction

The trajectory of Africa’s democratisation since the end of the Cold War has taken place in three phases. The first phase, which Rackner et al. (2007: 7) refers to as the Liberalisation Phase, was characterised by the opening of the political space and dismantling of authoritarian regimes. New constitutions were designed to revitalize constitutional democracy, promote a culture of tolerance, “transparency and accountability as well as political stability” (Fombad and Inegbedion, 2010: 4). In Malawi for example, Mpesi and Svasand (2012, p.3) opine that the “third wave” of democracy (Huntington, 1991: 13), brought about notable gains, among them: freedom of expression, establishment of political parties and establishment of strong institutions such as the judiciary. In Kenya, Section 2A of the independence constitution was repealed to allow for party pluralism, and with it, the entrenchment of a presidential term limit.

The second phase of the democratic trajectory in Africa, referred to as the Transition Phase, was closely associated with the holding of the first competitive elections. In this phase, new political parties emerged to challenge the dominance of monolithic political parties that had characterized the post-independence politics in most African states. Underscoring the political dividends occasioned by the first multiparty elections...
in Zambia, Baylies and Szeftel (1992: 75) cogently note that “…the campaigns and the elections [1991 multiparty elections] have produced a surge of political participation, a range of opinion and a vigour of expression, a readiness to attack incompetence and corruption, unknown since the struggle for independence.” The third phase – the Consolidation Phase, symbolises the phase through which democratic values and ideals are supposed to be entrenched in the society. It entails respect for the rule of law and democratic institutions. Fernandez (2006: 7) construes democratic consolidation as a political process that entails “the understanding of the system and the formal and informal acceptance of its own citizen with regard to institutional, political and societal obedience to democratic rules and practices”.

Most countries are struggling to build strong democratic institutions, such as parliament, the executive, the judiciary, political parties, and rewriting constitutions to reflect the emerging realities in the age of globalisation. Essential to the consolidation process is the issue of presidential term limits. Term limits have become a central feature of democratic consolidation. Attaching statistical meaning to the term limit debate, Baturo (2010: 638) submits that there were seventy-eight term limit extensions between 1960 and 2008. He further notes that thirty-seven leaders extended their terms after 1991. In 2015 alone, five countries (Burundi, Congo Brazzaville, Democratic Republic of Congo (DRC), Burkina Faso, and Rwanda) were engulfed in national debates regarding presidential term limits. This article raises certain questions in relation to term limits and its implications for peace and security: Why are some presidents inclined to remove term limits? How does tenure elongation in Africa amount to constitutional coups? What are the implications of tenure elongation for peace and security in Africa? In seeking to address these questions it focuses on political events in Burkina Faso and Burundi. Both countries have been given prominence in this essay based on the fact that they recently experienced unrest, occasioned by the struggle over term limits. The article is organized in three sub-thematic sections – part one provides the introduction; part two looks at two schools of thought regarding the term limit discourse, and the third sub-theme delves into the issue of term limits in relation to peace and security in Africa.

**Evolution of Term Limit**

The concept of term limit is traceable to the two ancient civilisations of Greece and Rome (see Maltz, 2007; Dulani, 2011; Ginsburg et al., 2011). It was rooted in the traditional republican and classical liberal models of democracy. In the two ancient polities, term limits were imposed on some elective offices. This implies that periodic elections were conducted to elect new office bearers. The lucidity behind the institutionalisation of term limits was to ensure rotation in office (Hignett, 1967). In U.S.A, presidential term limits were enacted in 1947, following the 22nd amendment to the American constitution. The
amendment was given impetus by President Roosevelt’s unparalleled four term rule. The logic behind term limits was meant to discourage government dependency on few individuals which, in the long run, could hamper the development of strong democratic institutions (Streb, 1999). In Latin America, term limits were instituted to prevent dictators from overstaying in power. It was meant to cut short their reign and liberate the population from the jaws of dictatorship.

Africa, on the other hand, has gone through a different trajectory when it comes to term limits. Earlier ethnography and anthropological studies indicate that the pre-colonial period in Africa was characterized by a known system of succession. In most communities, succession was hereditary and life-long (Warioba, 2006). The leadership baton was passed down from one generation to another through clear rules. It is apposite to note that transitions were not always peaceful despite the existence of rules. Among the Maasai’s for example, the succession politics that pit Olenana and Sendeyo culminated in a fierce war that forced the Mbatian Kingdom to split into two - Kwavi and Purko Maasai. Rivalry and violence characterised leadership successions in some African communities. According to Warioba (2006), this typology of succession was maintained during the antebellum period with some level of interference from the colonial administration whenever it deemed it favourable to their policy of divide and rule. What the aforementioned discussion suggests is that in the pre-colonial African culture, there were no term limits. Leaders could rule until providence decided otherwise. Where then did the concept of term limits emanate from?

At independence, most African states adopted political systems that reflected largely the political culture of their respective colonial masters. In the former British territories, a Westminster model was adopted, whilst in the French colonies the French political system was preferred. Dulani (2011) notes that most African leaders took advantage of the hereditary system and life-long traditional leadership alluded to, and fused it with the new constitutional dispensation. The consequence was the removal of term limits, institutionalization of patronage, and entrenchment of a one party state. A quick review of existing data set indicates that, out of the 98 constitutions that were crafted before 1990, a paltry six had a caveat on term limit on the institution of the presidency (Dulani, 2011).

**Discourse on Term Limits in Africa**

The discourse on presidential term limits has gained momentum in the consolidation phase of Africa’s democratic trajectory. The introduction of presidential term limits was meant to eradicate one party rule that had become a common political denominator in many states in Africa. This introduction of term limits was to reverse the trend whereby
few African political elites, particularly “strongmen”, engineered an assault on the constitution to perpetrate their stay in power and crush all opposition. As noted by Nwabueze (1974), due to insufficient restraints on presidential power, sit-tight dictators offered themselves for re-election “for life”. Apart from curbing authoritarianism that had permeated every facet of the Leviathan, term limits were meant to promote transfer of power, party turnover, and the rule of law which are critical in the promotion of peace and security. As Reyntjens (2016: 62) rightly puts it, “incumbency bias is strong across Africa, and transfers of power have been rare—hence, the importance of term limits.”

At the regional level, mechanisms were established to promote democracy and prevent unconstitutional change of government, including institutionalizing and respecting term limits. In July 2000, for instance, African heads of state adopted the Lomé Declaration on the Framework for an OAU Response to Unconstitutional changes of Government. The Framework explicitly outlaws: (1) military coup against democratically elected government, (2) mercenaries’ intervention to replace a democratically elected government, (3) intervention by belligerent armed groups to seize power, and (4) refusal by incumbent government to transfer power to a popularly elected government. In January 2007, the list was expanded through the enactment of the African Charter on Democracy, Elections and Governance (ACDEG), to include term limits. Article 23 (5) of ACDEG prohibits the “manipulation of constitutions and legal instruments for prolongation of tenure of office by incumbent regime.”

Gains have been made at national and regional levels to consolidate democracy and entrench constitutionalism. As Bratton and Van De Walle (1997: 8) write in reference to the post-1990 period:

> Transformation had taken place: Not a single de jure one-party state remained in Africa. In its place government adopted new constitutional rules that formally guaranteed basic political liberties placed limits on tenure and power of chief political executives and allowed multiple parties to exist and compete in elections.

Despite the solid gains that Bratton and Van De Walle allude to, the phenomenon of constitutional amendments or reforms to extend term limits has resurfaced in Burkina Faso, Burundi, Congo Brazzaville, Rwanda, and even the DRC. The recent clamour by some political elites and leaders (both old and new) to change specific clauses in the constitution relating to presidential term limits threaten to reverse the gains made towards multiparty democracy in Africa. Lack of enticement, fear of losing power and the prestige that go hand-in-hand, and loss of material gains have been cited as some of the reasons that African presidents want to remain in power (Baker, 2002).
Posner and Young (2007: 135) provide empirical evidence to back their position that “younger leaders who can expect to spend more years benefiting from office …. will have a stronger urge than older rulers to hang on to power”. To support this assertion, they argue that the medium age of nine presidents whose tenure in office had been completed and had attempted to tamper with the constitution was 60, whereas those who voluntarily relinquished power was 66. The recent cases of Kagame, Nkurunzinza, and Kabila corroborate Posner and Young’s point. As reflected in Table 1 below, 23 African leaders have amended, replaced, or disregarded the provision of the constitution regarding term limits. According to Vencovský (2007), presidents in three countries (Malawi, Nigeria, and Zambia) attempted without success to elongate their tenures. As shown in the same table, 13 countries amended their constitutions to extend the term limits of chief executives between the years 2000 – 2015. What this implies is that Article 23 (5), as provided for in the African Charter on Democracy, Elections and Governance (ACDEG), has not resolved the problem of term limit extension. The clause under Article 23 (5) is broad and does not clearly specify what encompasses constitutional manipulation. In addition, other national legislations have failed to cure the malady of term elongation. Vandeginste (2016), Yarwood (2016) and Reyntjens (2016) submit that cogent legal regimes have been ignored with impunity by political leaders.

African leaders have developed legal or constitutional mechanisms, such as popular petitions through collection of signatures, constitutional amendments and referendums, to circumvent the provisions of various legal instruments and maintain their stay in power.

### Table 1: Profile of Democratic Overstays in Africa, by Year & & Means of Overstay

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<tr>
<th>Country</th>
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<th>Leader</th>
<th>Means of Overstay</th>
<th>Over-stay Year</th>
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<td><strong>Term elongation through Constitutional Amendments</strong></td>
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<td>Algeria</td>
<td>1999</td>
<td>Bouteflika</td>
<td>Amendment</td>
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<td>Burkina Faso</td>
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<td>Compaore</td>
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<td>Cameroon*</td>
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<td>Biya</td>
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<td>Congo Brazzaville*</td>
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<td>Amendment</td>
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<td>Liberia</td>
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<td>Tubman</td>
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Term Elongation through other Means

Source: Extrapolated from Vencovsky (2007) and Ginsburg et al. (2011) with modification.
*Added by the author.

Taking a cue from Baker, Posner, and Young, the article argues that the desire to continue controlling state resources, pressure from the family, clan and the “kitchen cabinet”, and to some extent, “adhering to divine calling” add up to the many reasons of staying put in power. Underscoring the importance of religion to the third term debate in Burundi, a former National Council for the Defence of Democracy- Forces for the Defence of Democracy (CNDD-FDD) party member said, “You know president Nkurunziza is notoriously religious. He has spiritual godfathers (pastors) around him who have informed him that he is the “chosen one”. His failure to go for the third term will be against divine desire/command.”2 The fear of the International Criminal Court (ICC) and domestic prosecution is another factor that contributes to perpetual incumbency in

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2 An interview with a cabinet minister in Bujumbura on 26th May, 2015
Africa. Some African presidents and those around them have been accused of serious economic and human rights crimes. Due to the nature of the crimes, some do not want to relinquish power for fear of being indicted by the ICC. In Sudan for example, the pending ICC case against Al-Bashir, is arguably one of his reasons for clinging on to power. This was the case in Côte d’Ivoire in 2011, where the then President Laurent Koudou Gbagbo feared to relinquish power because of ICC summons. Despite his initial resistance, he is currently facing numerous accusations on crimes against humanity, murder, rape and other forms of sexual violence, persecution, and inhuman acts (ICC, 2011).

The foregoing is not to suggest that many African leaders have not adhered to term limits. There exist best case examples where leaders have honourably relinquished power upon the expiration of their tenure – Mwinyi, Mkapa and Kikwete in Tanzania, Kufour of Ghana, Pohamba of Namibia, Goodluck Jonathan of Nigeria, and Festus Mogae of Botswana are some notable examples. However, the unprecedented moves to remove term limits that are gaining momentum in some parts of the continent calls for further interrogation.

**Do Democracies Need Presidential Term Limits?**

Two schools of thought respond to the above question. The first school is composed of the proponents of the term limit theory while the second school is composed of the opponents of a ‘term limit theory’. According to Afrobarometer survey of May, 2015, majority of the population in Africa support term limits. According to this survey that was conducted across 34 countries, 73 percent of the population support term limits (Dulani, 2015). To underscore African citizens’ attachment to term limits, Carter (2016: 38) posits that “this attachment is driving courageous opposition in Congo, and Burundi, just as it did in Burkina Faso and may soon do in Rwanda and DRC”. Proponents of the term limit theory posit that term limits allow for the production of an open-seat election. Giving analytical weight to this observation, Armstrong (2011: 14) opines that the nature of the African state calls for the imposition of term limit as a means of “incubating political competition”. The incumbent power-holders use patronage and state resources to entrench themselves in power, thus by having term limits the leaders will not, as Baker (2002) says, “overstay their welcome in power”. In Kenya, for instance, the constitutional term limit forced Moi out of power after 24 years rule. In Zambia, the term limit forced Chiluba out despite initial vacillation.

Another argument put forward by proponents of term limits is that it nurtures democratic consolidation in blossoming democracies (Przeworski, et al. 2000). It allows for democracy to take root. Consolidation of democracy entails the respect of citizens’ rights, building strong state institutions, and managing effectively the aspects of political
transition. Dahl (1971) opines that democracy prescribes periodic elections where all stakeholders within a polity have equal chance to participate. Maltz (2007) amplifies this observation when he claims that term limits prevent electoral authoritarianism from degenerating into a dictatorship. Citing an example from Zimbabwe, he reasons that, had Robert Mugabe left the political scene earlier, Zimbabwe would not have sunk that low both democratically and economically. By extension, Maltz (2007) implies that even the post-election violence experienced in 2008 that led to the formation of Government of National Unity (GNU) would not have taken place if Mugabe had exited the political scene. In Ghana and Tanzania for example, constitutional term limits have ensured peaceful transitions and transfers of power. The same scenario was experienced in Kenya in 2002 when Moi peacefully handed power to Kibaki after serving two terms of five years each.

Term limits strengthen political systems and allow political parties to compete effectively for state power. It facilitates political party alternation which is critical in propagating democratic values. The 2002 elections in Kenya that marked the end of Kenya African National Union (KANU) in power illustrated the importance of term limits in enhancing political party alteration (Maltz, 2007). The 2002 elections allowed a behemoth, called the National Rainbow Coalition, to emerge thus ending KANU’s 38 years political dominance. Related to this is the fact that term limit helps break the deeply entrenched tentacles of clientelism and the overbearing networks of corruption (Maltz, 2007). In Africa, leaders have been known to maintain an elaborate system of clientelism and neo-patrimonial ties that largely thrive through corruption. Donald (2007) contends that patronage, as a tool for political acquiescence, needs a colossal amount of resources; therefore, African leaders in their quest to build stable governments and perpetuate their stay in power invest heavily in the patronage network. Thus, entrenching term limits becomes a panacea to end the deep-seated parasitic ties. In Zambia for example, President Levi Mwanawasa confronted corruption cartels with much political zeal after his elections in 2001. The biggest casualty of Mwanawasa’s anti-corruption crusade was Fredrick Chiluba. Mwanawasa became popular because of his fight against corruption cartels. Fombad and Inegbedion (2010: 33) aptly observe that:

The only way to break the deep-seated patterns of clientelism and neo-patrimonialism that have dominated African politics since independence and today still threaten to undermine the faltering and hesitant steps towards constitutionalism and democracy is to ensure that there is a regular leadership change at specified periods and that former leaders are held to account.
Term limits prepare the opposition to take over power. Corrales and Penfold (2014) have argued that term limit reduces the chances of political parties being perpetually in opposition. This is premised on the assumption that members of the opposition can foresee their chances of capturing political power in the near future. Thus, according to Corrales and Penfold (2014, p.158), “making them [opposition] more eager to accept the rules of the game because they know that their greatest rival – the incumbent president will be required to step down”. Vencovsky (2007) vouches for term limits by arguing that it promotes constitutionalism, prevents arbitrary and violent rule. Citing an example of Nigeria, Vencovsky asserts that term limits have contributed to regional rotation of the presidency thus eradicating the feeling of political marginalisation (Vencovsky, 2007).

In his seminal paper titled, “Term Limit: A reform that Works”, Basham (2015) explains that term limits address the problem of what he calls careerism. It prevents leaders from creating a perpetual career in politics. In other words, it allows for rotation in leadership. According to Basham, careerism is associated with unresponsive and egocentric leadership. Therefore, term limit solves the problem of careerism. In sum, this school of thought argues that term limits revitalise leadership, strengthens democratic tenets, and allows for political competition, transparency, and accountability.

On the other hand, opponents of term limits argue that imposing term limits deprive the people of the right to exercise their general will. They argue that, if it is the wish of the people to renew the social contract with the ‘philosopher king’, then that should be respected. Mugabe, in support of this view, reasoned that “…It is a democracy, if people want a leader to continue, let him continue” (Zimbabwe Independent, 2015). This school of thought views term limits as a foreign concept meant to curtail African leadership. The opponents, in most cases, invoke the famous political mantra, “government of the people, for the people and by the people”, to advocate for term elongation or total removal. Therefore, if the people decide that the incumbent power-holder should stay, then that sovereign will should be respected. It is apt to mention that this argument has been championed in Rwanda to allow President Kagame to continue with what Kagwanja (2006) refers to as the “sad term”. The same is being echoed in Congo Brazzaville where Sassou Nguesso won a referendum approving constitutional changes that allow the President to extend his hold on power. Conservative rights activists have further argued that imposing term limits curtail the constitutional rights of the seating president as well as the voters’ choice. To illustrate this, Corrales and Penfold cited the Nicaragua’s case in 2009, where the constitutional court invalidated a constitutional provision that purported to ban consecutive re-election. (Corrales and Penfold, 2014)

Opponents of term limits further postulate that it allows “young and good leaders” to continue serving, and accomplish their unfinished projects and programmes. In changing the constitution in Namibia, South West People’s Organisation (SWAPO) argued that the
young, vibrant, visionary father of the nation was to continue shepherding the nation and with that, Sam Nujoma was granted a third term (see Baker, 2002). The same narrative was used to remove term limits in Uganda in 2005, ultimately elongating Museveni’s reign. David Hume (1752), an opponent of term limits, argues that it divests a society of the best possible leader. According to him, an ideal type of government would not entertain the idea of term limits. Lack of alternative leadership is another reason being championed by opponents of term limits. In extending Museveni’s term, it was argued that there was no alternative leader and he still had a lot to offer to the Uganda people. The essay finds the above arguments to be superfluous and devoid of empirical rigour.

Opponents of term limits have always used clandestine tactics (bribery, black mail, intimidation, and violence) to extend their stay in power. Members of parliament and the judiciary have, in most cases, been cajoled or coerced to adhere to the desires of the chief executives – extension, or removal of term limits. In 2000, Blaise Compaore used the judges of the Constitutional Council (presidential appointees) to continue his stay in power in the post-2000 era after the term limit was introduced. The Constitutional Council ruled that the amendments introduced in 2000 could not apply retrogressively. In 2012, President Wade used the Constitutional Court to legitimise his candidature for the 2012 elections after originally serving his two terms. Ironically, Wade’s government had enacted a new constitution in 2001 that introduced the term limit. In Burundi the ambiguity in the legal text, as reflected in Article 96 and Article 302, gave impetus to the claim for another term (Vandeginste, 2016). Secondly, the National Council for the Defence of Democracy – Forces for the Defence of Democracy (CNDD-FDD) was accused of arm-twisting the Constitutional Court to strengthen its claim for a third term. As asserted by the Deputy Judge of the Constitutional Court, Sylvere Nimpagaritse, “the judges came under enormous pressure and even death threats which had resulted in the Court’s capitulation to the will of the CNDD-FDD” (Kabumba, 2015). In 2008, the ruling party in Cameroon leveraged its majority in the national parliament by passing a law that gave Paul Biya a blank cheque to remain in power by removing term limits. President Mathieu Kerekou of Benin was faulted for bribing members of parliament to support his unpopular bid for a third term. Olusegun Obasanjo of Nigeria reportedly also attempted the same thing, but was defeated. This article is of the view that the furtive methods used to remove/extend term limits negate the ideals of democracy and reflects the lack of political values and respect for constitutionalism. The surreptitious methods being used by incumbent leaders seeking to extend their rule undermine key institutions

3 Article 96 states that the president of the republic is elected by direct universal suffrage for a mandate of five years, renewable once (see Stef, 2016, p.43)

4 Article 302 which forms part of the transition clause states that: As an exception, the first President of the Republic in the post-transition period shall be elected by the National Assembly and the Senate [...] with a two-thirds majority of the members. [...] The President elected in the first post-transition period cannot dissolve Parliament.
that are vital to the promotion of peace and security. It is argued that the removal of term limits directly undermines the measures put in place to tame sentiments of ethnic or regional exclusion and marginalisation, such as rotation and devolution of power. The tendency of African leaders to remove term limits pose a peace and security challenge.

**Tenure Elongation: A Recipe for Coups?**

The tensions and conflicts brought about by removal of the term limits between the incumbent power-holders on one hand and the opposition and civil society organisations on the other, is capable of creating an institutional or power vacuum that may result in military coups. According to Beetham (1991, cited in Omotola, 2011), power becomes legitimate if, and when, (1) it is in line with the existing laws, (2) the rules can be justified by a shared belief, and (3) there is mutual consent to the arrangement. Beetham’s postulation gives us an insight as to when and how term limit leads to insecurity in Africa. Removal or extension of term limits in most cases contradicts the enacted legal regimes. In Beetham’s words, “it’s not in line with existing rules”. The crisis created by term limit debates and violence readily provides the military a pretext to overthrow the sit-tight incumbent under the pretext of protecting democracy.

Unfortunately, in most cases, after seizing power, the military suspends the constitution and implants authoritarianism. The involvement of the military in a role that is traditionally the preserve of politicians, gives impetus for military juntas to emerge under the excuse of restoring normalcy. In Burundi, for example, after violent demonstrations following President Nkurunziza’s decision to change the provision of the constitution limiting his tenure to two terms, the army under the leadership of Godefroid Niyombare, on 14th May 2015, launched a coup to topple Nkurunziza who was away attending an East African Community (EAC) extraordinary meeting in Dar es Salaam. While dismissing Nkurunziza, Niyombare said:

> Regarding President Nkurunziza’s arrogance and defiance of the international community which advised him to respect the constitution and Arusha peace agreement, the committee for the establishment of the national accord decides: President Nkurunziza is dismissed, his government is dismissed too (Reuters, 2015.)

The “dismissal” of Nkurunziza was marked by initial jubilation across a section of the population who were against the “sad term” bid. The popular opposition to the third term bid in Burundi further corroborates the Afrobarometer’s findings that alluded that a greater percentage of the population in Africa does not support the removal or change of term limits. An attempt by Blaise Compaore of Burkina Faso in November 2014 to
push through a constitutional amendment by repealing presidential term limits resulted in a popular insurrection. As Riedl (2015) notes, “the power void that was created led to military takeover”. The root cause of the recent coup (September 2015) staged by the Elite Presidential Guards (RSP) in Burkina Faso can, by extension, be attributed to the initial action of removing term limit.

**Removal of Term Limits and the Emergence of Militia Groups**

It can be argued that changing or removing term limits contributes to the emergence and resurgence of militia groups. The chaos that is associated with blatant disregard of constitutional provisions provides a fertile ground for militia and non-state armed groups to emerge and thrive. The resultant effect is insecurity and lawlessness. The removal or extension of term limits trigger the emergence of armed opposition groups seeking to challenge the status quo. Groups sprout to challenge overstay in power by leaders. On the other hand, groups emerge in support of the status quo.

In Burundi, militia groups have emerged in support of the incumbent power-holders. The Imbonerakure militia has been accused of killings and destruction of properties of those opposed to Nkurunziza’s third term. The fleeing refugees have accused Imbonerakure of threats, harassment and wanton attacks (Daily Nation, 2015). In their analysis of post-transition violence in Burundi, Bouka and Wolters (2016) observe that armed opposition groups composed of police and army deserters, youth and former combatants, have emerged to challenge Nkurunziza’s presidency. To compound the problem, evidence has emerged of recruitment of militia groups in Rwanda (See Bouka and Wolters, 2016). Apart from Imbonerakure, two additional groups have surfaced. The first group – the Forces Républicaines du Burundi (Forebu), is made up of senior army and police officers who were in the ranks of CNDD-FDD during the war period. The second group is the Résistance pour un État de Droit au Burundi (RED-Tabara) which is reported to be operating in Eastern Congo. According to Bouka and Wolters (2016) the group is composed of army and police deserters. Further reports indicated that Democratic Forces for the Liberation of Rwanda (FDLR) are exploiting the insecurity in Burundi to regroup. Affirming this view, Rwanda’s foreign minister remarked, “we have information that some FDLR elements have crossed into Burundi from the Congo and might even get involved directly in the continued unrest in the country” (Business Daily, 2015). These groups have orchestrated attacks on civilians and government installations. They have also been accused of conducting selective assassination of top military, police, and other government officers.

Political commentators fear that Kabila’s quest for a third term is likely to trigger insurgency in the Congo. Apart from creating room for the emergence of militias, it
creates division among the security forces, especially in the military and the police. In Burundi, a rift emerged between the police and the army during the April and May 2015 demonstration. The army intervened to quell the tension between the police and demonstrators. The intervention by the army exacerbated the tension between the two security institutions, leading to the killing of two soldiers. The ongoing killings targeting high military officials are attributed to the widening division in the security forces. Cases of desertion have also been reported. In Burkina Faso, a rift was created between the Presidential Guard (RSP), that was largely sympathetic to former president Blaise Compaore, and the national army after the 16th September 2015 coup that was orchestrated by the (RSP) under the leadership of Colonel Gilbert Diendere. The ripple effects are that a security capacity gap is created where the forces fail to maintain a monopoly on the use of force, fail to ensure public order, control borders, and fail to protect the state from external and internal aggression, and the fragmented forces turning against each other.

**Exacerbating Human Insecurity**

Human security has been a major casualty in the raging problem of term limits in Africa. The insecurity associated with the extension of presidential mandates has led to massive violence, loss of lives, increased criminality, and violation of human rights. In Burundi, the third term crisis led to an influx of refugees to neighbouring countries. According to United Nations High Commission on Refugees (UNHCR), 150,000 refugees had fled the country by May 2015. The outbreak of cholera in the refugee camps in Tanzania, for example, exacerbated the human security situation (UNHCR, 2015). In addition to refugee crisis, some political figures, military/police personnel and civilians have been killed (The Guardian, 2015). The upsurge of attacks and killings underscore the magnitude of the crisis linked to term limits. On 22nd May 2015, the UPD-Zigamibanga presidential candidate Zedi Feruzi was killed, and on 2nd August 2015 a military general, Lt. Gen. Adolphe Nshimirimana, was killed in Bujumbura (The Telegraph, 2015). The attempted assassination of human rights activist Pierre Claver Mbonimpa in Bujumbura further accentuates the underlying problem of insecurity attributed to term limit-related crisis (The Guardian, 2015). Scores of civilians and police officers lost their lives in the political crisis in Burundi and Burkina Faso (United Nations, 2015).

**Weakening State Institution**

In Africa, the extension or removal of term limits has weakened key state institutions. The legislature, executive, and the judiciary, which are in most cases at the centre of constitutional changes, have been weakened by the institution of the executive presidency. In countries where the president has managed to extend or remove term limits, the
institutions are weakened and in most cases act at the behest of the president. In other words, the institutions end up being “captured” by the state. They cannot independently exercise their mandate as stipulated in the social contract and they lose legitimacy.

In Burundi, the Constitutional Court lost legitimacy after the unpopular ruling that allowed Nkurunziza another term in office. Political commentators argued that the court had gone to bed with the “enemy”. The Constitutional Court in Burkina Faso and in Senegal lost legitimacy after aiding the incumbents to extend their terms in office. During the 2005 debate over the presidential term limit in Uganda, “Museveni threatened to weaken parliament further by eliminating its powers of censure and dissolving it altogether if it disagreed with him” (Miller, 2010: 173). This demonstrates the extent to which incumbents are willing to go to legitimise their stay in power.

**Polarization of Political Elites**

The debate on term limits, many a time, ends up creating a rift between political elites. The rift is always between the proponents and the opponents of term limits. Scholars (for example Baker, 2002; VonDoepp, 2005) have argued that such debates are healthy in a democracy. In most cases, elite fragmentation takes an ethnic outlook which is manifested in political power play. According to Horowitz (1985), ethnic fragmentation leads to political competition and ultimately ethnic confrontation. In Zambia, Fredrick Chiluba’s bid for a third term led to elite polarisation. Senior cabinet ministers of the government, numbering 12, resigned in protest (Otele and Etyang, 2015). In Burundi, it was reported that the term limit debate had taken an ethnic angle that political elites were exploiting. In my interview with a senior government minister supporting Nkurunziza, he said, “the Tutsi elite are not happy with the Hutu government and they are using civil society organisations to destabilise the government”\(^5\). Most political figures, especially those in opposition in Burundi, fearing persecution have fled into exile. The coup in Burkina Faso under the leadership of Colonel Gilbert Diendere was partly attributed to the exclusion of political elites from the former regime from contesting in the October 2015 elections. The exclusion of a cross-section of the political class from the political market place brews rebellion, thus exacerbating the already fragile security situation.

**Term Limits Impede Political Transition**

In representative democracies, term limits provide the mechanism for ensuring political transition. Democracy stipulates that periodic elections should be held to allow for

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\(^5\) A discussion with a Government minister in Bujumbura, 25 May, 2015
political party turn-over. In this context, political transition can be understood as the process that leads to political change from authoritarian regime to a democratic regime. Oyugi (2003) notes that the concept also encompasses situations where change does not only occur in the political leadership but also in the political party that takes over the reins of power. It is apposite to mention that transition can also occur from one democratic regime to another, as was the case in Kenya in 2013 and Zambia in 2014, following the demise of Michael Sata. In countries where the political class has tampered with term limits, the process of political transition has been delayed. In Gabon, Togo, and Guinea, for instance, political transition was delayed until the demise of Omar Bongo, Gnassingbe Eyadema, and Lansana Conte in office respectively.

The consequence of delayed transition is that it destabilises countries especially after the demise of a seating president. Political elites jostle for power to replace the incumbent which, in most cases, turn chaotic. In Guinea for example, after the death of Conte, the country was plunged into chaos thus exacerbating the security situation. As a result, Captain Moussa Camara seized power and suspended the constitution. The situation continued until the 2011 democratic elections that restored order in the mineral-rich country. In Togo, the death of Gnassingbe Eyadema saw a father-to-son transition. After the announcement of the death of Eyadema, the military connived with some loyalists to install Faure Gnassingbe as the transitional president. This move was contrary to the provisions of the constitution that stipulated that, in the absence of the president, the president of the National Assembly was to take over in interim capacity (Aning and Salihu, 2013). The transfer of power to Faure was rejected by members of the opposition and the international community. Therefore, the Economic Community of West African States (ECOWAS) suspended Togo from the activities of the Community. Diplomatic mediation paved way for elections that saw Faure being declared the winner.

This transition process was characterised by massive violence. Citing Togolese Human Rights League (LTDH), Aning and Salihu (2013) write that 811 people had died in protests that followed the death of Gnassingbe Eyadema. They submit that demonstrations that followed the announcement of presidential election results led to unprecedented violence between the demonstrators, security forces, and pro-government militia. Aning and Salihu (2013) further estimate that more than 40,000 people were displaced and forced to escape as refugees. The subsequent political negotiations culminated in the formation of government of national unity. The two examples illustrate the fact that tinkering with term limits impede political transitions which in turn aggravates the peace and security situation.
Conclusion

The removal or extension of term limits is becoming a cancerous political trend that needs to be halted decisively. Africa has made tremendous efforts in institutionalising and consolidating multiparty democracy in the past two decades. Removing or extending term limits will reverse the gains made by entrenching a dominant-one-party, stifling opposition, thereby opening a door for rebellion and sectarian conflict. It risks taking Africa back to the dark days of 1970s and 1980s that were characterised by human right abuses, political assassinations, and military coups. African Union (AU) and Regional Economic Communities (RECs) should continue to discourage or place sanction on the extension of term limits by insisting on the principle of unconstitutional accession to, or holding onto power under any guise. African leaders should be encouraged to leave office at the expiry of their tenure. As Kagwanja (2006: 5) notes, “condemning and ostracising leaders who have extended their tenure and stopping those seeking to do so in their tracks is central to ensuring stability and entrenching genuine democracy on the continent”. Civil society organisations and the media should be in the forefront in condemning leaders who have refused to “expire”. Institutions such as parliament and the judiciary need to be strengthened so that they do not bend to the whims of the executives. It is suggested that the continent’s vision encapsulated in Agenda 2063 will remain a mirage if the issue of term limits is not dealt with expeditiously by the regional body. Agenda 2063, captioned “The Africa We Want”, under Aspiration 3, champions “an Africa of good governance, democracy, respect of human rights, justice and the rule of law”. In conclusion, it is apparent that the removal of term limits is an affront to Aspiration 3 as contained in Agenda 2063. Africa should strengthen and renew its resolve to safeguard the sanctity of constitutional term limits as a means of consolidating democratic values.
References


The Internationalization of the Coup in Burkina Faso

By Jolade Omede, Arinze Ngwube, and Christie Okoroafor

Abstract

The article explores the political issues in the September 2015 military coup in Burkina Faso that was led by General Gilbert Diendere. Coming only a few weeks prior to a much-anticipated general election the coup plotters dissolved the transitional government that had been in place since the unexpected resignation of Blaise Compaore in October 2014. This article takes a retrospective view of the Burkinabe coup, and analyzes how it was precipitated by lingering political and economic crisis following President Compaore’s 27 years rule. It concludes, by way of alternative futures, that the only way to prevent coups is for African leaders to promote and strengthen democracy and pursue people-friendly socio-economic policies within the framework of good governance, accountability and transparency.

Keywords: Coup d’état, Burkina Faso, Democracy, Leadership

Introduction

During the first three decades after independence, military coups took place across most African states except for Botswana, Djibouti, Cape Verde, Eritrea, Namibia and South Africa (Schraeder, 2000). With time, however, experiences began to show that military regimes were only a shade different from their civilian counterparts when it comes to governance. Rather than help resolve Africa’s emerging socio-economic and political problems, military governments compounded the challenges facing governance and security in the continent. For example, on 30th October 2014, the people of Burkina Faso took to the streets to protest attempts by their long-serving president, Blaise Compaore, to extend his 27-year rule by engineering an amendment to the constitution to extend his stay in power. Described as the “Black African Spring” (The Guardian, 2014), the civil revolt in Burkina Faso was strikingly like the short-lived Arab Spring revolts of 2011 and 2012 during which ordinary citizens vehemently rose in protest against authoritarianism and oppressive regimes across North Africa. During the violent protests in Burkina Faso, President Compaore resigned and fled the country on the 31st of October 2014, leaving behind a political vacuum that elements within the military exploited to stage a coup the

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following day, 1st November 2014. The Chief of Defence, General Honoré announced his assumption of power, only to be followed by another broadcast in which Lieutenant Colonel Yacouba Isaac Zida of the elite presidential guard announced himself as Head of state. Although the two developments may have signalled deep divisions within the military, the hierarchy managed to unite and rally themselves behind Zida, who they confirmed as Head of state.

Even at that, the actions of the Burkina military clearly contravened Article 43 of the Constitution requiring the President of the National Assembly to assume power in an acting capacity upon the resignation of the President, and to call for an election within 60 to 90 days. The actions of the military were also a violation of the African Charter on Democracy, Elections and Governance (ACDEG) of the African Union (AU) as well as the ECOWAS Protocol on Democracy and Good Governance. In broader terms, the coup exposed the weak roots of democracy, and the reality that the military remains a formidable force, despite the widely held view that military coups have become part of the relic of the political history of Africa (Birikorang, 2013).

Significantly, local and international groups, especially the United Nations (UN), African Union (AU), and ECOWAS promptly condemned the military takeover and called for a swift return to democratic rule. The AU threatened to impose sanctions on the junta if it failed to hand over power to a civilian-led transitional government by 18 November 2014. ECOWAS, on the other hand, was at variance with the AU by calling on the international community to tarry awhile in imposing sanctions, and to give the regional effort led by President Macky Sall of Senegal a chance to find a political solution to the impasse. With the two key African institutions not being able to agree on how to relate to, or deal with the junta in Ouagadougou, it is pertinent to raise some key questions. First, how much of the political crisis, starting with the unexpected resignation of President Compaore, was anticipated? Second, to what extent did the early warning mechanisms of ECOWAS and the AU pick up ominous signs of an impending political stalemate, and how did key stakeholders respond to the situation? In answering these questions, this article reflects on the remote and proximate factors that precipitated the political crises in Burkina Faso. It is organized into five key sections, starting with that on conceptual clarifications and a synopsis of coups in Africa; second is an overview of the political economy of Burkina Faso on the eve of the coup; the third section discusses the circumstances and evolution of the 2014 Coup, followed by section four, which reflects on the effects of the coup on state-society relations in Burkina Faso, and lastly, the conclusion.
There is substantial literature on military coup d’état, mostly underscoring its importance and centrality to understanding political change, for good or bad, in Africa. Luttwak (1968: 12) describes coups as “the infiltration of a small but critical segment of the state apparatus, which is then used to displace the government from its control of the remainder”. Based on this conception, they [coup d’états] exclude the use of the military as the sole actor responsible for the illegal action, contrary to the view of Ferguson (1987). Huntington (1981) has placed coups in three categories: “breakthrough”, “guardian”, and “veto”. The mention of the word “coup d’état”, according to him, tends to be met with stares of bewilderment, fear, anger, or even panic. This, perhaps, explains the contrasting reactions to coups: on the one hand, the consequences of unconstitutional removal of a government are severe as perpetrators face charges of treason and death; and, on the other hand, a successful coup mostly has to be persuaded to revert to the status quo ante of civilian democratic governance.

It is important, therefore, to put some of the outcomes of military coups in perspective (Belkin and Schofer, 2003; Stone, 2004; Svolick, 2012). An early work by Jackman (1978) attributed coups d’états that took place in the new states of Africa from 1960 to 1975 to three broad reasons, namely social mobilization or “modernization”, cultural pluralism, and political factors (i.e. political party systems and mass participation). According to him, social mobilization and the presence of a dominant ethnic group had destabilizing consequences for newly established states in sub-Saharan Africa. He further argued that a multiplicity of political parties could as well be destabilizing whereas single-party dominance has had a stabilizing effect on post-independence governments.

Johnson, Slater, and McGowan (1984: 622) found that “states with relatively dynamic economies whose societies were not very socially mobilized before independence and which have maintained or restored some degree of political pluralism have experienced fewer military attempted coups, and coup plots, than have states with the opposite set of characteristics”. In other words, as they concluded, some measures of positive economic performance, such as a high level of productive employment, robust economic growth, sound export performance (ratio of export–imports to GNP), and diversified commodity exports, are also critical determinants of if a coup would take place.

In attempting to evaluate the internal factors leading to a coup, McBride (2004) as well as Collier and Hoeffler (2007) focused on the military as an institution in the context of coups and political instability. According to McBride (2004), the military intervene in politics for reasons of personal greed, being motivated by the quest to gain and exercise state power. Collier and Hoeffler, in turn, highlight the interdependence between the
risks of a coup (plotted, attempted, or successful) and the level of military spending at any time, drawing examples from Mauritania and Chad. They found that in countries with low coup risk governments respond by reducing military spending whereas those with high coup risk tend to increase military spending.

In the immediate post-colonial era, several military coups, attempted, failed, and successful, occurred in different parts of Africa. While part of the blame for its recurrence at that time was placed on outside political interference during the Cold War era, the frequency of military coups could not be divorced from the fragility of political systems across the continent, which made many countries susceptible to long-drawn and mostly violent political contestations that invariably provided the alibi for military incursions into politics. By the 1990s, when the Cold War ended and the United States emerged as the sole superpower, the world witnessed the re-assertion of western liberalism that privileged the market and multiparty democracy. With this, military and one-party civilian regimes quickly became anachronistic and unconstitutional and in their stead, emerged a new clamour for multiparty democracy. Paradoxically, the dust is yet to settle as early democratic gain made by a number of African countries seem to be shrinking with increased incidences of unconstitutional changes in government. Apart from the countries listed in Table 1 below that have experienced military coups, several others, such as Burundi; have experienced constitutional stalemates and crises of political succession.

Table 1. Trends in Military Coups in Africa (1999-2013)

<table>
<thead>
<tr>
<th>Country</th>
<th>Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Côte d’Ivoire</td>
<td>1999</td>
</tr>
<tr>
<td>Mauritania</td>
<td>2005, 2008</td>
</tr>
<tr>
<td>Guinea</td>
<td>2008</td>
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<tr>
<td>Madagascar</td>
<td>2009</td>
</tr>
<tr>
<td>Niger</td>
<td>2010</td>
</tr>
<tr>
<td>Egypt</td>
<td>2013</td>
</tr>
</tbody>
</table>

Author’s Compilation, 2017

Abrupt policy changes of the type leading to, or following military coups can be destabilizing because the cost to the losers are very high, even fatal. For example, Boix (2003) and Acemoglu and Robinson (2006) argue that democratization occurs when the cost of redistribution to the elites diminishes and that of repression increases. This is because of the consequences redistribution has on regime choice; democracy being pro-majority and thus more redistributive than autocratic. However, inequalities between groups exacerbate the conflict of interests, raising the stakes for the ruling elites to
maintain the status quo and others to pursue reforms. The elites and their cronies in fragmented and unequal societies have a strong interest in maintaining the status quo as they have much more to lose from adverse policy changes because of the large income gap between them and majority of citizens.

It is of interest to note, that any effective redistribution policy in a society with large numbers of low-income earners would considerably damage the individual as well as collective interests of the elite class. This allows members of the ruling elite, in an unequal and divided society, to remain in government to maintain influence over policy. This situation might, however, cause marginalized and excluded segments to find motivation to plan the overthrow of incumbent power holders to prevent further welfare losses. It is not surprising that one of the consistent factors precipitating coups is the failure of democracy characterized by acute and festering political crises in Africa.

Democracy has been interpreted and applied in different ways across the continent, mostly based on the whims and caprices of politicians and ruling elites. Larry Diamond (1990) offered three variants of regimes based on the political realities in Africa. First, is that in which there are regular intervals of meaningful political competition among individuals and organized groups for government positions, and without the use of force; (ii) an inclusive political process such that no major (voting age) social group is excluded; and (iii) one in which sufficient levels of civil and political liberties exist to ensure and/or guarantee the integrity of political competition and participation (Diamond, 1990). The flipside of a semi-democratic regime is one in which a substantial degree of political competition and freedom exists, but the effective power of elected officials is significantly limited at the same time that political competition is restricted, just as freedom and fairness of elections is compromised in ways that impact negatively on electoral outcomes. In the latter situation, civil and political liberties are limited to the extent that some people are unable to organize and express themselves freely according to their political orientation and interests. Finally, the third typology is that of an authoritarian regime in which little or no meaningful political competition or freedom exists.

From Diamond’s typology, many African states may only be able to lay claim to democracy in theory whereas the practice of it is farfetched as majority of them are semi-democratic. In other words, they have accepted democracy, but democratic principles such as the freedom of speech, human rights, and the conduct of free and transparent elections have not been strictly adhered to or allowed to thrive. Thus, even though most African people embraced multiparty democracy (as opposed to one-party or military rule) at the end of the Cold War, it is evident that democracy has not yielded the much-expected dividends, especially in terms of promoting and guaranteeing human
security precisely because large segments of the population in many states lack access to subsidized socio-economic opportunities, while incumbent regimes have mostly failed to improve their welfare and living standards.

In concluding this section, it is important to ask whether public opinion and popular enthusiasm is enough to prompt, not the least justify, organizing a coup. If the answer is no, the next logical question would be to ask what options citizens have when they are unable to remove, by democratic means, an undemocratic or authoritarian regime bent on perpetuating itself in power by undermining the constitution? It is possible, tentatively, that as options for peaceful change are foreclosed, open and tacit support for unconstitutional change in governments might become expedient. Most of Africa’s coups from the late 1990s onwards have therefore occurred against the backdrop of widespread public disenchantment and protests directed at making a clean break from a troubling political order, albeit for a limited period, in order usher in reforms. Of course, whether African militaries themselves understand and interpret their role as guarantors of constitutional order is another debate entirely.

**Burkina Faso: Political Economy and the Context of the 2014 Coup**

With its capital in Ouagadougou, Burkina Faso is a landlocked West African country with a size of approximately 274,200 square kilometres (or 105,900 square miles). It is surrounded by six countries: Mali to the north; Niger to the east Benin Republic to the south-east; Togo and Ghana to the south; and Côte d’Ivoire to the south-west. By 2014 estimates, the country’s population was around 17.3 million, out of which 46% are known to live below the poverty line (Burkina Faso Population projection, 2014). In spite of the country’s turbulent political history, evident in a succession of four military coups in 1980, 1982, 1983, and 1987, a period of relative political stability was witnessed under President Blaise Compaoré as he made a clean break from the Marxist revolutionary paradigm of Thomas Sankara, and embraced neo-liberal orthodoxy that brought about improved economic growth, albeit a short-lived one. Between 2000 and 2006, Burkina Faso’s gross domestic product (GDP) increased by 6%, and by 2012 reached double-digits of 10%. Despite these promising indicators, however, Burkina Faso remained at the bottom of the ladder, ranking only 181 out of 187 countries on the Human Development Index, and by extension, one of the world’s poorest (United Nations, 2014).

The landlocked nation is heavily dependent on international aid, attracting on average in excess of US$13 billion in international development assistance per annum (Dorrie, 2012). Unfortunately, the death of one of its major financial benefactors, Muammar Gaddafi, during the Libyan uprising in 2011 dealt a devastating blow to Compaoré’s
regime, and repeated- but unfulfilled- promises of positive change allowed public distrust to grow (BBC News, 2014). The frustrations and disquiet were largely manifested in mass protests and labour unrest. For example, earlier in December 1998, the murder of the investigative journalist Norbet Zongo sparked major demonstrations. Zongo was investigating the killing of the driver of Francois Compaoré, the younger brother and special adviser of the former president (BBC News, 2014). This was followed by violent protests and strikes throughout the country in 2011. While students protested the death of one of their colleagues, Justin Zongo, in police custody, trade unions, professionals as well as the rank-and-file soldiers took to the streets in protest against high costs of living, low and unpaid wages. While the protests and political upheavals lasted several months during the first half of 2011, they did not constitute a mass movement in the real sense, partly because opposition parties were not able to build the necessary political coalition to offer credible alternatives to the protesters clamouring for political and economic reforms. In one instance, on 14 April 2011, a mutiny by presidential bodyguards over unpaid allowances forced the President to momentarily flee to his hometown of Ziniaire (BBC News, 2011).

The authority of Compaoré was no doubt challenged by the mutiny, especially coming from his trusted and better-resourced presidential guards. In response to the 2011 mutiny, the President embarked on a reform of the military, and went as far as directly assuming responsibility for the reform process by designating himself as the Defence Minister on 20 April 2011. He also reshuffled the government and appointed Luc-Adolphe Tiao as Prime Minister. Successful municipal and legislative elections that may have inadvertently allowed opposition parties and elements to gain more and stronger representation were held in December 2012. Thus, even though the ruling party, the Congress for Democracy and Progress, CDP, still won a sweeping majority, the opposition became a rallying point for thousands of people insisting on all-encompassing constitutional amendments throughout the first half of 2014. Apart from signalling that new dynamics were at play across the country, the sprouting of a broad coalition of opposition groups, as evidenced in demonstrations in the capital, clearly showed that Compaore was swimming against a stronger tide. In April 2014, the opposition coalition MPP held its congress and followed this with a large rally held on 31 May at the national stadium, the Stade du 4 Août, in Ouagadougou. Civil society groups also participated in these demonstrations (Institute for Security Studies, 2014).

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4 No less than six Prime Ministers served under President Compaore throughout his 27-year tenure in power, starting with Youssouf Ouedraogo when he first assumed power in 1987.
The 2014 Coup in Burkina Faso

By mid-2014, it was already widely known that Burkinabes were deeply suspicious that President Compaoré was likely going to seek another five-year term of office the following year despite the existence of a constitutional two-term limit. Notwithstanding allegations of backing rebels and fuelling civil wars in neighbouring countries within the sub-region, Compaoré had been instrumental in brokering peace in Côte d’Ivoire, Mali, Togo, Niger, Guinea, Liberia, and Sierra Leone. It is also on record that he used his vast networks to help Western powers battling Islamist insurgencies in the Sahel (BBC News, 2014). Ironically, while his regional mediation credentials and frontline involvements in the so-called global war on terror across the West African Sahel brought him and his country enormous prestige and diplomatic gains, they did not completely sanitize or shield him from the political crisis brewing at home.

It is important to recall the circumstances of Blaise Compaore’s ascension to power on 15th October 1987, during a military putsch that witnessed the brutal murder of his former comrade and charismatic military ruler, Captain Thomas Sankara, and 13 other officers. The first four years of his rule were devoted to undoing the popular legacies of the short-lived regime of his predecessor, and understandably to also consolidate and firm up his grip on power. Once those initial moves were completed, Compaoré was emboldened to start a transition to constitutional rule that he did not only participate in, but was also sure of winning in 1991. Since then, he organized and won all successive presidential elections in 1998, 2005 and 2010. Throughout the long period, what subsisted was a hybrid regime that combined semi-authoritarian and a semblance of democracy with repression, to secure and ensure political stability.

Despite the semblance of a free and open political system, the regime relied on three key infrastructures of power and authority: the military; the ruling party, Congrès pour la démocratie et le progress (CDP), and traditional chiefdoms. With this political structure, Compaoré maintained tight control over the military as well as on politics and society. In the absence of any formidable opposition, he governed the country through a subtle, but vicious system of alliances, compromises and illusions (ICG, 2013). In a little over one decade, the 1991 Constitution saw five major amendments, including the one in 1997 that initially removed the presidential term limit. The two-term limit was, however, reintroduced in 2000 along with a reduction in term duration from seven to five years. Specifically, Article 37 of the Constitution stipulates that the President will be elected for five years by direct universal suffrage in a secret ballot, and can only be re-elected once (Burkina Faso’s Constitution, 1999). It was based on these provisions that Compaoré’s announcement of his intention to contest the next presidential election in August 2005 was challenged by opposition parties as unconstitutional. As far as his supporters were concerned, however, the claim by the opposition is disputable because
the amendment could not take a retrospective effect. Interestingly, in October 2005, the Constitutional Council ruled that because Compaoré was a sitting president in 2000, the amendment would not apply until the end of his second term in office (Engels, 2015). This development allowed him to contest the 2005 presidential election and, again, was re-elected in 2010.

In June 2014, the ruling party called on the President to organize a referendum that would allow him to change the Constitution again to seek re-election in 2015 (ENCA, 2014). The proposed constitutional amendment, however, triggered a major rift within the ruling party, culminating in the resignation of about 70 prominent members of the National Political Bureau in early 2014. Among the reasons given for the mass resignation included widespread marginalization of party members and the excessive militarization of party structures. Having pulled out of the party and government, opposition individuals moved on to create a new party, the Mouvement du people pour le progrès (MPP). This development significantly changed the balance of political power within the country in ways that expectedly had significant and far-reaching impacts on the 2015 presidential election (ISS, 2014). For instance, having been virtually under a single party in a supposed democracy, the emergence of MPP invariably meant the demonopolization of political power long vested in the CDP. Also, the new development meant that the President could not remain the fulcrum around which the whole political and governance structure of the country revolved. Yet, the fledgling opposition was still mostly weak and divided, with at least 74 political parties faced with weak organizational and financial capacities. The absence of a formidable and resilient opposition made it less difficult for Compaoré to win four presidential elections, each time with more than 80% of votes.

As widely anticipated across the country, a proposal for term extension was introduced to the National Assembly, starting with a debate on 30th October 2014, to amend the Constitution for the umpteenth time to allow Compaoré to seek re-election. Following this development, protesters stormed the National Assembly in Ouagadougou, setting it ablaze and looting offices, with at least one death reported (BBC News, 2014). Compaoré immediately declared a state of emergency and offered to resolve the political stalemate by heading a transitional government until elections. On the same day that Lt. Col. Isaac Yacouba Zida declared himself the new leader of Burkina Faso, he also announced the President’s resignation and made a proposal to install a transitional government “in consultation with all parties.” Finally, the coup plotters dissolved the National Assembly (BBC News, 2014), effectively instituting martial laws.

But the general public was neither keen to accept the incursion of the military in power nor to embrace the proposals made by the junta. Indeed, majority of public opinion at that time was that the military had hijacked the people’s revolution and that the only exit
would be for a civilian-led transitional administration. Clashes between protesters and the security forces became frequent as the former gave the military deadline to install another civilian transitional government within one year. In the face of widespread recalcitrance by the public, soldiers barricaded strategic facilities within the capital, including the Main Square and television station. They cordoned off the main square where thousands of people had gathered to demonstrate against military takeover.

Outcomes of the Coup on Politics in the Post-Compaore Era

The coup was ominous in several respects but perhaps the more obvious one was how it flagged people’s resolve to resist authoritarian rule regardless of the costs. However Burkina Faso has a reputation for been relatively peaceful and stable in an insecure region. It really impacted other Sahelian and West African states, especially in light of the conflict in Mali and increase in terrorist violence in northern Nigeria. It was costly for Burkinabes and the region. The range of economic and social challenges facing Burkina Faso are complex and multidimensional, but remain in a state of flux within the context of the current political situation in the country. Furthermore the coup demonstrated that the armed forces remain a key actor in the country’s political life. The military’s ability to interfere in political affairs has remained a constant feature of Burkina Faso’s history since 1966. Although the events in Burkina Faso received a fraction of the media attention dedicated to the Arab spring uprisings that occurred just a few years earlier, the storyline remains much the same.

Eventually, persistent calls within and outside the country for a quick return to civilian rule paid off with the signing of the transitional charter on 17th November 2014 outlining the legal framework for a civilian-led transition. After weeks of negotiations between the army and key civilian stakeholders, a quasi-civilian transnational [government] was established with Michel Kafando, a former diplomat, as interim President and foreign minister while Zida became Prime Minister and Defence Minister. A 90-member transitional council was put together to also serve as the country’s parliament. In November 2015, the transitional government gave way, following the successful election of a new president Marc Kabore. Since his ascension to power, Burkina Faso has made a full transition to democratic constitutional rule.

The inauguration of a new democratic government is a sign that the country is on the path to democratic stability with prospects for economic growth. However, some observers are of the view that the country will need to do a lot to deepen its newly-won democracy, if it is to ensure that it is to deter the possibility of any future interferences by the military in the politics of one of Africa’s poorest countries (Ernest, 2015). In January 2016 in the aftermath of presidential elections, Burkina Faso’s newly elected president Roch Marc Christian Kabore appointed a new prime minister, The appointment of the new Prime
minster, Paul Kaba Thieba, an economist who worked for the West African Central bank, but with limited political experience was noteworthy. It was obvious the administration wanted a technocrat in the position of head of government given the priority of reviving the slowing economy.

On January 15, 2016 Islamist terrorists carried out an attack on a hotel in Ouagadougou in the capital, as confirmed by the Foreign Minister in an interview he granted to the press (BBC, 2016). The attack was on for several hours with reports of hostages being held at the hotel and at some people believed to have either been injured, or killed. Among the dead were six Canadians, three Ukrainians, two French nationals, and eight Burkinabes. It was first time Islamist Jihadist terrorists had carried out an attack in Burkina Faso (BBC, 2016). However the general consensus was that the attack may have been coordinated with Islamist Jihadists in Mali. As the polity was edging towards a more secure footing, this scenario marked an unprecedented assault on Burkina Faso’s national security.

There have been demonstrations against the administration of Kabore during and after the municipal elections conducted on the 22nd May 2016, as well protests against the election of provincial mayors (African news, 2016). In addition, security forces reportedly foiled another coup attempt on the 8th October 2016 (Aljazeera News, 2016). Former Presidential guards were suspected of have planned the failed coup. Sociopolitical issues also continue to remain a source of concern.

Conclusion

The political crisis that engulfed Burkina Faso and the role of regional and international actors in supporting its home-grown political transition program that rid the country of a long-standing ruler, and military interlopers is of great significance to Africa’s quest for democratic consolidation, peace and security. The country was able to avert a descent into military dictatorship and political crises, and successfully defended its democratic space from subversion by anti-democratic forces, by ensuring a complete return to constitutional rule. Moving forward, a number of critical issues may threaten the stability and future of Burkina Faso’s newly-won democracy. Those would range from economic (addressing rising incidences of inflation, unemployment, poverty and underdevelopment) to political (e.g. developing strong and credible democratic institutions, deepening democratic norms, values and principles, and fostering popular participation in governance) and security-related challenges (especially those related to the mismanagement of the disbandment of the former presidential guard and countering extremist violence and terrorist threats).
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Appeasing the Land: Local Peace Committees and the Legitimation of Traditional Peacemaking in Kenya

By Eric Mutisya Kioko and Willis Okumu

Abstract

In the last decade, the Kenyan state, reacting mainly to the 2007/2008 post-election violence and cases of intergroup conflicts, created local peace committees and conferred on them the rights to address specific disputes and prevent conflicts at the local level. Local peace committees are (superficially) modelled after social institutions deemed traditional, and are therefore an attempt to standardize an aspect of customary law. This article explores the ethnography of local peace committees in Enoosupukia, a former hotspot of interethnic clashes in Kenya. It relies on ethnographic data collected between 2014 and 2015 to describe the composition of local peace committees, discusses conflict resolution at the grass-roots level, and highlights their effectiveness and the emerging constraints on their performance. Although necessary in the resolution of local disputes through arbitration, local peace committees constitute hybrid governance arrangements, which tend to produce different modes of authority, operations, and legitimacy, with the possibility of intensifying clashes between traditional (informal) rules and formal law.

Keywords: local peace committees, peacemaking, conflict resolution, Enoosupukia, Kenya

Introduction: “voices from the field”

These two [Gitau, a Kikuyu and David, a Maasai] are of the same age-set [late 20s]. They are neighbours, and their parents live in the same village. As representatives of this age-set, we want peace between them. We mean no harm. If David is locked up in jail, Gitau will not have peace in his mind.

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2 Eric Mutisya Kioko obtained his PhD in Social and Cultural Anthropology at University of Cologne, Germany, working within the anthropology of peace and nonviolence. His dissertation was titled, “Turning conflict into co-existence: cross-cutting ties and institutions in the agro-pastoral borderlands of Lake Naivasha basin, Kenya”. He is also a lecturer and research fellow at Kenyatta University, Kenya, in the School of Environment Studies. Email: kioco@yahoo.com

3 Willis Okumu obtained his PhD in Social and Cultural Anthropology at the University of Cologne, Germany, in partnership with the Centre for Development Research (ZEF). His dissertation was titled, “Meanings of Violence and the Impacts on Socio-Political Relations among the Samburu and Turkana of Baragoi, Northern Kenya”. He is also the Coordinator of the Peacebuilding Intervention Project at Anglican Development Services, funded by Bread for the World, Germany.
The representative of the “emerues” age-set (males mainly in their 20s) from a Maasai inhabited village in the south of Kenya’s Rift Valley was addressing [the] police following a fight between members of the age-set. Gitau and his mother are of Kikuyu descent. They migrated from North Kinangop in central Kenya in 1998 to the Maasai-inhabited Narok county, particularly in Enoosupukia, to rent farmland. Enoosupukia, located in the borderlands of Narok and Nakuru counties, faced massive violence in the early 1990s perpetrated by an organized group of Maasai vigilantes against migrant Kikuyu farmers whom the Maasai (including Dorobo) inhabitants had sold, gifted, or rented land to in the twentieth century (Kioko and Bollig, 2015). In October 1993, the vigilantes, with the assistance of game wardens and administration police, killed dozens of Kikuyu farmers and evicted thousands from Enoosupukia, partly in the attempt to repossess the lands farmed by members of the group, and partly due to the politicisation of land and ethnic categories prior to, and after the 1992 general elections in Kenya.

Several years later, however, the majority Kikuyu whom the Maasai had evicted from Enoosupukia began to return to the former conflict area, some to re-rent land, while others sought to repossess their land claims, and some hoping to rebuild and/or nurture ties that the violence had disturbed. The 1993 violence did not deter Gitau and his mother, and many landless others, from the pursuit of commodities (rental land for commercial and subsistence cultivation and livestock for trade, among others) in the hope of improving their wellbeing.

The single mother and her son rented some two acres of land at Ol tepesi le Parsimei village in Enoosupukia (Figure 1) from a Maasai landowner, and began to cultivate a mixture of crops for subsistence and commercial purposes. On the material day of the

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4 Paul Spencer (2003; 2004) has explored age-organization and its sustainability in the Maasai society. The “emerues”, in this context, may be understood as an “evolution” of “morans” – male Maasai warriors. The symbolic apparatus associated with “morans” and their activities lost much effect following unfavourable colonial and post-colonial policies. Such policies prohibited raiding and “militarized” incursions against neighbouring communities. The colonial government attached heavy penalties on raiders; it also recruited “morans” as government askaris (police) and organised various social activities, like sporting events, in the effort to keep them “busy”, while using their skills to launch punitive expeditions (see Rhodes House, Oxford/Micr. Afri./515/Annual Report/1923-1924). In the studied Maasai/Kikuyu borderlands, the local administration (chiefs, police) and both Maasai and Kikuyu do not tolerate moranhood – community members report signs of “moran” activities or organization to state actors for action. Formal schools have replaced informal moranhood socialization.

5 Kenya’s colonial history was influential in the shaping of post-colonial migration of native groups (for details of colonial-driven migration to the study area, see Kioko, 2016).

6 For detailed discussion of this process, see Kioko and Bollig (2015).
dispute in question, Gitau had hired David’s boda boda (motorbike) services to ferry him from Maiella trading centre to his “home” at Ol tepesi le Parsimei village. Upon arrival, the two fell out on the price for the service and a fight ensued following the disagreement. Gitau suffered an injury to the leg and was rushed to a local hospital in Maiella trading centre where he was treated and discharged. Later that day, he recorded a compliant at the local police station in Maiella.

When the police summoned David, a few of his age-mates showed up instead. They successfully pleaded with the police to refer the matter back “home” for possible resolution through a local mechanism involving the arbitration of members of the age-set. Irrespective of his ethnic background, Gitau was subject to the cultural authority of his age group in his new Maasai village – he thus accepted the request to use a local mechanism (guided by Maasai norms and values) for a possible resolution. Gitau could have declined the request and, instead, opted to pursue the matter with the police (or other formal institutions). But members of his new village could have interpreted this as being disrespectful and disloyal to the existing order, and perhaps his unwillingness to belong. Irrespective of the importance that Maa-speakers attach to the money generated from land rentals, landowners can easily limit tenancy periods for land-seeking clients whom they consider disrespectful to social order – Gitau and his mother were no exception to this norm.

Negotiations involving friends and affiliates of the disputants followed at David’s home, and he was found guilty of the offence of having started the fight and injuring Gitau.
His age-mates ordered him to reimburse Gitau with KES 200 for boda boda transport to the hospital, and to give him an ewe to make up for the offence and the lost blood – Gitau accepted the offer. The female sheep symbolised reunification of the disputants by the blood of the animal. This conflict resolution process shares some insights with the Nuer (Hutchinson, 1996), where the author describes the value of “blood” in facilitating enduring and peaceful relations. Through reproduction, the society considers the young ones of such animals to represent the transformation of relationships and possible continuity of friendship between disputants.

Disputes involving land boundaries, land ownership, and herder-farmer cases are not new in the south of Kenya’s Rift Valley. Informants noted that between the late 1960s and the early 1990s when thousands of Kikuyu migrants arrived in Maasailand in search of farmland, small-scale interpersonal disputes, as the one described here, could easily transform into large-scale intergroup rivalry and possible violent conflicts with serious ramifications. This precarious state was instrumental for organized violence in October 1993 against the Kikuyu, primarily due to their unwillingness to vote for a local Maasai politician in the 1992 general elections (Akiwumi, 2001; Klopp, 2001).

Following related intergroup violent conflicts in other parts of Kenya, and the 2007/2008 post-election violence, the state embarked on devolution of capacities for ensuring security and peace to the local level. The state gave the rights to handle specific local conflicts to Local Peace Committees (LPCs) in the attempt to standardize an aspect of customary law. Ideally, LPCs are meant to solve local conflicts through arbitration and by applying local norms and values that groups have internalised by sharing social-ecological spaces and problems.

The National Policy on Peace Building and Conflict Management (NPPBCM, 2011) defines LPCs as “peace architectures bringing together traditional dispute resolution mechanisms involving traditional elders, women, religious leaders, and NGO initiatives on the one hand and formal mechanisms for conflict resolution including those by government administrative and security agencies on the other”. How are LPCs constituted, and in what ways has the recent effort by the state to “implant” grassroots-level institutions affected the management of local conflicts? Under what circumstances can LPCs contribute institutional support for peaceful conflict management? Investigating

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7 Conflict resolution is understood as the settlement or avoidance of disputes between individuals or groups of people through solutions that refrain from violence and that attempt to reunify, re-harmonise, and preserve amicable relations between people involved in internal conflicts (Bonta, 1996: 406).

8 The majority Kikuyu migrants had lost their lands and settlements following British expropriation of native lands in the Central Province of Kenya since the late nineteenth century (see Anderson, 2005).

these questions will be the focus of the present article.

This article is organized along the following lines: (1) legitimation of traditional peacemaking, (2) the state vision plan for LPCs, (3) adaptation of LPCs to local settings, and (4) dispute settlement at the local levels, with reference to the effectiveness and constraints facing these neo-traditional institutions, and Kenya’s devolved peace and security apparatus.

The three study villages of Enoosupukia, that is, Mpeuti, Ol tepesi le Parsimei, and Olosho lole Kaloi, were sampled conveniently due to their strategic location bordering the Kikuyu inhabited villages of Maiella in Nakuru county, including Maiella trading centre, Kokoti, and Nkampani (Figure 1). Kikuyu farmers and other land-seeking clients prefer these villages because of their close proximity to their homes in said villages.

Data collection primarily relied on (focus) group discussions with participants drawn from the villages’ LPCs. Each of the three villages has an LPC composed of 11 members, which exercises jurisdiction over the specific village (see Tables 2, 3 and 4 for the composition of LPCs in the three villages). Participation in selected conflict resolution proceedings was important to observe and record (through note taking and voice recording) the settlement events in real time. Oral testimonies from purposively selected disputants shed light on continuing disputes. By investigating the matters in dispute that LPCs had already resolved, we were able to gain deeper knowledge on the durability of settlements and adherence to agreements, as well as the attitudes of disputants and their affiliates after a specific dispute. Archival research at Rhodes House library in Oxford (in January 2016) helped to contextualise the history of indigenous judicial institutions in Kenya, and their consequent change following the introduction of English Law and related colonial policies.

**Legitimation of Traditional Peacemaking: Value and Limits**

Do African-centred solutions to local conflicts lie in the legitimation of traditional norms, values, and practices? Roger Mac Ginty (2011) understands ‘traditional’ as referring to:

> “norms and practices that draw on long-standing modes of operation, and whose long-standing antecedence implies possible expectation that traditional norms and practices will have a cultural resonance among sections of the population and will be able to connect with folk memory and cultural expectations (2011: 49).”

Although ‘traditional’ is often used interchangeably with ‘indigenous’, the two terms do not have precisely the same meaning. Mac Ginty (2011: 49) notes that “‘indigenous’
usually applies in its common usage to peoples that inhabited a region before it was colonised by actors and technologies from the global north”.

With reference to reconciliation and peacemaking\(^{10}\), the Gacaca courts or tribunals in post-genocide Rwanda are often presented as a “successful” transitional justice apparatus (Clark, 2010). These community-based tribunals allow community members to come together – often on a patch of grass in the centre of a village – and publicly air their grievances through the adjudication of community elders (Mac Ginty, 2011).

The main value of traditional peacemaking rests on its bottom-up participatory approach. Here, traditional norms and practices often aim to restore peace and goodwill, and to bind or re-bind the two disputing groups together into a give-and-take reciprocity. It contrasts with interventionism (see cases in Institute for Peace and Security Studies, 2016) and other popular top-bottom approaches (driven largely by formal laws and procedures), which often tend to have little or no concern for the social implications of a dispute or settlement.

In Kenya, for instance, state- and/or elite-driven measures (like politically driven peace caravans), which have been the cornerstone of peacebuilding\(^{11}\) and conflict resolution efforts since independence, have not been particularly effective in preventing, responding to, or resolving intercommunity resource-related violent conflicts and crime (Chopra, 2008; Odendaal, 2010). Chopra (2008:) notes that “official laws and judicial processes lack the capacity to understand the locals’ definition of crime and conflict resolution – ideas and value systems of local communities, which define crime and prescribe how conflicts should be solved”.

Consequently, recent years have seen a resurgence of international interest in indigenous, traditional, and community-driven approaches to peacemaking, peacebuilding, and reconciliation as, “they connect with wider normative goals of ‘local ownership’ and ‘sustainability’” (Mac Ginty, 2011: 47). However, the author also highlights some of the dangers that may be associated with the “romanticisation of the local”:

1. Many indigenous and traditional approaches to peacemaking, dispute resolution, and reconciliation are conservative and reinforce the position of powerholders. Women, minorities, and the young are often excluded, and an emphasis is placed

\(^{10}\) In “An agenda for Peace” (Boutros-Ghali, 1992), “peacemaking’ is action to bring hostile parties to agreement, essentially through such peaceful means”.

\(^{11}\) Peacebuilding broadly focuses on the social, psychological, political, and economic environments at the grassroots level and aims to create a structure of peace that is based on justice, equity, and cooperation (i.e. positive peace), thereby addressing the underlying causes of violent conflict so that they become less likely in the future (Gawerc, 2006: 339).
on conformity and a numbing of activism, criticism, and radical change.

2. In many cases, the indigenous and traditional approaches are merely containment strategies that, while local and sustainable, do not have the potential to transform conflicts by critically examining their basis.

3. Indigenous, traditional, and customary approaches to resolving conflict rely on a dynamic socio-cultural environment; they are woven together in an intricate web of changing ideas such as hybridity, essentialism, authenticity, diaspora, Third World, and Fourth World, which often distort the environment that supports indigenous approaches (see also Weaver, 2000: 221-231).

In the Maasai/Kikuyu agro-pastoral area of Enoosupukia in Narok county, LPCs have gained considerable prominence in the last decade for rendering themselves useful in the prevention and nonviolent resolution of local disputes. However, these institutions are not a new phenomenon – they are reminiscent of historical patterns, as described below.

**Reintroduction of indigenous authority in Kenya: 1890s-2000s**

Traditional judicial institutions in Kenya have passed through successive stages with reference to the development and changes of policy in the last century (under colonial and post-colonial regimes). Arthur Phillip (1945), writing on behalf of the colonial government of Kenya, summarizes the stages of development and changes of policy regarding traditional judicial institutions in a 1945 report. In Table I below, the period after Kenya’s independence (1963) is included to illustrate a form of “renaissance” of traditional authority, which is largely driven by contemporary social-political dynamics.

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Table 1. Transformation of indigenous judicial institutions in the last century

<table>
<thead>
<tr>
<th>Period</th>
<th>Changes in policy on indigenous judicial institutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1895-1902</td>
<td>The British government in Kenya vaguely recognized the existence of certain indigenous judicial institutions or councils of elders, which exercised authority over native groups. Councils of elders heard and determined civil cases (e.g. land disputes) for respective native groups by applying local norms, values, and institutions (native law and customs). They also dealt with criminal cases, such as homicide, where elders ceremonially cleansed offenders through ritual sacrifices to allow their reincorporation into society. Although the Europeans did not understand the nature of these institutions, they tolerated the continued exercising by them of their traditional functions under the 1897 Native Courts Regulation, except in certain restricted areas in which a system of direct administration had already been established. The colonial administration extended this direct system in the course of time to supersede entirely the indigenous institutions.</td>
</tr>
<tr>
<td>1902-1910</td>
<td>The colonial administration, through Provincial Commissioners (PCs), introduced a method of administration through the agency of government headmen (chiefs), and native tribunals became closely associated with it. Chiefs rapidly acquired considerable power because of the backing given to them by the government, and this power extended to the administration of justice. Even though the jurisdiction of the council of elders was recognized, the influence of the chief seemed usually to have been dominant. Later, the 1907 Courts Ordinance repealed all earlier provisions of the authority of indigenous judicial institutions. The elders, who were traditionally qualified to exercise judicial functions, were driven into an attitude of apathy, of sulky acquiescence, or even of hostility. Under the Ordinance, the role of chiefs fell under the supervision of the Governor, and their jurisdiction was limited to civil matters where the amount claimed did not exceed 250 rupees, and to “petty” criminal matters, excluding serious crimes such as homicide. These changes, according to Arthur Phillip, may have “sown seeds of many future difficulties”.</td>
</tr>
</tbody>
</table>
| 1910-1920 | The governorship of Sir Percy Girouard saw a notable change in the policy. The aim of the 1911 Native Tribunal Rules was to reduce native tribunals altogether. The Governor recognized only a few councils of elders, which were constituted under and in accordance with native laws and customs to exercise jurisdiction over the members of a native community. This change seemed improbable because it excluded many other native tribunals, which according to native laws and customs had jurisdiction over natives and which “deserved” recognition as well.

In response to grievances raised by native groups concerning the rules, the administration attempted to restore the authority of indigenous judicial bodies, but this, according to Arthur Phillip, “was more easily said than done…the authority and the self-confidence of those bodies had been badly shaken”. Chiefs retained authority on judicial matters. The result was that the tribunals still ended up being subservient to the chiefs, and if they did try to assert their independence, they found themselves powerless to enforce their judgements.

Collisions between native law and custom and English law intensified. For instance, the Kikuyu queried the idea of criminal law to prohibit athamaki a kiama (councils of elders) from sentencing witch-doctors to death by burning. Moreover, native groups opposed the suggestion that land (and other) cases should be taken to Nairobi to be decided by judges who knew “nothing” about native law and customs. |

<p>| 1920-1930 | Administration officials at the district level, driven by the desire to control native tribunals that were still in operation, levelled many accusations against them to convince the central government that such tribunals were “useless” if left unchecked. They reported on the unsatisfactory state of the native tribunals, some referring to them as generally corrupt and inefficient, and a state of affairs they attributed to lack of supervision. Some complained that “courts of elders will not for some generations, if ever, be satisfactory criminal courts”. Others noted that “courts held by elders if not closely supervised by European officers would invariably lead to great abuses”. Others complained that government was lending its support to a native judicature, which was corrupt and largely “impotent”. Such accusation led colonial officials to enforce a policy of close supervision of tribunals at the district level following the 1930 Native Tribunal Ordinance. The effect was a further reduction of native tribunals. |</p>
<table>
<thead>
<tr>
<th>Period</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1920-1930</td>
<td>By the 1940s, much disagreement existed regarding the procedure for resolving disputes. Native methods aimed to restore peace and goodwill, and to bind or re-bind the two disputing groups together into a give-and-take reciprocity. The European system tended to widen the gulf between disputants by granting all the rights to one of them to the exclusion of the other, with no cognisance of the social implications this might have.</td>
</tr>
<tr>
<td>1945-1963</td>
<td>During this period, the administration constructed modern courthouses, leading to the greater separation of the executive and judiciary. All these changes involved, in most cases, an ever-increasing departure from native custom, and a reduction of the number of members of native tribunals. According to Arthur Phillip, only ten elders were to be paid each month, instead of the fifteen or twenty who had exercised judicial authority before the changes were effected. In the report, Arthur Phillip noted that out of hundreds of tribunals, only 139 native tribunals existed as of 1945. These were as follows: Coast Province, 42; Nyanza Province, 29; Rift Valley Province, 22; Maasai District, 11; Northern Frontier District, 10; Turkana District, Nil. Hundreds of councils of elders and native tribunals lost effectiveness by the 1940s. Collision between English law and native law and customs persisted. Native groups opposed punishment by death, imprisonment, or fine in criminal law, preferring instead settlement by compensation and reincorporation into society through a ritual repast, or re-communion through a ritual sacrifice.</td>
</tr>
<tr>
<td>1963-1990s</td>
<td>The independent government of Kenya adopted the colonial legacy (formal/English law), which led to an ever-increasing departure from native law and customs. The government supported chiefs, who henceforth exercised an absolute mandate to mediate civil cases in the local levels. The state also supplied chiefs with a few police officers with whom to enforce orders. At the time, the social inequalities, which were principally rooted in colonial land policies, began to shape tenure problems in local environments, leading to instances of often politicised land disputes and violent conflicts. Freedom of movement also created instances of interethnic conflicts, which were mainly linked to control over resources.</td>
</tr>
</tbody>
</table>
As shown in Table 1, LPCs have gained considerable presence in local affairs, at least since the early 2000s, but the official conferment of rights on them under the Kenya’s Constitution in 2010 enhanced their legitimacy. However, while the agenda of LPCs is well known, the problem lies mainly in the multiplicity of ethnic groups in shared environments who are commonly guided by “different” norms, values, and internalised mechanisms of solving local conflicts. The “different” cultural backgrounds, heterogeneous access, and control of resources, divergent motivations and ideas are important considerations for any meaningful arbitration process. Moreover, these neo-traditional institutions come against the backdrop of pertinent challenges of politicisation of land and ethnic categories, a leading cause of intergroup resource-based violent conflicts in Kenya. Did the state put these factors into consideration when designing LPCs?

| 1990s-2000 | Resource-based conflicts, including cattle raids, became notorious particularly in the pastoral regions. Due to what many attributed to state failure in the management of intercommunity violence, councils of elders in these marginalized arid and semi-arid areas (with little or no presence of security agencies) seemed to be the only solution to rampant insecurity, conflicts, and cattle raiding. Indeed, some councils of elders and local peacebuilding initiatives, supported by faith-based organizations and NGOs, gained considerable recognition for rendering themselves useful in local affairs. Councils of elders, particularly in northern Kenya, became popular following the prevention and resolution of rampant inter-clan raiding and competition over pastures and water points, which had caused massive inter-clan attacks.

In Wajir county, for instance, the Degodia and Ngare clans signed the Al Fatah Declaration, Modogashe Declaration, and Garissa Declaration, through the agency of local elders. These declarations prescribed penalties for raiding, murder, and related crimes. They also provided channels for cooperative resource use allowing “outsiders” to negotiate for grass and water points peacefully (for further discussions on these declarations see Chopra, 2008; Menkhaus, 2008; Odendaal, 2010). Similar peacebuilding strategies at the community level also gained some popularity among other communities in Kenya during this period (see examples in Pkalya, Adan and Masinde, 2004; Cuppen, 2013).

| 2000-2015 | Following the 2007/2008 post-election violence and increasing instances of politicised interethnic conflicts in Kenya, the state – through inspiration from the pastoral peace initiatives, specifically the community-based peace agenda in Wajir – created neo-traditional institutions at the community level, which were (superficially) shaped after customary law. In 2010 (or thereabouts), local peace committees were enshrined in the Laws of Kenya, Cap 10, Article 159 (2) as attempts to co-manage conflict and crime prevention. |
State Vision Plan for Local Peace Committees

During the 1990s and early 2000s, local peacebuilding initiatives, partly fostered by NGOs and Faith-Based Organizations (FBOs) and partly based on traditional clan structures, engaged themselves successfully in conflict resolution. Notably, in Wajir, northern Kenya, a group of local women engaged local elders from the warring Degodia and Ngare clans in a peacemaking process, between 1990 and 1993, that helped to end violence between the groups (Menkhaus, 2008).

This experience partly informed the state policymaking, when in 2001 it created a National Steering Committee on Peacebuilding and Conflict Management (NSC), to coordinate peacebuilding and conflict-management activities in the country. The NSC brought together state and non-state actors, including key ministries, civil society organizations (e.g. National Council of Churches in Kenya; Peace and Development Network), international organizations (e.g. Saferworld, Mercy Corps), and development partners (e.g. USAID)\(^1\).

Considering decentralization and delegation of conflict-mitigation responsibilities, the NSC created LPCs at the community/village level in an effort to integrate informal (customary-based) conflict-resolution mechanisms with formal ones (e.g. by courts). Chairs of LPCs and chiefs, who are the “eyes” of the central government at the local level, form the Sub-location (or Location) peace and security committee, while chiefs and other state administrators at the Ward level form the ward peace and security committee, and the structure becomes increasingly bureaucratic at higher levels, as shown in Figure 2.

Superficially, the 47 counties of Kenya have individual structures relatively similar to that shown below. Arguably, therefore, NSC and the central government’s Ministry of Internal Security (Interior Ministry) coordinate a rather amorphous peace and security framework. The interlinkages indicated by the arrows in Figure 2 show intended synergies between committees, the right/authority to order/control, and possible provisions of legitimacy.

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\(^1\) See http://www.nscpeace.go.ke/about-us/membership.html
The overarching role of LPCs, as outlined in the National Policy on Peacebuilding and Conflict Management (NPPBCM, 2011), is to broker agreements between conflicting parties. LPCs in Enoosupukia, however, have developed a very broad and somewhat vague portfolio drawing from ideas shared by both the NSC and the NPPBCM. LPCs in Enoosupukia outlined the following roles that are more about “what to do” and less about “how to do” it:

1. Preventing, managing, and resolving land- and ethnic disputes;
2. Resolving inter-clan cattle rustling;
3. Spearheading community policing (surveillance);
4. Ensuring children (boys and girls) receive an education, and reporting parents who discriminate based on gender in schooling to the local administration for possible prosecution;
5. Developing ways to end possible cases of early marriage and school dropouts;
6. Monitoring and reporting (to state agencies) early warning signs of intra-/intergroup rivalry, as well as reporting politicians who preach ethnic essentialism through inflammatory statements;
7. Monitoring development projects and reporting pertinent infrastructural and related needs to the local administration and higher offices.
How, then, did villagers adapt the “new” LPCs to their local environments?

**Adapting local peace committees to the local environment of Enoosupukia**

Usually chiefs, in liaison with other government officials, call for a baraza\(^{14}\) whenever there is need to address community members regarding important matters affecting them. Some months after the 2007/2008 post-election violence, residents of Enoosupukia were called to a baraza to select members for LPCs. During the baraza, county officials briefed villagers on the requirements of age, gender, and ethnicity for membership in LPCs, and facilitated the selection of members. The crowd then split into village groupings and each group selected a team of eleven LPC members. The LPCs henceforth exercised jurisdiction over their respective villages.

The selection process was quite informal; villagers called out names of possible candidates, and either supported or rejected the names by raising hands without giving any reasons for their choice. Thereafter, committees drawn from each village nominated a chair, a vice-chair, and a secretary. There was no need for a treasurer because these committees do not handle money. Concerns over unclear village boundaries and jurisdiction did little to stop the selection process.

The number of persons who constitute each committee (eleven) is significant. This odd number allows committee members to uphold or reject decisions (e.g. on a settlement, removal of a member from office, etc.) with limited risk of getting equal numbers on either side when they vote. However, based on observation, settlements seldom involve voting, and rarely will all committee members turn up for meetings. Usually, only the officials (chair, vice-chair, and secretary) are actively involved in the day-to-day affairs of the committee, probably because they stand a better chance of receiving “compensation” money or food from disputants following successful arbitration. Tables 2, 3, and 4 show personal attributes of committee members who constitute the LPCs of Mpeuti, Olosho lole Kaloi, and OI tepesi le Parsimei villages. Table 5 analyzes the personal attributes of members of these committees combined.

\(^{14}\) Swahili word for council, but commonly used to refer to formal meetings attended by villagers, local administration, and representatives of the central government.
Table 2. Personal attributes of local peace committee members of Mpeuti village

<table>
<thead>
<tr>
<th>Members</th>
<th>Designation</th>
<th>Sex</th>
<th>Age</th>
<th>Ethnicity</th>
<th>Education</th>
<th>Wealth/Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>M1</td>
<td>Chair</td>
<td>M</td>
<td>50</td>
<td>Dorobo</td>
<td>Primary dropout</td>
<td>1. Owns 10 acres of land 2. Leased 6 acres to 5 Kikuyu tenants 3. Farms 2 acres of land 4. Livestock: 10 cattle</td>
</tr>
<tr>
<td>M2</td>
<td>Secretary</td>
<td>M</td>
<td>67</td>
<td>nusu nusu</td>
<td>Primary complete</td>
<td>1. Owns 6 acres of land 2. Farms 4 acres of land 3. Livestock: 4 cows</td>
</tr>
<tr>
<td>nusu nusu (Kikuyu/Maasai)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M4</td>
<td>Senior elder</td>
<td>M</td>
<td>50</td>
<td>Dorobo</td>
<td>Primary dropout</td>
<td>1. Owns 5 acres of land 2. Leased 3 acres to 4 Kikuyu tenants 3. Farms an acre of land 4. Livestock: 2 cows</td>
</tr>
<tr>
<td></td>
<td>Status</td>
<td>Gender</td>
<td>Age</td>
<td>Tribe/Host Tribe</td>
<td>Education</td>
<td>经历</td>
</tr>
<tr>
<td>-----</td>
<td>-------------</td>
<td>--------</td>
<td>-----</td>
<td>------------------</td>
<td>-----------------</td>
<td>-----</td>
</tr>
<tr>
<td>M5</td>
<td>Senior elder</td>
<td>F</td>
<td>50</td>
<td>Dorobo</td>
<td>None</td>
<td>1. Owns 5 acres of land</td>
</tr>
<tr>
<td>M6</td>
<td>Youth</td>
<td>F</td>
<td>30</td>
<td>nusu nusu (Kikuyu/Maasai)</td>
<td>Primary dropout</td>
<td>1. Farms an acre of land</td>
</tr>
<tr>
<td>M7</td>
<td>Senior elder</td>
<td>F</td>
<td>70</td>
<td>Dorobo</td>
<td>None</td>
<td>1. Owns 5 acres of land</td>
</tr>
<tr>
<td>Members</td>
<td>Designation</td>
<td>Sex</td>
<td>Age</td>
<td>Ethnicity</td>
<td>Education</td>
<td>Wealth/Income</td>
</tr>
<tr>
<td>---------</td>
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<td>-----</td>
<td>-----------</td>
<td>-----------</td>
<td>---------------</td>
</tr>
</tbody>
</table>
| M10 | Pastor and Senior elder | M | 50 | Dorobo | Diploma | 1. Owns 8 acres of land  
2. Leased 5 acres to 6 Kikuyu tenants  
3. Farms 2 acres of land  
4. Livestock: 5 cattle |
| M11 | Senior elder | M | 67 | Maasai | None | Supported by family |

(Source: field data, 2014)

Table 3. Personal attributes of local peace committee members of Olosho lole Kaloi village

<table>
<thead>
<tr>
<th>Members</th>
<th>Designation</th>
<th>Sex</th>
<th>Age</th>
<th>Ethnicity</th>
<th>Education</th>
<th>Wealth/Income</th>
</tr>
</thead>
</table>
| M1 | Chair | M | 56 | Maasai | None | 1. Owns 15 acres of land  
2. Business: runs a shop, hotel and a Corn-mill at his home.  
3. Livestock: 150 small stock; 10 cattle |
| M2 | Vice chair | M | 38 | Maasai | Primary dropout | 1. Owns 35 acres of land  
2. Farms 6 acres of land  
3. Business: sale of Irish potatoes  
4. Livestock: 40 small stock |
| M3 | Secretary | M | 30 | nusu nusu (Maasai/ Kikuyu) | Primary complete | 1. Owns 7 acres of land  
2. Farms 4 acres of land  
3. Leased 3 acres to a Kikuyu tenant  
4. Livestock: 30 small stock |
<table>
<thead>
<tr>
<th>ID</th>
<th>Age</th>
<th>Gender</th>
<th>Marital Status</th>
<th>Ethnicity</th>
<th>Education</th>
<th>Occupation</th>
<th>Assets and Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>M4</td>
<td>45</td>
<td>M</td>
<td>None</td>
<td>Maasai</td>
<td>None</td>
<td></td>
<td>Owns 20 acres of land, Farms 2 acres of land, Livestock: 80 small stock; 20 cattle</td>
</tr>
<tr>
<td>M5</td>
<td>35</td>
<td>F</td>
<td>nusu nusu (Kikuyu/Kalenjin)</td>
<td>Primary complete</td>
<td></td>
<td></td>
<td>Farms an acre of land</td>
</tr>
<tr>
<td>M6</td>
<td>50</td>
<td>F</td>
<td>Kikuyu (married by a Maasai)</td>
<td>Primary dropout</td>
<td></td>
<td></td>
<td>Farms 5 acres of land</td>
</tr>
<tr>
<td>M7</td>
<td>40</td>
<td>M</td>
<td>nusu nusu (Maasai/Kikuyu)</td>
<td>Primary complete</td>
<td></td>
<td></td>
<td>Farms 10 acres of land, Leased 5 acres to 4 Kikuyu tenants, Business: livestock trader/broker, Livestock: 30 small stock; 5 cattle</td>
</tr>
<tr>
<td>M8</td>
<td>52</td>
<td>M</td>
<td>Maasai</td>
<td>None</td>
<td>None</td>
<td></td>
<td>Owns 30 acres of land, Farms an acre of land</td>
</tr>
<tr>
<td>M9</td>
<td>47</td>
<td>F</td>
<td>Maasai</td>
<td>None</td>
<td>None</td>
<td></td>
<td>Owns 8 acres of land, Livestock: 150 small stock</td>
</tr>
<tr>
<td>M10</td>
<td>39</td>
<td>F</td>
<td>Maasai</td>
<td>Primary complete</td>
<td></td>
<td></td>
<td>Farms an acre of land</td>
</tr>
<tr>
<td>M11</td>
<td>33</td>
<td>F</td>
<td>Maasai</td>
<td>None</td>
<td>None</td>
<td></td>
<td>Farms an acre of land</td>
</tr>
</tbody>
</table>

(Source: field data, 2014)
Table 4. Personal attributes of local peace committee members of Ol tepesi le Parsimei village

<table>
<thead>
<tr>
<th>Members</th>
<th>Designation</th>
<th>Sex</th>
<th>Age</th>
<th>Ethnicity</th>
<th>Education</th>
<th>Wealth/Income</th>
</tr>
</thead>
</table>
| M1      | Chair       | M   | 38  | Maasai    | None      | 1. Owns 30 acres of land  
|         |             |     |     |           |           | 2. Leased 10 acres of land to 5 Kikuyu tenants  
|         |             |     |     |           |           | 3. Farms 3 acres of land  
|         |             |     |     |           |           | 4. Livestock: 400 small stock; 50 cattle |
| M2      | Secretary and chief advisor to the area chief | M | 42  | Maasai    | Primary complete | 1. Owns 30 acres of land  
|         |             |     |     |           |           | 2. Farms 12 acres of land  
|         |             |     |     |           |           | 3. Livestock: 375 small stock; 35 cattle |
| M3      | Vice-chair  | M   | 45  | Maasai    | Primary dropout | 1. Owns 45 acres of land  
|         |             |     |     |           |           | 2. Farms 20 acres of land  
|         |             |     |     |           |           | 3. Livestock: 350 small stock; 100 cattle |
| M4      | Senior elder | M | 50  | Maasai    | None      | 1. Owns 50 acres of land  
|         |             |     |     |           |           | 2. Farms 15 acres of land  
|         |             |     |     |           |           | 3. Livestock: 48 small stock; 10 cows |
| M5      | Senior elder | M | 55  | Maasai    | None      | 1. Owns 30 acres of land  
|         |             |     |     |           |           | 2. Farms 10 acres of land  
|         |             |     |     |           |           | 3. Leased 4 acres to 2 Kikuyu tenants  
<p>|         |             |     |     |           |           | 4. Livestock: 50 small stock; 10 cattle |</p>
<table>
<thead>
<tr>
<th>ID</th>
<th>Status</th>
<th>Gender</th>
<th>Age</th>
<th>Ethnicity</th>
<th>Relationship</th>
<th>Land Ownership</th>
<th>Land Use</th>
<th>Tenant/Lease</th>
<th>Livestock</th>
</tr>
</thead>
<tbody>
<tr>
<td>M6</td>
<td>Junior elder</td>
<td>M</td>
<td>45</td>
<td>Maasai</td>
<td>None</td>
<td>Owns 30 acres</td>
<td>Farms 3 acres</td>
<td>Leased 5 acres to 2 Kikuyu tenants</td>
<td>70 small stock; 30 cattle</td>
</tr>
<tr>
<td>M7</td>
<td>Youth</td>
<td>M</td>
<td>37</td>
<td>Maasai</td>
<td>Primary dropout</td>
<td>Owns 30 acres</td>
<td>Farms an acre</td>
<td>Leased 3 acres to 2 Kikuyu tenants</td>
<td>50 small stock; 10 cattle</td>
</tr>
<tr>
<td>M8</td>
<td>Youth</td>
<td>M</td>
<td>45</td>
<td>Maasai</td>
<td>None</td>
<td>Owns 30 acres</td>
<td>Farms 4 acres</td>
<td>Leased 4 acres to 4 Kikuyu tenants</td>
<td>70 small stock; 10 cattle</td>
</tr>
<tr>
<td>M9</td>
<td>Junior elder</td>
<td>F</td>
<td>40</td>
<td>Kikuyu (married to a Maasai)</td>
<td>Primary dropout</td>
<td>Business (supply of Irish potatoes)</td>
<td>Farms 3 acres of land</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M10</td>
<td>Senior elder</td>
<td>F</td>
<td>50</td>
<td>Maasai</td>
<td>None</td>
<td>Farms an acre of land</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M11</td>
<td>Youth</td>
<td>F</td>
<td>35</td>
<td>Maasai</td>
<td>Primary complete</td>
<td>Farms 3 acres of land</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Source: field data, 2014)
Table 5. Composition of local peace committee members in Enosupukia, Narok County

<table>
<thead>
<tr>
<th>Variables</th>
<th>N</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>22</td>
<td>66.7</td>
</tr>
<tr>
<td>Female</td>
<td>11</td>
<td>33.3</td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30-40</td>
<td>13</td>
<td>39.4</td>
</tr>
<tr>
<td>41-50</td>
<td>15</td>
<td>45.5</td>
</tr>
<tr>
<td>51-60</td>
<td>2</td>
<td>6.1</td>
</tr>
<tr>
<td>&gt;61</td>
<td>3</td>
<td>9.1</td>
</tr>
<tr>
<td>Ethnicity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maasai</td>
<td>18</td>
<td>54.5</td>
</tr>
<tr>
<td>Dorobo</td>
<td>7</td>
<td>21.2</td>
</tr>
<tr>
<td>Nusu nusu</td>
<td>6</td>
<td>18.2</td>
</tr>
<tr>
<td>Kikuyu</td>
<td>2</td>
<td>6.1</td>
</tr>
<tr>
<td>Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>14</td>
<td>42.4</td>
</tr>
<tr>
<td>Primary dropout</td>
<td>10</td>
<td>30.3</td>
</tr>
<tr>
<td>Primary complete</td>
<td>7</td>
<td>21.2</td>
</tr>
<tr>
<td>Secondary dropout</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Diploma</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Main Sources of Income</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Livestock</td>
<td>23</td>
<td>69.7</td>
</tr>
<tr>
<td>Leasing farmland</td>
<td>15</td>
<td>45.5</td>
</tr>
<tr>
<td>Farming on own land</td>
<td>29</td>
<td>88.8</td>
</tr>
<tr>
<td>Business</td>
<td>4</td>
<td>12.1</td>
</tr>
</tbody>
</table>

(Source: field date, 2014)

In stark contrast to indigenous judicial institutions, which were mainly composed of male elders, members of LPCs include women and youth (at least one third), as shown in Table 5. The state aims to mainstream gender issues in conflict resolution by empowering women towards peacebuilding and the long-term mitigation of conflict (NPPBCM, 2011). However, the cultural norms of patriarchy and the socially constructed gender roles still present inequalities between men and women in dispute resolution. Interestingly, elders (over 60 years of age) are rarely involved. Instead, males in their 30s and 40s are largely preferred as committee members.

However, the few elders over 60 are necessary because they possess historical knowledge of land matters. They also pronounce curses by invoking supernatural power to resolve difficult matters (discussed below). There is considerable ethnic diversity in LPCs.
However, and perhaps as might be expected, members of dominant ethnic groups in a particular village predominate in the respective committees (see Tables 2, 3, and 4 above).

Literacy is not a requirement for membership of a committee. Consequently, almost half of committee members are illiterate (42%). Only a few have attended some introductory classes in formal education. Although important, conflict resolution through application of local norms and values may not necessarily require skills acquired through formal education. Nevertheless, almost all committee secretaries can read and write. They keep records of dispute resolution proceedings and of settlements.

Many committee members speak the local languages (Maa and Gikuyu) as well as Swahili. This enables the use of indigenous languages in dispute resolution, which encourages dialogue but does not necessarily guarantee settlements. Committee members subsist on several income-generating activities. Almost all of them own land individually or through their families (see Tables 2, 3, and 4). The majority (about 90%) engage in subsistence and small-scale commercial cultivation. A good number are landowners who lease farmland to tenants of Kikuyu descent. A large percentage (about 70%) own livestock in varying quantities, except for women who, according to patriarchal norms in the Maasai society, rarely have ownership or disposal rights to land and livestock, unless they acquired them mainly through purchase or as gifts.

In some villages, elders rarely involve themselves with matters (in dispute) that involve the younger generation, as described in the case of Ol tepesi le Parsimei village below.

“This is our private affair”: Dispute Resolution among the “Emerues” Age-set

The case provided at the start of this article exemplifies dispute resolution among the “emerues” age-set (young Maasai males), an important “outgrowth” of LPCs, which is rooted in the age organization of the Maasai society. In Ol tepesi le Parsimei village, the Emerues age-set strives to resolve disputes involving individual peers and their families without involving the elders. These youths take dispute resolution as a “private” affair that must be confined within their age group.

Seeking advice or assistance from elders to resolve a matter in dispute reduces the respect that society accords Emerues as future leaders of the community. The society perceives male youths as weak and ill-prepared for future responsibilities in the society if they make a habit of consulting elders about their own affairs. Furthermore, as observed, the society attributes a failure of male youths to resolve a matter in dispute to disunity and possible malfunction of the age-set system. Such a failure amounts to public shame
and strikes a serious blow to the symbolic apparatus of power and authority, which, for example, could jeopardize the chances to marry their preferred brides.

Arguably, therefore, attempts to integrate LPCs and dispute resolution into the traditional age-set organization prepares youths for future roles as elders and leaders of the society, an image that youths must protect. According to the elders interviewed, such an arrangement helps to nurture decision-making skills among the young generation and equips them for possible tougher times, when their decisions will transcend their immediate group. Moreover, the younger ones are socialized in these values - thereby enhancing cultural learning.

Interestingly, the Emerues attend to disputes that involve all members of their age group in the village, irrespective of their ethnic background. Therefore, Kikuyu land-seeking clients and other non-Maasai youths who work or live in specific Maasai villages are under the cultural authority of the age group. As observed during fieldwork, the Emerues also influence their wives and families to respect the age-set and to report land, marital, and related disputes to members within the age category. This also applies to Kikuyu women in the lower age category who are married in the Maasai villages. They too must report their complaints to members of the age group, except when the nature of the matter in dispute demands the audience of the elders (women or men) and in-laws, such as marital abuse that threatens to breakdown the relationship.

By doing so, Kikuyu women, just as expected of the few Maasai women who marry Kikuyu men\(^{15}\), are encultured to respect their elders as their own mothers and fathers, and those in their age group as their own sisters and brothers. This explains the elaborate social space that women consciously maintain with respect to age in their sitting arrangement at weddings, funerals, and related social gatherings.

**Living cultures; living traditions**

Traditional norms and practices of peacemaking have always been dynamic rather than static. Due to contact with European cultures, the experiences of colonialism and international movements of peoples (Weaver, 2000), and related processes that come in the wake of globalization, such traditions (and cultures) are changing constantly. In the studied area, rarely will actors follow their nineteenth century traditions to the letter (such as the sentencing of witch doctors to death by burning; see Table 1) – curses are also extremely rare, because of their possible externalities, which could include the death of persons following punishment by supernatural forces. Such traditional

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15 The disparity in marriage and related explanations are discussed in Kioko and Bollig (2015).
methods of solving matters in dispute have come into sharp contrast with international human rights. In most cases, therefore, the nature of a dispute guides LPCs to design “modern” resolution methods, often relying on the goodwill of disputants and their previous relations before the dispute. The case below exemplifies how an LPC designed a methodology to resolve a matter involving illegal logging.

**Case: Unauthorized logging**

Mailot, the plaintiff, is a Maasai who owns 12 acres of land, adjacent to that of Kairu, a Kikuyu who inherited land from his father at Mpeuti village. Mailot lives in Duka Moja, about 60km from Mpeuti village. He has therefore leased his farm to about eight Kikuyu tenants who engage in subsistence and commercial cultivation. To avoid frequent visits to his farm, Mailot arranged with his neighbour, Kairu, to keep an eye on his farm for possible land grabbers and to keep watch over the activities of his tenants. Henceforth, Mailot entrusted Kairu to lease his land to interested tenants, receive their payment, and then send the rental money to him. In return for this, Mailot paid Kairu a small portion of the money collected from the tenants for their leases. Usually, Kairu would subtract his portion of money and then send the balance to Mailot often through mobile money transfer, popularly known as M-PESA.

This mutually beneficial arrangement between these neighbours lasted for several years. However, sometime in 2014, Kairu took advantage of Mailot’s absence from Mpeuti village and helped himself to a few trees from his farm to sell as timber. One day, Kairu hired a power saw and descended on Mailot’s trees, cutting down several of them. Mailot’s tenants, who were working on their rented plots at the time, witnessed the incident, and called their landlord by phone to report Kairu’s actions.

Upon receiving the information, Mailot called the chair of the Local Peace Committee (LPC) at Mpeuti village by phone, who immediately informed other committee members about the complaint. LPC members in Mpeuti village, just as in other villages, live near each other. This reduces the amount of time taken to inform one another about an incident that requires their attention. The chair managed to gather a few members, and together they went to Mailot’s farm, where they found Kairu already splitting the wood. Kairu was surprised that the tenants he was meant to supervise had reported him to the landowner. After a while, an angry Mailot arrived on a boda boda (motorcycle). While pleading for forgiveness, Kairu claimed that he was not sure about the extent of his boundary, although it was very clear to everyone, including the LPC, that he had crossed it.
Nevertheless, Mailot decided to bring a surveyor to align the boundary. After this brief exercise, Kairu accepted his mistake. However, Mailot was not quick to forgive his neighbour. Instead, he demanded KES 50,000 as compensation when he realized that Kairu had cut down more trees for sale from his farm before.

Committee members deliberated on the matter for a while, after which the chair noted:

> You two have been good neighbours all along. You must keep this in mind. This arrangement has been good for both of you until this very moment. It is also good of you [pointing at Kairu] to accept your mistake and to ask for forgiveness. However, you also know very well how long it takes to protect a tree to maturity. Therefore, you should also understand why Mailot is angry with you. Our intention is to see this friendship grow. Therefore, it should not be broken by this incident.

He continued,

> While the committee acknowledges the loss, we also feel that the compensation quoted is quite high. Although your neighbour [looking at Mailot] has committed an offence, he had not yet sold the timber; perhaps you may want to sell it yourself and use the money. The committee believes Kairu should reimburse you [Mailot] KES 2,000 to cover the cost of the boda boda and to cover the surveyor’s fee. The committee also directs Kairu to plant a hundred trees to replace the few he has cut down. He will care for these trees to maturity.

After some deliberations, Mailot and Kairu were satisfied with the decision. They shook hands, perhaps to signify a reunion. A few weeks later, Kairu planted the trees as asked. The two neighbours maintained their friendship and, after a while, they resumed their previous arrangement – Kairu continued to manage leaseholds on land on behalf of Mailot.

This case exemplifies the reciprocal and symbolic relationships between actors in a leasehold arrangement (land-seeking tenants and the landowners). It also contributes to the principal-agent theory (see Eisenhardt, 1989; Miller and Watford, 2002). The presence of tenants on a parcel of land deters possible land grabbers and unauthorised loggers. By reporting the incidence to Mailot, his tenants protected his ownership rights to the land. It also served as a way of creating trust between the tenants and their landlord, which could possibly guarantee the extension of their leasehold periods.
The case also demonstrates trust building between Maasai and Kikuyu neighbours in general. Despite his offence, Kairu retained his role on Mailot’s farm. One may argue that such cross-cutting ties enhance social solidarity across ethnic boundaries despite possible disputes. Moreover, the ties transcend the immediate reasons for which they are intended, and transform economic relations into socially beneficial networks, which aim to increase both social and economic benefits among concerned actors. Such alliances are mainly driven by individual economic gains and therefore tend to override other identities.

With reference to the dynamic nature of traditional peacemaking methods, an LPC member noted that their mandate also involved the protection of environments against damage, including logging and charcoal burning – although some community members still engage in such acts irrespective of their consequences. Additionally, the increasing commodification of land as well as changes in land tenure and land use patterns affect traditional peacemaking methods. Such methods must conform and adapt to these changes.

**Dispute Settlement at the Local Level: Traditional Peacemaking as Part of Hybrid Governance Arrangements**

The institutional arrangement of Kenya’s devolved peace and security framework (Figure 2) is quite abstract, ambiguous, and bureaucratic. Apart from the complexity of governance, there is fear in some quarters that the state may use LPCs to control local environments and villagers. Moreover, the attempt to “graft” contemporary LPCs to an existing body of traditional rules (councils of elders), though showing some optimism, does not always work – it risks intensifying social stratification and competition between “old” and “new” institutions within a specific geographical area (e.g. between village elders and LPCs).

For instance, patriarchy and the symbolism of age that defines leadership in both Maasai and Kikuyu communities often work in opposition to contemporary structures, where youths and women become part of decision-making on matters affecting communities. There is no doubt, therefore, that the new structures conflict with several cultural norms and values, including the laws of patriarchal inheritance and the socially constructed gender roles in most African contexts. The dilemma, therefore, is whether specific traditions can flourish at the expense of others.

Generally, there are no clear guidelines on the expected collaborative framework between village elders and LPCs (or between different institutions in the local levels), and between these informal institutions and the formal ones at the Location (chiefs,
police), the county, and the state levels. In some instances, this dilemma has contributed to questions of legitimacy. Often, villagers face difficulties in deciding the institution or mechanisms through which one can pursue justice.

Some informants also accused the devolved peace and security structures as creating more space for bribes, although corruption is vested in both formal and informal mechanisms. During fieldwork, it was commonplace for some people to bribe police to influence the decision to refer a matter to the local structures, to “silence” a matter in dispute, or to influence the decision of the LPCs involved. Corruption is not limited to state officials. Usually, disputants tend to “reward” LPCs with some money or food during or after arbitration proceedings. Locals call this, “cooking for wazee” (elders). It is reminiscent of the foods or beer drinks that disputants served elders following successful arbitration proceedings in the nineteenth and twentieth centuries.

Based on observation, the practice can undoubtedly influence committee decisions and interfere with the outcome of a settlement. However, informants noted that such transaction costs are lower compared to the time and money spent when disputants file complaints with the chief, police, or courts. Both formal and informal mechanisms are also vulnerable to political manipulation. For example, LPCs can be used politically to initiate door-to-door campaigns to recruit voters, or to support certain political agendas. Due to the power differences, there is possibility for the state to co-opt committee members, as Ensminger (1990) explains in a different context.

Despite the complexities discussed, the studied groups still regard LPCs highly, particularly in the settlement of interpersonal and intergroup land disputes. Regarding dispute resolution, therefore, community members prefer to resolve matters in dispute at the community level (informal level). Participants here are mainly neighbours with their affiliates (friends and kin). Nowadays, LPCs will guide the process. At this level, settlement of disputes is relatively fast (instant justice) and with lower transaction costs in the form of time and money as opposed to utilising a formal procedure (the local administration and courts).

Moreover, conflict resolution largely adheres to local norms and values, where LPCs primarily build on traditional conflict-handling methods that mostly involve negotiation, forgiveness, compensation, and compromises. Notably, such methods are deliberately meant to be sensitive to the land question although they may clash with formal law. For instance, while LPCs may consider handwritten documents or word of mouth as proof of ownership of land, courts usually consider title deeds. Community members are increasingly learning to exploit such weaknesses. Indeed, where informal mechanisms for handling disputes and crime clash with formal procedures, the legitimacy of LPCs is
adversely affected.

In most cases, formal law supersedes informal rules. Nevertheless, the need to restore and sustain peaceful relations between neighbours enhances the legitimacy of local mechanisms. Despite the presence and value of LPCs, disputants are free to record their complaints with formal institutions, respective chiefs, the police, or courts, particularly if they question the credibility of LPCs, when local arbitration fails, or when a matter in dispute is difficult (lacks evidence or involves contested evidence). LPCs usually engage security agencies in situations that threaten to deteriorate into violent conflicts.

When disputants skip their LPCs and record complaints with chiefs or police, the latter can either handle the matter alone, involve the LPC of the concerned village, or the police may refer the matter to the LPCs, usually when it involves traditions (witchcraft, patriarchal norms, marital laws, etc.). The local administration may also refer a matter in dispute to higher offices, but some disputants drop their charges for fear of transaction costs when a case escalates to the formal institutions.

Based on observation, LPCs have no procedural rules for bringing conflicting parties to an agreement, or to resolve a matter in dispute. Instead, they use some innovative ways they deem appropriate, depending on the situation, need, context, and the parties involved (as shown in the case above). They also create bylaws from experiences of day-to-day situations, and as directed by government officials. Nowadays, LPCs in Enoosupukia implement the jua jirani yako (Swahili, ‘know-your-neighbour’) campaign, a facet of community policing (crime surveillance). For instance, they ensure that landowners probe for information and identification documents from land-seeking clients before leasing land. Such surveillance is meant to encourage cooperation between LPCs, villagers, and the local administration in enhancing peace and security.

Irrespective of the institution, there is no guarantee of binding settlements. Compromises based on the notions of good neighbourliness, though instrumental in arriving at “mutual” agreements, may not prevent a similar or related dispute in the future. Therefore, to enforce settlements, some LPCs in the Maasai society invoke the supernatural power of engai (God) through curses, where necessary. The curses involve calling upon supernatural powers to punish offenders with misfortune. These may manifest in the form of illness, death, miscarriage, or infertility of livestock or the offender and their kin. LPCs usually warn offenders that they may be cursed if they fail to adhere to a settlement/agreement. Such individuals may include suspected robbers, persons whom villagers accuse of immorality, or women, who, because of domestic disputes, threaten to run away to their matrimonial homes. Kikuyu tenants who live and farm in Maasai villages and Kikuyu women married to Maasai fall under the jurisdiction of LPCs of
those villages. They, too, respect the curse.

Apart from committee elders, male youths can also pronounce curses, but only in relation to offences committed by their peers or by those below their age category. Indigenous belief systems and the belief in supernatural power (gods, spirits, and ancestors) is an essential pillar of the social structure across Africa (see Evans-Pritchard, 1937). Anthropologists have shown that indigenous beliefs, and particularly the belief in the curse, enhance social control and help with the resolution of disputes at the local level (Gulliver, 1963). Notably, traditional beliefs persist despite the changes that modernization brought to African religions, although, as already noted, their application in dispute resolution is increasingly limited. Nevertheless, such persistence and the continued importance of indigenous norms, values, and beliefs can be seen as an indication of their “resilience”.

**Conclusion**

This article has explored the legitimation of traditional norms, values, and practices of peacemaking through the recently formalised institution of Local Peace Committees (LPCs) in Kenya. LPCs constitute a peacemaking and peacebuilding framework bringing together traditional dispute resolution mechanisms involving traditional elders, women, religious leaders, and NGO initiatives on the one hand, and formal mechanisms for conflict resolution, including those by government administrative and security agencies, on the other.

Driven by ideas of decentralisation and delegation of responsibilities from the state to community level, these changes represent attempts to standardize an aspect of customary law, and give weight to traditional peacemaking. Unlike the much-criticised state- and/or elite driven measures for peace and security (usually top-bottom), traditional peacemaking, which, in this context, relies mainly on indigenous, traditional, or customary norms, values, and practices is seen as a participatory and culturally-sensitive method capable of promoting enduring peace between neighbours and groups living on shared landscapes.

The fact here is that intrastate resource-based conflicts and the political instrumentalisation of land, ethnic cleavages, and violence are increasingly complex and therefore require comprehensive approaches that go beyond interventionist ideas (e.g. Karari, 2016) and state- and/or elite driven measures. The emerging trend therefore concerns the inclusion/ mixture of formal state mechanisms with non-state (informal) actors and institutions in the prevention and resolution of local conflicts, leading to what some call, hybrid governance arrangements (see Colona and Jaffe, 2016).
However, despite their importance, traditional peacemaking institutions in Africa still receive less scholarly attendance, despite the spirited search for African-centred solutions in peace and security. As noted, LPCs are not a new phenomenon in the Kenyan context—they are reminiscent of indigenous judicial institutions (councils of elders), which exercised authority over native groups in the last century, before colonial and post-colonial ideas of English Law immensely undermined their functions, and consequently replaced them. Despite attempts to decolonise and strengthen traditional peacemaking, effects of English Law on them as well as their inclusion into complex hybrid governance arrangements, which produce different modes of authority, operations, and legitimacy, continue to problematize their authority.

This article has shown that LPCs have gained some popularity for rendering themselves useful in local affairs in Enoosupukia, a former hotspot of interethnic clashes in Kenya. More importantly, conflict resolution largely adheres to local norms and practices, where LPCs primarily build on traditional conflict-handling methods that mostly involve negotiation, forgiveness, compensation, and compromises, as described in the cases. Notably, such methods are intended to be sensitive to the land question and, to prevent and resolve small-scale disputes that could transform into large-scale conflicts or violence if left unattended.

Based on observation, however, LPCs lack the capacity to enforce settlements and may therefore not guarantee binding agreements. Moreover, they lack the capacity to handle complex conflicts, most of which involve the politicisation of land and ethnicity. There is much uncertainty about the future of traditional peacemaking in Kenya, given the dynamic nature of traditions and cultures, the difficulty in maintaining indigenous knowledge, norms, and values (e.g. McCarter et al., 2014), the rapid erosion of cultural values (e.g. Wahab, Odunsi, and Ajiboye, 2012), migration, as well as the influences brought about by modernization and globalisation.
References


State Policing in Nigeria: A Response to Emerging Trajectories of Conflict and Crime?

By Adebola Rafiu Bakare,1 Asimiyu Olalekan Murana2 and Fatima Omotayo Aliu3

Abstract

This article argues that the current policing system in Nigeria is highly influenced by the character of the State which has led to a security system that is tailored along patron-client lines. It identifies the challenges hindering the effectiveness of the current security system and calls for the introduction of a policing system where each federating state will be allowed to create and structure its own state police to complement the existing federal police. The article recommends that policing powers be jurisdictionally divided between the federal and state police. It concludes that the introduction of a flexible state policing system will provide and ensure peace and safety, provided that politicians demonstrate the political will and commitment necessary to effectively operate the system as prescribed by the law. In addition, all efforts should be made to avoid using the state police as an instrument for intimidating members of the opposition.

Keywords: Policing, Nigeria, Crime

Introduction

The deteriorating security situation in some parts of Nigeria is becoming worrisome in the face of ever increasing acts of armed robbery, lawlessness, kidnapping-for-ransom, and social disorder all over the country. This notion is based on the findings of the research carried out by Trent (2015, cited in Nwankwo and James, 2016: 13) which reported 54 deaths in 47 criminal events that cut across the country between 2013 and 2015. The Nigeria Police Force (NPF), by section 214 of the 1999 constitution (as amended), is saddled with the responsibility of curbing these crimes and ensuring the safety of lives and property of citizens within the country. However, there is wide criticism of the police premised on its poor performance (see Alemika, 2005; Ali, 2008; Guttschuss, 2009).

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2010; Inyang and Abraham, 2013; Alechenu, 2013; Bakare, 2014; Karimu, 2015, among others). The structural weaknesses of the Nigerian police are mostly noticeable during electioneering periods owing to its inability to curb the violence before, during or after hotly disputed elections. This, along with other security threats and crimes, has led to the call for reform and repositioning of the Nigerian Police Force.

Alemika (1988, 2004, 2005 and 2007) identifies some of the infractions of some police officers as including acts of intimidation, brutality, arrests without warrant and corruption. Several studies are of the view that the Nigerian police have been implicated in incidents involving the abuse of human rights (Comassie, 1990 and 1996; Nwankwo, C.D. et al., 1993; Alemika and Chukwuma, 2000; Ali, 2008; Okeshola, 2013). Other challenges facing the force include inadequate resources, manpower shortage, inadequate and archaic weaponry, corruption, and politicization of the force, among others. Some commentators (Alemika and Chukwuma, 2004; Ikuteyiyo and Rotimi, 2010; Inyang and Abraham, 2013; Bakare, 2014) also note that most citizens have little or no confidence in the Nigerian police as a result of their encounters with the institution.

The ineffectiveness of the Nigerian Police Force is often attributed to immediate and remote causes. The immediate one relates to the feeling that most of the people recruited into the force may not be deeply committed to law enforcement. It is believed that many join the Force to evade unemployment and meet their basic survival needs (FGD, 2014). Onyeozili (2005) traces the remote cause(s) to the origins of the police as a coercive instrument of the colonial government designed to conquer, pacify, exploit, and suppress colonial subjects. The resultant effect of this on post-colonial Nigeria has been the continuation of most of the structural deficiencies of the policing system. In most cases the police cater to the interests of the governing class and elites, while exploiting and suppressing the poor. This unfortunate development explains the inadequacies of the national police.

It is pertinent to note that some of the allegations against the police include arbitrariness in exercising its power, corruption, extra-judicial killings, lack of will to combat crime, needless confrontation with other security agencies, disregard for the respect of human rights, and the perversion of justice (cf. Alemika, 2005; Ali, 2008; Guttschuss, 2010; Alechenu, 2013; Inyang and Abraham, 2013; Bakare, 2014; Karimu, 2015). This situation has fuelled mutual suspicion and mistrust between the police and the informal non-state security actors or /vigilantes established by local people out of the loss of confidence in the regular police (Bakare, 2014). In view of these, the questions as to what, or who is responsible for the continuous decline of the police force and how to salvage the situation is pertinent. Addressing these questions will go a long way in building an effective policing system capable of responding to the new trend of criminalities,
especially in the wake of new technology and globalization.

The quest for a formidable police force has led to the establishment of several high-powered committees and the preparation of dozens of reports and recommendations aimed at building a police force capable of securing the lives and property of all Nigerians (Alechenu, 2013). It has also, over time, led to on-going debates among security experts, politicians and other stakeholders. There are basically three arguments for the reformation of the security sector. While some call for the incorporation of the non-state policing into the mainstream or formal policing, leading to a “hybrid” form of community policing (see Alemika and Chukwuma, 2004; Brogden, 2004; Ikuteiyiyo and Rotimi, 2010; Inyang and Abraham, 2013; Bakare, 2014). Others, including most of Nigeria’s state governors, believe that the only solution is to unbundle the Nigeria Police Force by amending section 214 (1) of the 1999 constitution to allow for the establishment of state police. The third category, prominent among whom are Goodluck Jonathan (a former Nigerian President), M. D. Abubakar (former Inspector General of Police), and Abubakar Tsav (a retired Commissioner of Police), argue for the maintenance of status quo with the call for strengthening the Force with regards to acquisition of modern technology, weaponry and recruitment of more personnel among others (see also Soyinka et al., 2011; Nimbe and Bayo, 2011). This article analyzes the arguments for and against the creation of state police as well as the contending issues, challenges, and prospects in the near future in Nigeria (see Bakare, 2014, for the analysis of the other two arguments: community policing and status quo).

The Concepts of Police and Policing

Police refers to a socio-political and legal institution charged primarily with the enforcement of criminal law and the maintenance of order. The primary role of police is policing, i.e. securing compliance with existing laws and conformity with precepts of social order. Put simply, while ‘police’ is an institution, ‘policing’ is the art and act of the institution. According to Martin (1990: 6):

*Police work involves a variety of tasks and responsibilities. Officers are expected to prevent crime, protect life and property, enforce the laws, maintain peace and public order, and provide a wide range of services to citizens ... A common trend unifying these diverse activities, however, is that potential for violence and the need and right to use coercive means in order to establish social control.*

But the police are not the only agency involved in policing. Many quasi-police agencies, such as the Customs and Immigration, financial and economic regulatory agencies, are
also involved in public policing. Thus, policing refers to measures and actions taken by a variety of institutions and groups (both formal and informal) in society to regulate social relations and practices to secure the safety of members of community as well as conformity to the norms and values of society. It is therefore a “sub-set of control processes” which involves “the creation of systems of surveillance, coupled with the threat of sanctions for discovered deviance – either immediately or in terms of the initiation of penal process, or both (Reiner 2000: 3).

Policing has always been necessary in all societies for the preservation of law, order, safety and social relations. The necessity of policing becomes even more evident in modern societies characterized by diversities and contradictions arising from population heterogeneity, urbanization, industrialization, and conflicting ideologies on appropriate socio-political and economic form of organization. Traditionally, policing was the responsibility of all adults in the community. All adult males were obliged to contribute towards the prevention and control of crime and disorder under the systems of ‘hue, cry and pursuit’ and the ‘watch and ward’ that preceded the emergence of specialized police forces as organs of the state (Weber, 1968). But the emergence of the state, with its vast bureaucracies anchored on centralization, hierarchical authority/power structure, and professional staff changed the traditional policing philosophy rooted in the idea of policing as everybody’s business. The emergence of the state as an entity with claim to the monopoly over the means of legitimate violence in society resulted in the creation of specialized agencies, such as the police and the armed forces, for controlling the use of violence by other groups.

**Historical Development of Policing in Nigeria**

The history of policing in Nigeria can be divided into three phases: the pre-colonial, colonial, and post-colonial eras. In the pre-colonial era, crime prevention was the duty of indigenous institutions responsible for crime control. In the absence of codified laws, the regulation of behaviour was largely enforced by various norms and institutions in different parts of the country, e.g. secret societies, messengers, and palace guards (Marenin, 1985; Ikuteyiyo and Rotimi, 2010; Inyang and Abraham, 2013). During this period, the laws enforced by these security institutions were not documented, but were known by many. The policing structure was directly under the control of the political or administrative leaders.

During the colonial era, policing was operated based on the provisions of British law. This model marked a paradigm shift from the traditional pattern of policing where emphasis was placed on traditions, customs and undocumented laws. During this era, the police under the Native Authority system served and protected the interventionist
and extractive interests of the colonial masters at the expense of the masses which they were commissioned to protect. Rotimi (2001) described this pattern of policing as that in which ‘strangers policed strangers’. The police were pitched against the people they were meant to protect and there were series of clashes between both parties. This situation made scholars and criminologists to opine that the main preoccupation of the police during the colonial era was tied to British domination of Nigeria which depended on coercive force and violence, and the capacity to maintain colonial rule despite opposition from the colonized peoples (Tamuno, 1970; Ikime, 1977; Crowder, 1978; Alemika, 1988; Ahire, 1991). Onyeozili (2005) argued that the deployment of the police to advance the colonial agenda subsequently shaped the nature of post-colonial policing as a modality of oppression in Nigeria.

The present Nigeria Police Force largely reflects a cultural transfer of the style of policing from the colonial law enforcement officers. For over five decades since the operationalization of the Nigeria Police Force and its related agencies, insecurity has remained a major challenge. The police authorities have made several attempts to reform the force to ensure better performance. However, the implementation of such policies has in many cases been problematic. This has combined with other factors to fuel further demands for change in current police methods of operations. Various options, including devolution of police powers from the central government to accommodate regional and state levels, community policing, and incorporation of informal police institutions into mainstream policing, have been proffered for effective policing in the country.

For advocates of state or regional police, there are concerns by critics opposing it that the sad experience of the local police in the 1960s, in which the police became an instrument of oppression in the hands of the regional ruling class, could repeat itself (Nimbe and Bayo (2011) cited in Inyang and Abraham, 2013). According to this school of thought, devolving police powers to the regional or state level will give some state governors, who are major agitators for its establishment, an undue advantage to use the police to harass and victimize members of the opposition or the public (Soyinka et al., 2011). However, some observers equally point out that the federal police force may already be serving the same purpose under the manipulation of politicians in the ruling party.

Alternatively, many have argued that community policing which requires effective police-public partnership in crime prevention is the best form of policing (Bakare, 2014). This view is surprisingly shared by some members of the police force themselves. In a research project carried out between March 2001 and December 2003 by the Centre for Law Enforcement Education in Nigeria (CLEEN Foundation) in partnership with the Nigerian Police Force in fourteen states selected from the six geopolitical zones of Nigeria, it was discovered that if community policing strategy is adopted, it could assist
in eradicating most of the challenges attributed to the traditional reactive police culture (Pam Sha, 2005). Despite this discovery, the low publicity given to this project and the laxity exhibited towards its full implementation, together with other factors, such as incessant transfer of criminal Investigation Police Officers (IPOs) who have unfinished cases on their tables, poses a threat to its success (Inyang and Abraham, 2013).

**The Character of the Nigerian State, and its Impact on the Nature of Policing**

The ruling elites in Nigeria are mainly factionalized along ethnic, regional, religious, and institutional lines, being the products of uneven development and rivalry, which, British colonial administration fostered among (and within) the different regions of the country. These elites have built constituencies organized along communal, ethnic, religious, and regional lines. Depending on the level of contestation, factions of the elite manipulate and exploit the differences and anxieties arising from unequal size, competition over resources, and access to public office to further political interests. The fact that the colonial authorities forcefully merged previously autonomous ethnic groups to form Nigeria resulted in stiff competition among these various groups over available state resources and power. Such zero-sum competition has propelled various ethnic groups and sectional constituencies to continue to engage in intense struggles with one another for access to state power and the benefits accruing there-from (Omotoso, 2010: 146). This was the nature of the Nigerian state before the Southern and Northern police forces were merged in 1930. During this period, most police were associated with local government (Native authorities). But by 1960s under the first Republic, these forces were established at the regional and then national levels. The politicians of the first republic maintained the policing arrangement bequeathed to Nigeria on the eve of independence. Until 1966, the local police forces in Northern and Western Nigeria coexisted with the federal police force, which is also known as Nigerian Police Force.

The politicians of the newly independent Nigeria may have had the view that a decentralized police force would be antithetical to peaceful co-existence and easy governance of the country, against the background of the unitary and despotic orientation of colonial rule. Such a position explains why local police forces were disbanded as recommended by a panel set up in 1966 by the military regime of General Aguiyi Ironsi. The Panel, headed by Gobir, was requested to consider the desirability of dual (Local and National) or centralized (unified) police and prisons service. The Gobir Panel submitted its report recommending the abolition of local police forces and prison services to the military regime led by General Gowon. The Panel also condemned the local police forces of being poorly trained, corrupt and partisan. This was based on several observations, including the role of local police under the control of traditional rulers and politicians in Northern and Western Regions in repressing the opposition (Ohonbamu, 1972).
According to Alemika and Chukwuma (2012), the experience of the NPF during military rule may be characterized as ‘sweet’ between 1966 - 1979, and ‘bitter’ from 1983-1999. Military rule under General Gowon may indeed be viewed as the sweetest period of police-military collaboration in governance. Between 1966 and 1979, the police were co-opted into governance by the military as state administrators and members of the Supreme Military Council. More importantly, the police were respected as partners by the military rulers. However, during the period of 1983-1999, the police lost its position of prominence in government, though still incorporated as junior partner of the military, as state governors (Alemika, 2010). However, the Force as an organization was neglected in terms of funding and equipment. This was attributed to the fear of the military that a strong police force may constitute a threat to the Armed Forces, especially by acting as a counterforce during military coups. Instead of adequately equipping the police to serve as the primary tool for promoting and protecting internal security, the military governments resorted to establishing joint special task forces made up of military and police personnel (Alemika, 2010). Each unit of the taskforces was led by a soldier, often junior in rank to the police officers on the task force. This demonstrated the subordinate role assigned to the police, the impact of which is still felt sixteen years after military rule, from 1999 to 2015. In the current democratic dispensation, the military and police maintain the façade of friendship and partnership at the top echelon where the top-level police hierarchy is invited to military events (and vice versa). However, the relationship at the lower echelons is a lot more fragile, characterized as a cat and mouse game. While the military claim to be the number one security agency in the country, the police see it as a common boundary guard (Bakare, 2014).

Since the return to democracy in 1999, the police force is no doubt the “bride” of the political class. While those that argue against its decentralization hinge their arguments on the fear of the politicization of state police by state governors, the federal government is no saint either. Since Nigerian politics is typified by various cleavages and a zero-sum competition for power and control of resources, it is also impossible to have a truly neutral or professional police force: state or federal. The police are not immune from the contradictions within the Nigerian state. Recruitments, promotions, postings, appointments, and training in the police force, though based on the principle of federal character, is not entirely free of ethnic, religious, and regional considerations. The religious and ethnic backgrounds of new intakes at any point in time usually reflect those of the top hierarchy in the force. Appointments to specific lucrative or “juicy” leadership positions tend to be partly influenced by ethno-religious considerations. Cronies are posted to “juicy” states, while others are posted to less lucrative and crises-ridden states. To the average Nigerian, the word ‘police’ is synonymous with ‘corruption’. Events and experiences of the people make them believe that it is practically impossible to eradicate corruption in the police force. Some reportedly join the force consciously despite the
meagre salary and welfare package with the underlying motive that they would make it up through ‘corrupt means’.

The relationship between the Nigerian Police Force and the citizens is also worrisome. The institution is rated as one of the topmost institutions that abuse human rights (Comassie, 1990 and 1996; Nwankwo, C.D. et al., 1993; Alemika and Chukwuma, 2000; Ali, 2008; Okeshola, 2013). Over the past three years, the Nigeria Police Force has paid over N1 billion to Nigerians whose rights were abused by police officers (Arase, 2015). Many police officers who perpetuate acts of torture hide under the Force Order 237 which allows the use of force by the police. Even though local and international groups and individuals are criticizing this law, the police hierarchy appears as not doing enough to repeal it or caution its officers. Police detention cells are notorious as places of torture where forced “confessions” are extracted from suspects under duress. In most cases, the presiding judges dismiss such cases as confessions made under duress cannot stand in the law courts. The Nigerian police is also accused of double standard in the arrest and treatment of suspects. While the poor and underprivileged are disgracefully arrested and publicly paraded in handcuffs (sometimes without arrest warrants), the rich and the privileged are mostly invited with courtesy, despite being accused of committing heinous acts.

Patron-client relations that characterize the Nigerian state and elites are also embedded in the state security system, particularly the police force. This police force serves the interest of the Nigerian governing elite. It has little or no autonomy from the ruling elites, and is sometimes caught up in the struggles between factions of the governing class, especially between the national ruling and opposition factions. It is against this backdrop that advocates of effective policing are calling for a break from the business-as-usual pattern, and a move towards establishing an efficient and highly professional policing system based on best practices from around the world.

**Emerging Trajectories of Conflict and Criminal Tendencies and the Need for Appropriate Responses: A Case for State Policing**

In recent years, the trend of conflict and criminal activities in Nigeria is witnessing continuous changes. Despite the existence of a plethora of security agencies, the new trend poses a formidable threat to the corporate existence of the country. No day goes by in Nigeria without reported and unreported cases of conflicts and violent criminal activities in one part of the country or the other.

Adeola (2008) contended that, there were countless incidences of conflicts and crime in Nigeria. Conflicts that have occurred in Nigeria include: Yoruba - Hausa Community
crisis in Sagamu (Ogun State), Ile-Ife (Osun state); Zango - Kafue (Kaduna State); Eleme - Okirika (River State); Tiv - Jakun (Taraba State); Ogoni - Adoni (River State); Chamba - Kuteb (Taraba State); Itsokri - Ijaw/Urhobo (Delta State); Aguleri - Umuleri (Anambra); Ijaw - Ilaje (Ondo State); Basa - Egbara (Nassarawa State); Hausa/Fulani - Sawaya (Bauchi State); Fulani - Irigwe and Yelwa - Shendam (Plateau); and others not mentioned (Ubi 2001; Imobighe, 2003; Omotayo, 2005); and the ongoing Fulani herdsmen - farmers in Benue, Taraba and Southern Kaduna and several states in Nigeria. Others involve the Bojie-Insadop communities, and Ikot Offiong in Cross River State and Akwa Ibom States (Adeola 2008).

In the last twelve years in Nigeria, no fewer than two hundred conflicts and causality figures, conservatively put over 500,000, were recorded in quick succession across the country. These have resulted in loss of lives and properties of innocent people. Thus, Maire (2001) describes Nigeria as “a fallen house that conjures images of chaos, confusion, and crime – repressions, business fraud, a nation in comatose and a brink...”.

In recent times, there has been a growing concern over the increasing trends of violent crimes and terrorist activities especially involving the use of improvised explosive devices (IEDs) by criminal and terrorist elements. For instance, murder, which is a clear example of violent crime, was 1,629 in 1994. This number steadily increased to 2,120 in 2001 and climbed to 2,136 in 2003 (CLEEN Foundation, 2007). These phenomena went up by 75 percent between 1994 and 2003. Armed robbery was equally put at 2,044 in 1994. In 2002, it rose to 3,889, amounting to over a 52 percent increase in less than a decade. In 2007, the Nigeria Police Force (NPF) recorded 34,738 incidences as crimes against persons and this figure escalated to 35,108 incidences in 2008 (NPF, 2008).

A cursory look at some of the state level (disaggregated) data in Nigeria is of great concern. For instance, in 2002, 52 cases of armed robbery were reported in Abia State; but in 2004, it rose to 176. In Edo State, 71 cases of armed robbery were reported to the police in 2002; the number steadily increased to 144 in 2005 and 163 in 2006 (Attoh, 2012). In 2008, the Abia State Police Command recorded a total of 940 criminal cases and arrested 1,275 suspects. It is important to note that between 2009 and 2010 Aba, the economic hub of Abia State, was laid prostrate by the activities of robbers and kidnappers especially through the exploits of the late Obioma Nwankwo (aka Osisikankwu). Lagos State also, which is the commercial nerve centre of Nigeria, recorded a total of 12,837 criminal cases and the arrest 14,996 suspects in the period under review (Attoh, 2012).

According to a 2007 internet crime report released by the Internet Crime Complaint Centre (IC3), Nigeria ranks third among the cybercrime committing countries in the world. This puts the country, alongside the United States, United Kingdom, and Romania, among the
top ten countries where internet crimes are perpetrated (Odapu, 2008). According to the report, in the US alone, “Nigerian letter fraud” (E-mail scams emanating from Nigeria) constituted 1.1 per cent of the 2007 top IC3 Complaint Categories received. The Central Bank of Nigeria (CBN) in its banking sector supervision report revealed that the banking sector lost 7.2 billion Naira [around … USD] to internet fraud. However, the Chief Executive Officer of Global Network for Cyber Solution, Segun Olugbile, believes the amount is in the region of N10 billion (Odapu, 2008). Weekly Trust reports from Lagos say overnight browsing still booms in the city; despite an Economic and Financial Crimes Commission (EFCC) ban, the proliferation of private Internet Providers with affordable modems has boosted cybercrime. This trend enables the perpetrators to surf the net in the comfort of their homes. However, the Economic and Financial Crimes Commission (EFCC) avers that a total of 136 suspects were arrested consisting of 60 suspects in the Southwest, 39 in the Southeast, 26 from the South-South, and 11 in the North. The commission posits that it continues to update its capacity through training and logistics to cope with the growing dynamics of the crime (Attoh, 2012).

Also, in a report released in naijafeed.com, the former Minister of Police Affairs, Ibrahim Yakubu Lame, disclosed that 512 people were kidnapped in 2010 out of which 30 of the victims died in the hands of their kidnappers. In 2008, 353 people were kidnapped and two victims lost their lives. Kidnapping-for-ransom in Nigeria began rising in 2006 when militants in the Niger Delta started kidnapping expatriates working in the oil industry. For Abati (2009), kidnapping and hostage-taking are no longer restricted to the Niger Delta area, or South-South of Nigeria. With reported cases in Lagos, Abuja, Benin city, Owerri, and now Kaduna and Kano, this crime has become a national phenomenon. Abati (2009) indicated that the challenges of infrastructure have not helped the State Security Service.

Eso (2009), has sought to explain why kidnapping is becoming widespread in Nigeria. First, it is attributed to the large amounts of money paid as ransom by relatives of victims. There is, also, a near certainty that families of the victims will pay the ransom without going to the police. Second, kidnapping is big business, because of bad governance, lax legislation and weak law enforcement; perpetrators can launder and spend the proceeds of their crimes. Third, existing laws tend not to punish kidnapping at the same level as other violent crimes. For example, while those convicted for armed robbery or murder face the death penalty, the punishment for kidnapping is less severe. Also, successful prosecution of top-level kidnapping is largely few and far between, except in a few exceptional cases where perpetrators are brought to book.

Premised on the foregoing, while Nigeria seems not yet a ‘failed state’, it could arguably qualify as a ‘failing state’ in some respects. This can be attributed to the fact that the
centralized policing system is unable to stem the rising tide of crime and violent conflict. The limitations of the national police are such that the institution is unable to catch up with the new trajectories of crime and violent conflict. This calls for a more flexible and response approach to policing. This is where a state police becomes relevant. In this case, each state of the federation will organize, structure, fund and control its police force based on the existing trend and practices of crime and violent conflict in the state. The essence of state policing system is seen from the argument of Olong (2012) that state and local police forces will be thoroughly familiar with the people, their terrain, culture, religion, etc.; and will confer on the police and policing, the appearance of being part of these communities instead of being seen as a contemptuous occupying force imposed from the outside.

Challenges and Prospects of State Police in Nigeria

The call for the establishment of state police reached a climax during the 2014 National Conference. Prior to this period, there had been less agitation for it. The core argument is that a federally controlled institution is not likely to be effective given the heterogeneous nature of the country as well as the vast geographical spread. This prompted some states to establish their own quasi-policing institutions (that fall under concurrent and residual list) to complement the federal institutions. For example, when it was observed that the Transport Section of the Nigeria Police Force that control and manage traffic in major cities was not performing up to expectation, the Lagos State Government established a traffic management institution known as the Lagos State Traffic Management Authority (LASTMA) to complement the effort of the Nigerian Police. The improved free-flow of traffic in Lagos State prompted other States to follow suit (TRACE in Ogun State, KWATMA in Kwara State, among others). This development did not go unchallenged by the federal government. The matter was politically and legally contested. At a point, the federal government threatened that LASTMA must not operate on federal roads. This was, however, resolved in the law court. Given the success stories recorded so far in the transport sector, one would have expected that such should have been replicated in the security sector. However, this cannot be because it is a constitutional issue. Section 214(1) of the Nigerian 1999 constitution (as amended) expressly forbids the establishment of state police when it states that:

There shall be a police force for Nigeria, which shall be known as the Nigeria Police Force, and subject to the provisions of this section, no other police force shall be established for the Federation or any part thereof.

Subsection 2 also gives the National Assembly the monopoly to make laws for the administration and organization of the police without prejudice to the extant provisions
of the constitution. The President, being the Chief Security Officer of the country, is empowered by Section 215(3) as amended, to give lawful directions to the Inspector General of the police with respect to the maintenance and securing of public safety and order as he may consider necessary. The president is also allowed to delegate this power to the Minister of Police Affairs and the Inspector General is obliged to comply with such directions or cause them to be complied with by relevant officer or command.

However, the Governor who, by virtue of his office, is considered the Chief Security Officer of the state or his agent (Commissioners) is not given express constitutional right to give full directives to the Commissioner of Police in his state. Though, subsection 4 permits the Governor or his agent to give lawful directions to the Commissioner of Police with respect to the maintenance and securing of public safety and order within the state as considered necessary, such Commissioner of Police in his discretion may request that such matters be referred to the President or Minister of Police Affairs before he comply or cause them to be complied with. This provision is responsible for the refusal of some Commissioners of police to take directive from State Governors. This is rampant in state[s] under the control of opposition political parties.

The federal government has the monopoly of establishing, funding and directing the police. It is however observed that Governors do fund the police in their respective states through acquisition of equipment for fighting crime, kitting, and provision of infrastructural facilities for optimal performance of the police in their state. Most police commissioners rely on the kind of support in running the police under their command. In many cases, the first move of a Commissioner newly posted to a state is to pay a courtesy visit to the Governor to solicit for support and co-operation. A Governor that supports and funds the police in his state often has considerable leverage over the police as the Commissioner may not request for any directive by the Governor to be referred with the President before complying.

The idea of state policing has gained popularity because of the surge in crime rate and the inability of the federal police command to effectively respond to existing challenges. The proponents of the idea of a state police believe that its closeness to the society places it in a more proactive position for detecting and tackling any crime before it gets out of hand (Vera, 2014). They argue that the only action needed from the federal government is to amend the 1999 constitution by granting a legal backing to it. It is believed that better training opportunities and equipment for the system already exist in different guises or can be developed. This is because most of the states already have security outfits that can metamorphose into an official state police.

Those regarded as anti-state police have hinged their argument on the fact that it may give some state governors, who are major agitators for its establishment, undue
advantage to intimidate political opponents or members of the opposition, reminiscent of the experience with the local police in the 1960s, when policing became an instrument of oppression in the hands of the ruling class (Soyinka et al., 2011; Nimbe and Bayo, 2011). Although many critics accept the fact that state police are better than a centralized policing system, they only reject the idea of a state police because the country is not yet (politically) ripe for it. This view is echoed by former President Goodluck Jonathan, when he openly argued that “Nigeria is not yet ripe enough for the creation of state police as it will be abused by governors and thereby worsen the security situation” (Daily Trust, 28 August 2012). Also, a former Inspector-General of Police, M. D. Abubakar, also supported the President when he expressed his opposition to the clamour for the decentralisation of the police on the same grounds. He suggested that proponents of state policing should exercise more patience citing the peculiar socio-economic and political status of the country (Iriekpen, 2014).

In response to the argument of the critics, a proponent, Rt. Hon. Victor Ochei (Speaker, Delta State House of Assembly) opined that the fear of abuse of the force by state governors, which critics had regularly held as part of the reasons for their opposition to the establishment of state police formations, remained untenable against the backdrop of the persisting allegations of the abuses committed by the Nigerian Police Force (NPF), by those who currently run and control it. He noted that since state governments now contribute a substantial amount of funds, equipment and other logistics to the Nigeria Police Force, it made sense for them to be constitutionally allowed to establish, fund and operate police formations. He submitted that both state and federal police will complement each other, and any potential conflict over jurisdictions can be avoided by the reclassification of offences into federal and state categories, as obtainable in the United States and other countries (Ochei, 2013).

This group received a boost when the 2014 National Conference approved the decentralization of the Nigeria Police Force paving the way for states to establish their own police. The conference delegates recommended that the federal police would have jurisdiction over the entire country and on clearly spelt-out matters and offences, while the jurisdiction of the state police will be limited to the states and operate within the ambit of the laws enacted by the State Assembly; and that such should only be created by states that desire them, and are economically capable of kitting and financing the system (Daniel, 2014).

**Conclusion: ‘To be’ or ‘not to be’**

The Nigeria Police Force faces constantly evolving challenges that impede its efficient operations. These include: the persistence of the colonial legacies, such as, brutality,
emphasis on order rather than security and safety of citizens, suppression of dissent or perversion of justice, economic mismanagement and poor performance (Alemika, 2007). There are also other challenges that have been largely unaddressed by successive administrations. These include, institutional deficiencies because of inadequate funding, manpower shortage, outmoded or non-functioning equipment, high levels of corruption, extra-judicial killings, inadequate capacity to combat crime, rivalry or conflict with other security agencies, and disregard for the respect of human rights in policing procedures (Bakare, 2014). To overcome these challenges, Alemika (2005) suggests the restructuring of the State and politics, an overhaul of the weak intelligence and incentive structure, investigation, operational and administrative capacities of the force; reform of the Policing System, and the establishment of training institutions that can help professionalize and build the capacity and integrity of members of the Force.

It should be noted that the foregoing recommendations, though important, cannot be fully implemented without paying attention to the performance and welfare of the individual policeman. Sadly, there are a few cases where policemen had been reportedly involved in armed robbery operations (The Nation, 2013). This underscores the need to scrutinize recruitment into the Force. The practice of recruiting persons based on the presentation of referrals/complimentary/business cards from senior highly placed persons in government or society should not be a substitute for the need for thorough scrutiny of every applicant. The cleansing process must begin from the individual. The success story of communal policing before colonial rule in most African societies was largely due to the involvement of the citizenry who were committed to the task of maintaining peace and security in the community. Individuals with criminal or questionable backgrounds should not be recruited into the Nigeria Police Force. Nigerian democracy, like other transitional democracies, apart from purging itself of colonial heritage (westernized philosophy), must look inwards. Furthermore, traditional African moral norms and religious values (Dopamu, 2008; Alamu, 2010) should be integrated into the training of policemen and the maintenance of community-based peace and security. Vigilante groups, like the Oodua Peoples’ Congress, Bakassi Boys, Egbesu Boys, Arewa Youth, to mention but a few, represent communal efforts that could be used in checking crimes like stealing, kidnapping, among others.

We strongly argue that the time is ripe to embrace state policing in Nigeria. Each state should be allowed to create its own police force in line with its local and cultural context. Secondly, there should be a division of power between the federal and state police such that each will have its area of jurisdiction. Specific offences should be regarded as being subject to the jurisdiction of the federal police, and other offences reserved for the state police. This can be done in line with the exclusive, concurrent and residual division of powers among federal and state governments as enshrined in the constitution. Third,
there must be a framework for federal and state police forces to ensure a harmonious working relationship. Since there is free movement from one state to the other, any suspect that relocates from one state to another state after committing a crime must be repatriated to the state where the crime was originally committed for prosecution. In addition, the presence of federal police in any state should not be seen or used as a form of intimidation against the state police.

Fourth, the federal police should be primarily based in the Federal Capital Territory (Abuja) and no state police should be established there. It is the responsibility of the federal police to operate in the FCT and enforce laws equivalent to state-related crimes which the National Assembly should make. Fifth, each state must design qualification and entry requirements for enlisting into the state police based on prevailing circumstances in such state. High consideration should be given to residents in the state for a period, even if they are not indigenes of such states, provided they meet the residency requirement and their qualifications, loyalty, and integrity can be guaranteed. Finally, politicians at the federal level should respect the autonomy of the police and refrain from using it as an instrument for political domination and harassment of the opposition, or those considered as government critics.
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Fulani Mobile Herdsmen and the Risk of Political Violence in Edo and Delta States of Nigeria

By R. ‘Igho Aboribo

Abstract

The article examines the nature, causes, effects and implications of the conflict between Fulani mobile herdsmen and farmers in Edo and Delta States of Nigeria in the face of shrinking resources, and escalating levels of violence. It is noted that if unchecked, these sporadic clashes between groups seeking livelihood security can degenerate into an identity conflict, given the distinctive ways in which the political and religious identities of the two groups are constructed. The paper ends with recommendations on possible ways for resolving the conflict between pastoralists and farmers in the two states of Nigeria.

Keywords: Fulani herdsmen, mobile pastoralism, Edo states, Delta state

Introduction

Recent conflicts between farmers and Fulani mobile herdsmen in Edo and Delta States date back to 2010 when violent incidents were reported in nearly 12 locations in Edo State, and 14 locations in Delta State.

This pattern of conflict is not peculiar to Nigeria, as it is replicated across Africa (Suhrke 1996; Baechler 1998; Percival & Homer-Dixon, 1998; Homer-Dixon, 1999; Gleditsch, 2001 & 2002, and Young & Sing ’Oei, 2011). Since the beginning of the 1990s, conflicts over shrinking natural resources have been the order of the day. Of major concern since the last decade of the 20th century and the beginning of the 21st century are, the clashes between farmers and herders, including Fulani mobile herdsmen in particular (Blench,
The herder-farmer confrontation which has been widespread in the north-central region of Nigeria is now a common feature in Southern Nigeria, particularly in Edo and Delta States of Nigeria.

This situation raises several fundamental and epistemological questions, such as: What are the causes of the upsurge in farmer-herder conflict? How do the global trend of climate change and the increase in population growth and migration affect conflict dynamics? What are the effects and implications of the conflicts for the states concerned and the parties to the conflict? The aim of this article is to address these questions with reference to the situation in Edo and Delta States of Nigeria.

Several studies have been carried out on the occurrence of conflicts in north-central Nigeria (Gyase and Ajene, 2006; Alubo, 2008; Okotie and Ugwu, 2011; Abbas, 2012; Nchi, 2013), including Nasarawa state (Blench, 2004; Adogi, 2013). However, no serious attention has been paid to similar conflicts in the southern part of the country, particularly Edo and Delta States, despite the prevalence of conflicts between Fulani mobile herdsmen and the farmers in recent times.

The objective of this article is to examine the nature, causes, and effects of conflict between Fulani herders and farmers, and their implications for the states and the parties involved. Specifically, it investigates: (i) the nature and causes of the conflicts, (ii) the effects of the conflicts on the parties involved, and (iii) the implications of the conflicts on the communities, the two states, and the country at large.

The paper employs a new framework of analysis based on the Relative Deprivation Approach to explain the herder-farmer conflict. In applying the Relative Deprivation Theory to the herder-farmer conflict in Edo and Delta States, a new perspective is opened to the motives and drivers of the conflict. When farmers’ crops are destroyed, or herdsmen’s cattle are denied of grazing grounds, such deprivations threaten the economic survival of two sets of actors with competing interests within the same ecological space, since their very existence depends on access to land, either for farming or grazing purposes.

**Method of Study**

This article seeks to explain the conflict pattern and its consequences using a qualitative approach. Data was generated from primary and secondary sources using three instruments developed by the researcher based on the knowledge of the areas under investigation.
The instruments of data collection were: (a) Key Informant Interview (KII); (b) In-depth Interview, and (c) Focused Group Discussions (FGD). The KII was used to source for primary data in 18 Local Government Areas (LGAs) of Edo and Delta States of Nigeria.

A total of six (6) field workers were employed, each covering three (3) Local Government Areas in the 18 LGAs in the six Senatorial Districts in Edo and Delta States. Of these, 9 LGAs are in Edo State and 9 in Delta State, with each State having 3 field workers deployed (see distribution in Table 1 below).

**Table 1: Area of study in Edo and Delta States of Nigeria**

<table>
<thead>
<tr>
<th>State/Senatorial district</th>
<th>Field worker</th>
<th>Linguistic diversity</th>
<th>LGAs covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Edo North</td>
<td>1</td>
<td>Etsako</td>
<td>Etsako North, Etsako Central, Akoko Edo</td>
</tr>
<tr>
<td>Edo Central</td>
<td>1</td>
<td>Esan</td>
<td>Esan Central, Esan West, Esan South-East</td>
</tr>
<tr>
<td>Edo South</td>
<td>1</td>
<td>Edo</td>
<td>Uhunmwode, Orhiouwenwok, Ikpobaokha</td>
</tr>
<tr>
<td>Delta North</td>
<td>1</td>
<td>Ukwuani</td>
<td>Ndokwa East, Ndokwa West, Ukwuani</td>
</tr>
<tr>
<td>Delta Central</td>
<td>1</td>
<td>Urhobo</td>
<td>Ethiope East, Ethiope West, Ughelli North</td>
</tr>
<tr>
<td>Delta South</td>
<td>1</td>
<td>Isoko</td>
<td>Isoko North, Isoko South, Bomadi</td>
</tr>
</tbody>
</table>

**Source:** *Field Work, 2015.*

The six (6) individuals selected for data collection were research assistants (fieldworkers) who are familiar with the environment and understand the local dialect. These assistants were briefed by the researcher on the essence of the research and the technique of data collection.

Thus, as can be seen from Table 1 above, Edo and Delta States have three senatorial districts each. Out of the six (6) senatorial districts of Edo and Delta States, three (3) LGAs were picked from each of the district, with one field worker in-charge of the three
LGAs (see Table 1 above). In-depth interviews were conducted with the above-mentioned chiefs, youth leaders, and family members of the victims of attacks by suspected Fulani herdsmen. The FGDs were conducted among chiefs, youth leaders, relative(s) of victims, and in some cases, survived victims of the clashes.

Finally, secondary data were gathered from various sources, including libraries, textbooks, journals, dairies, magazines and newspapers, as well as relevant government official records.

**Area of Study**

The study was conducted in Edo and Delta States of Nigeria, formally known as Bendel State. The two states were created in August 1991. Edo State is made up of three senatorial districts - Edo North, Edo South, and Edo Central - with 6, 5 and 7 LGAs each, respectively, while Delta State is made up of three senatorial districts of Delta North, Delta Central, and Delta South, with a total of 25 LGAs, distributed 9, 8, 8 and respectively (see Tables 2 & 3 below).

**Table 2: Edo states local government area/headquarters**

<table>
<thead>
<tr>
<th>State/senatorial district</th>
<th>Local government area</th>
<th>Headquarter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Edo North</td>
<td>1. Etsako West</td>
<td>1. Auchi</td>
</tr>
<tr>
<td></td>
<td>2. Etsako North</td>
<td>2. Ageheenebode</td>
</tr>
<tr>
<td></td>
<td>3. Etsako Central</td>
<td>3. Fugar</td>
</tr>
<tr>
<td></td>
<td>4. Owan West</td>
<td>4. Sabogida-Ora</td>
</tr>
<tr>
<td></td>
<td>5. Owan East</td>
<td>5. Afuze</td>
</tr>
<tr>
<td></td>
<td>6. Akoko-Edo</td>
<td>6. Igarra</td>
</tr>
<tr>
<td>Edo Central</td>
<td>1. Esan Central</td>
<td>1. Irrua</td>
</tr>
<tr>
<td></td>
<td>2. Esan West</td>
<td>2. Ekpoma</td>
</tr>
<tr>
<td></td>
<td>3. Esan North-East</td>
<td>3. Uromi</td>
</tr>
<tr>
<td></td>
<td>4. Esan South-East</td>
<td>4. Ubiaja</td>
</tr>
<tr>
<td></td>
<td>5. Igueben</td>
<td>5. Igueben</td>
</tr>
<tr>
<td>Edo South</td>
<td>1. Oredo</td>
<td>1. Benin</td>
</tr>
<tr>
<td></td>
<td>2. Egor</td>
<td>2. Uselu</td>
</tr>
<tr>
<td></td>
<td>3. Orhionmwon</td>
<td>3. Abudu</td>
</tr>
<tr>
<td></td>
<td>4. Ovia South-West</td>
<td>4. Igwobazuwa</td>
</tr>
<tr>
<td></td>
<td>5. Ovia North-East</td>
<td>5. Okada</td>
</tr>
<tr>
<td></td>
<td>7. IkpobaOkha</td>
<td>7. Idokpo</td>
</tr>
</tbody>
</table>

Total: 18

*Source: Field Work, 2015.*
Table 3: Delta states local government areas/headquarters

<table>
<thead>
<tr>
<th>State/senatorial district</th>
<th>Local government area</th>
<th>Headquarters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delta north</td>
<td>1. Oshimili North</td>
<td>1. Akwukwu-Igbo</td>
</tr>
<tr>
<td></td>
<td>2. Oshimili South</td>
<td>2. Asaba</td>
</tr>
<tr>
<td></td>
<td>3. Aniocha North</td>
<td>3. Issele-Uku</td>
</tr>
<tr>
<td></td>
<td>4. Aniocha South</td>
<td>4. Ogwashi-Uku</td>
</tr>
<tr>
<td></td>
<td>5. Ika North</td>
<td>5. Owa-Oyibu</td>
</tr>
<tr>
<td></td>
<td>6. Ika South</td>
<td>6. Agbor</td>
</tr>
<tr>
<td></td>
<td>8. Ndokwa East</td>
<td>8. Aboh</td>
</tr>
<tr>
<td>Delta central</td>
<td>1. Ethiope East</td>
<td>1. Isiokolo</td>
</tr>
<tr>
<td></td>
<td>2. Ethiope West</td>
<td>2. Oghara</td>
</tr>
<tr>
<td></td>
<td>3. Ughelli North</td>
<td>3. Ughelli</td>
</tr>
<tr>
<td></td>
<td>4. Ughelli South</td>
<td>4. Otu-Jeremi</td>
</tr>
<tr>
<td></td>
<td>5. Sapele</td>
<td>5. Sapele</td>
</tr>
<tr>
<td></td>
<td>7. Okpe</td>
<td>7. Orerokpe</td>
</tr>
<tr>
<td></td>
<td>8. Udu</td>
<td>8. Udu</td>
</tr>
<tr>
<td>Delta south</td>
<td>1. Isoko North</td>
<td>1. Ozoro</td>
</tr>
<tr>
<td></td>
<td>2. Isoko South</td>
<td>2. Oleh</td>
</tr>
<tr>
<td></td>
<td>4. Warri South</td>
<td>4. Warri</td>
</tr>
<tr>
<td></td>
<td>5. Warri South-West</td>
<td>5. Ogbe-Ijaw</td>
</tr>
<tr>
<td></td>
<td>8. Patani</td>
<td>8. Patani</td>
</tr>
<tr>
<td>Total</td>
<td>25</td>
<td>6</td>
</tr>
</tbody>
</table>

Source: Field Work, 2015

Edo and Delta States lie within the equatorial rain forest belt of Nigeria, characterized by thick forests and evergreen vegetation. In Edo State, the topography is largely made up of high lands around Edo North and Central and in parts of Edo South, around Ikpoba hills, with other low-lying lands which the people use for farming that are today known as Ikpoba farms. In Delta State, apart from the Northern Area that is largely hilly, Delta South and Central are low lying regions noted for agricultural activities. The main occupation of the people is farming. As an agrarian society, the people of Edo and Delta State produce important food crops, such as yam, cassava, plantain, maize, rice, groundnuts, assorted fruits and vegetables, as well as cash crops such as rubber,
oranges, and palm-nuts, among others. In addition to the aforementioned, the two states are known for important minerals, namely granite and limestone from Edo, and large quantity of crude oil from Delta. In addition to the foregoing, fishing is practiced in the two states.

Demographically, population growth had been on the increase in Edo and Delta States, since 1963, when the two states were still under the mid-western region, through 1976, when the region was renamed Bendel state, until 1991, when it was split into Edo and Delta states, (Statistical Year Book, 2005). However, the growth did not pose a serious threat to agricultural activities since land was plenteous in the 60s and 70s (Udu, 1981) (See Table 4 below). But, as Adogi (2003) noted just as in the case of Nasarawa state, the new trend of massive migration of people into the Edo and Delta states has resulted in a stiff competition for farmland, leading to confrontation and violent conflicts. There have also been cases of, incursions into communal farmlands of neighbouring communities to meet the growing demands for food in urban areas. Such incursions have fuelled inter-communal conflict over contested lands.

Table 4: Population Census Figure of Edo and Delta States of Nigeria

<table>
<thead>
<tr>
<th>Region/States</th>
<th>Year</th>
<th>Population in Million</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mid-West Region</td>
<td>1953</td>
<td>1.49</td>
</tr>
<tr>
<td>Mid-West Region</td>
<td>1963</td>
<td>2.53</td>
</tr>
<tr>
<td>Bendel State</td>
<td>1973</td>
<td>3.24</td>
</tr>
<tr>
<td>Edo State</td>
<td>1991</td>
<td>2.16m</td>
</tr>
<tr>
<td>Delta State</td>
<td>1991</td>
<td>2.59m</td>
</tr>
<tr>
<td>Edo State</td>
<td>2006</td>
<td>2.23m</td>
</tr>
<tr>
<td>Delta State</td>
<td>2006</td>
<td>4.11m</td>
</tr>
</tbody>
</table>

Source: National Population Census Priority Table, 2009.

In Edo state, places like Abudu, Aghenebode, Auchi, Ekpoma, Evboe-Isi, Ewu, Fugar, Igara, Igueben, Irrua, Iruekpen, Jattu, Orhonigbe, Ubiaja, Uromi, and their environs have enlarged and extended their farms to meet-up with growing demands for food in urban areas. This is unlike in the 1960s and early 1970s where they mainly engaged in subsistence farming and produced only for families’ consumption, with the little surplus being sold in local markets. Some of the farm produce from Edo State is transported to Delta State to urban centres like Warri, Sapele, and Ughelli, among others.

In Delta State, like Edo, agricultural activities have been intensified and farmlands have also grown in size in places like Abavo, Abbi, Abraka, Agbor, Emede, Irri, Iyede-Ame, Kwale, Obiaruku, Ogume, Orogun, Umunede, and Uzere, while fishing activities have
been growing in Bomadi, Burutu, Patani, Koko, etc. to meet the demands of a teeming population. Thus, in addition to agricultural activities, the communities in the last eight (8) places above have become known for fishing.

**Theoretical Framework**

Several theories have been used in explaining the movement of pastoralists from the north to the south because of the negative effects of climate change on vegetation. Rising temperatures and lack of rainfall have led to prolonged drought in parts of northern and central Nigeria. The drying up of grasslands and pastures has caused the movement of herders with their cattle southwards in search of greener pastures.

In this study, the Eco-violence Theory and the Relative Deprivation Theory has been adopted as a composite theory and framework of analysis. As advocated by the main proponent of the theory, Homer Dixon (1999), the Eco-violence theory seeks to explicate the relationship between environmental factors and violent conflicts in each social formation. It posits that decreases in the quality and quantity of renewable resources, coupled with population growth and resource endowment act singly or in various combinations to increase the scarcity for certain population groups of cropland, water, forest, and fish (Okoli and Atelhe, 2014). The resultant effect is a reduction in economic productivity for both the local groups experiencing the scarcity and for the larger regional and national economies. When this happens, the affected groups may be compelled to migrate (or be expelled), to new lands (Okoli and Atelhe, 2014). Migrating groups, as well known, often trigger ethnic conflicts when they move to new areas and clash with their hosts over resources, while a decrease in wealth can also trigger deprivation-related conflicts (Homer-Dixon, 1999).

Implicit in the Eco-violence Theory is the assumption that competition over scarce ecological resources engenders violent conflicts. The ecological scarcity across international frontiers has been aggravated and exacerbated by the impacts of climate change in recent times (Onuoha, 2007; Blench, 2014). In effect, ecological scarcities pave the way for competition and this condition tends to precipitate violent conflicts among groups.

This theory fits well into this study because it gives an insight into the nature and dynamics of the Fulani herdsmen/farmers conflicts in Edo and Delta States of Nigeria. On a general note, the herder-farmer conflicts have been driven by the desperation of the affected groups to protect and advance their livelihood interests in the context of an ever-shrinking ecological space in northern and central Nigeria, characterized by resource scarcity, livelihood crisis, population explosion, and resource competition (Okoli and Atelhe, 2014).
In the case of Edo and Delta states, the story is different. Climate change and increased population growth have induced migration of Fulani mobile herdsmen from the far north and central regions of Nigeria to the south in search of grazing fields, which in turn has led to new conflicts between the herdsmen and the sedentary farmers in Edo and Delta States of Nigeria. Against this background, the crux of the theory of eco-violence, as Okoli and Atelhe (2014: 80) put it, “is that the desperate quest for survival by groups in a competitive and resource-scarce [environment] is likely to precipitate violent conflict”.

The Eco-violence Theory has its root in the political ecology perspective; its assumptions are therefore connected to the perspective. The theory observes patterns of political ecology in an attempt to establish a standard analytical tool capable of analysing micro issues pertaining to resource conflict (Okoli and Atelhe, 2014: 80).

The Relative Deprivation theory, on the other hand, was propounded by a sociologist, Samuel A. Stouffer (1900-1960), after World War II, in his study entitled “The American Soldier” (1949). This theory was originally used to explain the origins of social movements that gave birth to the Civil Rights Act of 1964 and Voting Right Acts of 1965 (Morrison, 1971) that were born from African-Americans’ feelings of deprivation in relation to the Caucasian segment of society, especially the racial segregation in public schools that was pervasive throughout the United States. African-American students were considered inferior to the white Caucasian students as judged by limited resources and teacher quality.

Relative Deprivation is used in a sense that when crops are destroyed, it deprives farmers and their families of their livelihoods because they depend solely on the farm produce for their entire survival. The same applies to the mobile herdsmen because their survival also depends solely on their cattle. Herders trek thousands of miles in the bush from the North to the South because it is a matter of survival. The introduction of mobile phones in these territories has changed the pattern of movement due to increased connectivity in social life. Mobile phones have become a new talking drum of everyday in Africa that has aided mobile herdsmen in effective communication in their sojourning life in the wilderness (de Bruijn et. al., 2001; de Dijk, 2005a, 2005b &2006; de Bruijn, 2009; de Bruijn and Dijk, 2012).

One criticism of this theory is that, while absolute deprivation clearly leads to feelings of discontent and ultimately efforts to effect change, feelings of relative deprivation may, or may not lead to the creation of social movements and collective identity (Morrison, 1971; Flynn, 2008). Second is the theory’s lack of focus on the individual. Critics assert that sociologists tend to examine individual (egoistic) and collective (fraternal/group) relative deprivation, but ignore self-referenced relative deprivation (Singer, 1992).
The strength of the theory is that it is very useful in explaining social movement and revolution, and serves as a catalyst in examining one’s belief about fairness and justice in society, and it influences economic belief, political attitudes, voting behaviour and social action (Khran and Harrison, 1992). Finally, it serves as a foundation of multiple theories of psychology and can also be used in the fields of economics and sociology (Khran and Harrison, 1992).

Eco-Survivalism and Eco-Violence: Towards an Understanding of the Herder-Farmer Conflict in Contemporary World

Violence has been conceptualized as the belief in, and resort to the use of force or aggression in the pursuit of group interests (Okoli, 2013, and 2015). The author, however, see the military as an institution that believes in, and resorts to the use of force in the pursuit of its goals. Since it has the means of coercion and the monopoly of violence, it knows how to organize for violence, capture violence, and give violence a sense of direction (Aboribo, 2013). Some argue that mobile herdsmen move around [and] see every place with pasture as an area to be occupied. It does not matter whether such areas are inhabited or not. Moving into new areas give them the opportunity to access resources that support their livelihoods. This is a new phenomenon adding to causes of conflict. Thus, as Ajayi and Crowder (1976: 6) rightly point out:

*The expansiveness is tempting and throughout history has served to beckon man to roam and survey the land beyond the next hill to capture it for his own, and to leave on it the imprint of his activities.*

From the foregoing, the school of thought sees herdsmen as imperialists. Thus, the manifest ‘militant’ posture of the Fulani mobile herdsmen must be understood with reference to their individual and collective worldviews vis-a-vis group subsistence and survival that has much to do with pastoral life.

It is imperative to state here that the past two decades had witnessed clashes between Fulani herdsmen and farmers in Nigeria. These herdsmen are believed to be the largest mobile pastoralist group in the world, spreading across West and Central Africa – from Senegal to the Horn of Africa. Mobile herdsmen are found in Benin Republic, Burkina Faso, Cameroon, Central Africa Republic, Chad, Cote d’Ivoire, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Mali, Mauritania, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Togo, and as far as Egypt, Sudan, Tanzania, and Uganda.

For the average Fulani herdsmen, mobile pastoralism is a way of life and a source of survival and mark of common heritage. The herds, which are their livelihood, mean more to them than anything else in life. As the popular anecdote goes “if a Fulbe’s wife is
giving birth at the same time as his cattle, the Fulbe (Fulani) leaves his wife and attends to the cattle first” . Thus, to touch their animals, is to touch the very root of their survival. By the same token, any threat to his herd is not only a threat to his survival but also to his entire being or existence. Abbas (2012: 331) encapsulate the thinking of the Fulani nomad in the following expression:

*Our herd is our life because, to every nomad, life is worthless without his cattle. What do you expect from us when our source of existence is threatened? The encroachment of grazing field and routes by farmers is a call to war.*

This has serious implications for the Fulani and the settled native farmers in any given social formation. A typical Fulani pastoralist would care less about life if the survival and sustenance of his herd come under serious threat (Okoli and Atelhi, 2014). This again explains the extent or the magnitude of aggression and vindictive violence that the Fulani pastoralists often manifest in their disputes with settled farming communities (Young and Sing ‘Oei, 2011).

From the foregoing exegesis, it can be understood that the rising wave of violence in Edo and Delta states is driven by the struggle for survival in the new environment in which the Fulani pastoralists have found themselves. Survival here means herders, surviving with their animals, who will do anything to survive, be it with their cattle eating up farmers’ crops, and herders themselves feeding on farmers’ produce, and animals from farmers’ traps, among others. When this happens, farmers retaliate by killing herder’s cattle and this could lead to religious, social or political violence if not properly managed. As has been observed, any attempt by farmers to resist, disinherit, victimize or marginalize the Fulani herdsmen in their new ecological domain has been adjudged by the nomads as invitation to war.

This has been the case in the farming communities in Edo and Delta states of Nigeria. The relationship between herdsmen and farmers has been locked in a vicious circle of eco-violence and vendetta to the extent that sign-boards have been mounted by farming communities in strategic areas indicating that anywhere they see cattle on farmland, they will certainly kill them, and that if this is a call to war, these communities are ever-ready for that war.

**The Nature and Causes of the Conflict in Edo and Delta States of Nigeria**

Climate change, eco-survivalism, and ecological conflict have been issues addressed by several scholars in this area of study (Blench and Bendo 2003 and 2014; Onuoha, 2007; Abbas, 2012; Okoli, 2013 and 2014). For scholars in the area of study the prevailing
thinking is that climate change or extreme climate variability and outcomes, such as environmental degradation, desertification, desert encroachment, inadequate rainfall, droughts, loss of wetland, and volatility, etc. often precipitate conflict (Blench, 2003 and 2004; Onuoha, 2007; Olorunfemi, 2009; Nchi, 2013).

The conditions in the semi-arid zones had forced farmers to migrate southwards, both seasonally and permanently to look for greener pasture. The resultant effect of this search for fertile land is the cultivation of hitherto uncultivated areas in river flood-plains by migrants, thus leading to disputes and conflicts with their traditional owners (Blench, 2004).

As the linear trend of rainfall in the period, illustrated in Table 5, and Figures 1 and 2 further below show, the amount of rainfall was more or less steady, with only a slight variation. Also, as illustrated in Figure 2, the linear trend of temperature gradually increased within the period although with slight variation. This change in temperature had its own implication in the very long run. The steady increase in temperature, as was in Northern Nigeria and the Middle Belt, was what caused the environmental hazard that forced pastoralists to migrate Southward to the Middle Belt and finally to Southern Nigeria, including Edo and Delta States. The resultant effect of the above is environmental hazard for the States and Communities in question.

This environmental hazard caused by climate change has created an atmosphere of eco-scarcity that has placed high premium on the available resources and thereby paved the way for fierce competition and desperate struggle for subsistence. Thus, using logical manipulation for political analysis, one finds that herder-farmer militancy in the context of ‘anti-nomadic’ struggle, equates with occupation of cultivated farmers’ land over settled native farmers’ repression or responses.

This in effect simply means that in any given social formation, or uncultivated areas in river flood-plains or grazing fields, where the Fulani herdsmen are prevented from utilizing the resources, the only option left for them would be increased militarization and pre-emptive attacks. In Bayelsa, Benue, Cross River, Delta, Edo, Ekiti, Kogi, Nasarawa, Ondo, Plateau, Rivers, Taraba, among others, which are all armed-nomadic crises-prone zones, farmers have been engaged in conflicts with nomads over their farmlands.

In view of this, the situation does not only precipitate crisis, but it simply becomes a matter of survival. This conflictive relation between nomads and farmers has been intensified and exacerbated by the claims and contestations over land ownership and/or tenure rights.
Thus, as Okoli and Atelhe, (2004: 81) succinctly put it:

*As farmers take up more of the river-bank for farms, they come into conflict with the other users, especially the herders and fisher-folk. The herders have been coming to the river for many years for the grass and tend to consider they have ownership rights. When they arrive and find their grazing grounds covered by tomatoes, they may become angry.*

Table 5: Mean Annual Concentration of CO₂, Temperature and Rainfall for the Period of 1984 - 2014

<table>
<thead>
<tr>
<th>Year</th>
<th>CO₂ (mmt)</th>
<th>Rainfall (mm)</th>
<th>Temperature (°C)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1984</td>
<td>344.58</td>
<td>2553</td>
<td>26.45</td>
</tr>
<tr>
<td>1985</td>
<td>346.04</td>
<td>2932</td>
<td>26.45</td>
</tr>
<tr>
<td>1986</td>
<td>347.93</td>
<td>2971</td>
<td>26.44</td>
</tr>
<tr>
<td>1987</td>
<td>349.16</td>
<td>2872</td>
<td>27.00</td>
</tr>
<tr>
<td>1988</td>
<td>351.56</td>
<td>2814</td>
<td>27.10</td>
</tr>
<tr>
<td>1989</td>
<td>353.07</td>
<td>3416</td>
<td>26.89</td>
</tr>
<tr>
<td>1990</td>
<td>354.35</td>
<td>3493</td>
<td>26.80</td>
</tr>
<tr>
<td>1991</td>
<td>355.75</td>
<td>3142</td>
<td>26.80</td>
</tr>
<tr>
<td>1992</td>
<td>356.38</td>
<td>3966</td>
<td>26.70</td>
</tr>
<tr>
<td>1993</td>
<td>357.07</td>
<td>3000</td>
<td>26.57</td>
</tr>
<tr>
<td>1994</td>
<td>358.82</td>
<td>3001</td>
<td>27.10</td>
</tr>
<tr>
<td>1995</td>
<td>360.80</td>
<td>3010</td>
<td>27.20</td>
</tr>
<tr>
<td>1996</td>
<td>362.59</td>
<td>3100</td>
<td>27.23</td>
</tr>
<tr>
<td>1997</td>
<td>363.71</td>
<td>3005</td>
<td>27.31</td>
</tr>
<tr>
<td>1998</td>
<td>366.65</td>
<td>3416</td>
<td>27.26</td>
</tr>
<tr>
<td>1999</td>
<td>368.33</td>
<td>3493</td>
<td>27.38</td>
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<tr>
<td>2000</td>
<td>369.52</td>
<td>3142</td>
<td>27.27</td>
</tr>
<tr>
<td>2001</td>
<td>371.13</td>
<td>3966</td>
<td>27.49</td>
</tr>
<tr>
<td>2002</td>
<td>373.22</td>
<td>3000</td>
<td>27.42</td>
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<tr>
<td>2003</td>
<td>375.77</td>
<td>3001</td>
<td>28.23</td>
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<td>2004</td>
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<td>3010</td>
<td>27.67</td>
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<td>2007</td>
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<tr>
<td>2008</td>
<td>385.59</td>
<td>2931</td>
<td>27.44</td>
</tr>
<tr>
<td>2009</td>
<td>387.37</td>
<td>3963</td>
<td>32.60</td>
</tr>
<tr>
<td>Year</td>
<td>Mean</td>
<td>Rainfall (mm)</td>
<td>Standard Deviation</td>
</tr>
<tr>
<td>------</td>
<td>-------</td>
<td>---------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>2010</td>
<td>389.85</td>
<td>2674</td>
<td>16.28</td>
</tr>
<tr>
<td>2011</td>
<td>391.63</td>
<td>3005</td>
<td>345.47</td>
</tr>
<tr>
<td>2012</td>
<td>393.82</td>
<td>3416</td>
<td>1.68</td>
</tr>
<tr>
<td>2013</td>
<td>396.98</td>
<td>3291</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>398.61</td>
<td>3002</td>
<td></td>
</tr>
<tr>
<td>Mean</td>
<td>369.44</td>
<td>3154.24</td>
<td>27.90</td>
</tr>
<tr>
<td>Standard Deviation</td>
<td>16.28</td>
<td>345.47</td>
<td>1.68</td>
</tr>
</tbody>
</table>


Fig. 1: Time Series Showing the Mean Annual Rainfall from 1984 - 2014 in Ughelli Metropolis

![Time Series Showing the Mean Annual Rainfall from 1984 - 2014 in Ughelli Metropolis](image1)

Fig. 2: Time Series Showing the Mean Annual Temperature from 1984 - 2014 in Ughelli Metropolis

![Time Series Showing the Mean Annual Temperature from 1984 - 2014 in Ughelli Metropolis](image2)
Table 6: Selected Incidents of Nomad-Farmer Clashes in Edo and Delta States, 2011-15

<table>
<thead>
<tr>
<th>SENATORIAL STAGE/DISTRICT</th>
<th>LGAs</th>
<th>Communities</th>
<th>Date of incidents</th>
<th>Acts of Violence</th>
<th>Total No of People Killed during the incidents</th>
<th>Nature and Degree of destruction</th>
</tr>
</thead>
<tbody>
<tr>
<td>EDO NORTH</td>
<td>Etsako West; Etsako North; Akoko Edo</td>
<td>Auchi, Aghenebode, Igara</td>
<td>10 January 2012; 18 March 2014</td>
<td>Indiscriminate grazing/bush burning, destruction of crops, contamination of water, disregard to traditional authority, sexual harassment of girls, defecation of cattle on road, harassment of pastoralists by youth, cattle rustling/straying</td>
<td>6</td>
<td>Over 1000 people displaced; Serious quarrel; Fight ensued and several were injured on both sides.</td>
</tr>
<tr>
<td>EDO CENTRAL</td>
<td>Easn; Central; Esan West; Esan South-East;</td>
<td>Ewu, Ukhun, Okhuesan, Village Ukpala, Ubiaja</td>
<td>November 2014-December 2013; 01 January 2015; 01 January 2015; 10 November 2013</td>
<td>Destruction of crops, Killing of cattle, Robbery, Rape, Kidnapping</td>
<td>1</td>
<td>Fighting between groups, Killing of cattle</td>
</tr>
<tr>
<td>Region</td>
<td>Towns</td>
<td>Dates of Incidents</td>
<td>Incidents</td>
<td>Source</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------</td>
<td>--------------------------------------------</td>
<td>------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>--------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EDO SOUTH</td>
<td>Uhunmod, Orhionmwob, IkpobaOkha</td>
<td>16 April 2013; 16 March 2014; 18 January 2014; 7 May 2011; 03 January 2010</td>
<td>Killing; Rape; Destruction of crops; Theft</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eyah, Azagba, Evboe-Isi Ologbo</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ossissa, Umuachi-Afor, Onitsha-Ukwuani, Ogume, Amorgi, Ogiliamai, Umuebu, Obiaruku, Amai</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DELTA CENTRAL</td>
<td>Ethiope East, Ethiope West, Ughelli North</td>
<td>20 March 2015; 29 May 2015; 06 June 2013; 08 June 2015; 07 February - 29 Apr 2013</td>
<td>Killing; Rape; Destruction crops</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Abraka, Jesse, Agadama/Ohoror</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DELTA SOUTH</td>
<td>Isoko North, Isoko South, Bomadi</td>
<td>2014; 19 July 2015; 15 Mar. 2015</td>
<td>Destruction of crops; Rape; Killing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Uzoro, Enhwe, Bomadi</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Fieldwork, 2015.
Table 6 above shows the six (6) senatorial districts in Edo and Delta States, with the eighteen (18) Local Government Areas and the various communities where herder-farmer clashes took place, together with the various causes and effects, as well as the number of persons killed and the nature and degree of destruction involved.

Given the conditions above, i.e. climate change and inadequate rainfall, farmers would like to manage their farmlands to feed their families. Thus, any herder trying to encroach on that farmland would be regarded as dangerous and intrusive (Blench, 2004; Okoli and Atelhe, 2014). Thus as Nchi (2013: 221) pointed out:

As Fulani pastoralists undertake their...movement to the southern part of the country... they regularly clash with farmers as the inevitable rogue [sic] herdsmen allow their cattle to enter farms and eat up the crops. Altercations that follow usually end up in violence, with loss of lives and properties by both sides.

It is appropriate to note that the phenomenon in Edo and Delta States of Nigeria is the same as it has ever been in northern and central Nigeria. In Edo and Delta, the Fulani herdsmen believe that because they have paid dues to the kings (majority of who are politically enthroned) in the communities, they have free access or license to any land in the area; and as such, their cattle can easily traverse people’s farms and devour their crops without any challenge from sedentary farmers. This, exactly, is the case in farmlands in Edo and Delta states of Nigeria.

The kings, majority of whom are political appointees, hardly do anything tangible to resolve these problems because the herdsmen had already paid homage to them by giving them what they want; so the kings turn a deaf ear to whatever is happening in the communities to the detriment of its inhabitants. In an attempt to resolve this and to settle scores with the Fulani herdsmen, the youth sometimes take the laws into their own hands. These happenings are in line with what Okoli and Atelhe (2014: 81) observed in Nasarawa state:

When the people’s sources of livelihood are threatened as a consequence of the ecological vicissitudes and vagaries associated with climate change, desperate tactics are employed to ensure survival. This arguably explains the perennial pastoralist/farmer debacle in Nasarawa state.

To situate the herder-farmer conflict in a sound analytical frame, one should critically examine the nature, causes and dynamics of the conflict in northern and Middle Belt
of Nigeria as against the Edo and Delta States under review. The conflicts in Edo and Delta are not necessarily caused by environmental degradation, desertification/desert encroachment, loss of wetlands, inadequate rainfall/drought, and extreme climate variability and volatility, that are brought about by climate change or certain ecological changes and outcomes, which often precipitate conflict as found in the north-central region of Nigeria (Blench, 2003; Onuoha, 2007). Nor is the conflict ethnic, political or religious as often misrepresented or misinterpreted by people, since the beginning of the 1990s in particular (Adogi, 2003; Okoli and Atelhe, 2014), but a desperate struggle for subsistence or survival, that is, the search for arable grazing fields or greener pasture for their herds. This mobile life style has led to conflicts between herders and farmers because, most of the time, the Fulani herds destroy the farmlands of the settled native farmers.

The nomad-farmer conflicts in Edo and Delta have been occasioned by the rising migration and settlement of the Fulani pastoralists in these states in search of fertile grazing fields. The migration to these areas brings the Fulani pastoralists into conflictive relations with native farming communities that have exclusive rights to land ownership and inheritance. Thus, the crisis must be understood in this context.

The herder-farmer conflicts in Edo and Delta are in line with what Nchi (2013), in his recent work, observes in Nasarawa: that the conflicts have copious economic undertones. According to him, “these are clearly economic conflicts and are not sectarian in anyway. You have migrant pastoralists on the one hand and sedentary farmers on the other hand fighting for pasture and farmlands” (Nchi, 2013: 222)

It is clear from the foregoing discussions that there is a nexus between pastoral migration and increased herder-farmer conflicts in Edo and Delta States of Nigeria. However, unlike the north-central region, pastoral migration has been the major factor accounting for the spiral of farmer-herder conflict in the two states.

Concomitant with this is that the conflict has been politicized, that is, unlike in the north-central region where politicization is achieved through subtle mobilization of communal, ethnic, religious and other primordial identities or parochial sentiments in prosecuting group struggles (Adogi, 2013; Okoli and Atelhe, 2014). This is not the case in Edo and Delta States because “politicized” kings and chiefs are enthroned by governments and there are ‘big-men’ who own the cattle herded by Fulani pastoralists.

Given the nature of the parties involved in the conflicts, that is, the Fulani herdsmen being predominantly of Muslim faith (Nchi, 2013) and the sedentary farming community being predominantly of Christian faith, this factor is enough to introduce ethno-religious
tensions into the herder-farmer debacle in Edo and Delta states where both parties have different identities. Tensions between Muslim and Christian groups have assumed political dimensions, to the extent that neo-Biafran groups in the East are pushing for the Igbo to leave the Nigerian federation.

In some areas of Delta State (Ndokwa West, Ndokwa East, Ughelli North and Isoko South) the herdsmen have their own Sarki (Ruler/King) who forcefully collects tribute or money from some farmers farming on their ancestral farmlands. This, by implication means, the Sarki (who is also a Hausa-Fulani settler) is the de-facto ruler of such communities in which he is seen as a ‘guest’ of indigenes. This situation contributes to political violence. As one victim lamented when interviewed: “How can they ask me to pay them money before farming on my own farmland? This has never happened in the history of this community” (Ikenyei, 2016). What is likely to give rise to sectarianism in the frequent reports about herdsmen raping women, maiming and killing indigenes, together with the atrocious nature of the killings – slaughtering human beings like animals, of which there are plenty of documented cases. As documented in a recent study project by Aboribo (2013), the herder-farmer conflicts in Edo and Delta have been engendered by the interplay of factors, prominent among which are:

(a) Destruction of farmlands/farm crops by Fulani herdsmen;
(b) Provocation of indigenes/host-communities by trespassing on farms or communal property;
(c) Increasing deprivation and livelihood of natives in their communities;
(d) Raping of women
(e) Murder
(f) Inadequate responses from local government chairmen and politicized kings/chiefs in certain communities;
(g) Weak land use laws and administration.

Youth in Edo and Delta have organized themselves into communal militia/vigilante groups in the bid to ward off incursions by herdsmen and their cattle, or launch reprisal attacks, fighting back for their interests in their various communities (Aboribo, 2013: 9).

Now that the crisis has not reached to a level where resolution appears precarious, herdsmen and farmers should sit, re-think carefully, and reach amicable settlement as Nigerian citizens.
The Implications of the Herder-Farmer Conflicts in Edo and Delta States

The conflicts in both states have resulted in the loss of lives, property, bodily injury and livelihood crisis. So far, the death toll is estimated as no less than 60. The social effect of the conflicts in Edo and Delta is that, “pastoralists see settled farmers as enemies of their collective survival and destiny, and vice versa. This creates an ambience of mutual suspicion and perpetual tension that threatens peaceful co-existence, security and stability of society.” (Okoli & Atelhe, 2014: 85)

The conflicts have also resulted in the destruction of farmlands and a reduction in actual volumes of farm crops and produce, and by extension, household incomes. Also, reprisal killings of herdsmen and attacks on cattle by farmers have led to huge losses by herdsmen. Farmers in Edo and Delta States find it difficult to work on their farms for fear of being attacked, raped or killed. There are reports of herdsmen feeding on the farm produce and stealing from fish-ponds in sedentary communities. Some farmers reportedly get to their farms only to discover that their yams, plantains, maize, pepper, vegetables, etc. have been stolen by the herdsmen or trampled by foraging cattle. The violence associated with the conflict has exacerbated hunger and human insecurity among farmers and herdsmen in the communities, creating a tense situation that does not augur well for the livelihoods and sustainable socio-economic wellbeing of the people (Nchi 2013; Okoli and Atelhe, 2014).

Okoli and Atelhe’s (2014: 85) argue that, “the primordial claims by the natives to exclusive land tenure rights is out of keeping with the constitutional guarantees of inclusive citizenship rights to legitimate settlement and livelihood in any part of the country… amounts to the violation of Nigeria’s citizenship code.” This is not tenable, it is pejorative and ethnocentric. Apart from the fact that the crisis threatens the collective security of Nigerians, no meaningful development can take place in an atmosphere of crisis.

Conclusion and Recommendations

Herder-farmer conflicts in Africa have been engendered by resource scarcity due to the shrinking ecological space and resources, leading to intense pressure on, and competition for available land. This article argued that environmental scarcities have led to violent struggles for access to, and control over ecological space and resources. Given the nature of Edo and Delta states as ethnic minority, oil producing states, herder-farmer conflicts play into broader identity and regional politics, and violent contestations at the national level are capable of destabilizing the country. If left unaddressed the conflicts in these states can morph into a larger networked conflict as armed herdsmen and community
militias slug it out over access to prime land in two of Nigeria’s potentially oil-rich states.

In the light of the foregoing, efforts should be made to establish dialogue between Fulani herders and farmers, aimed at building mutual understanding and reaching a consensus around peaceful coexistence. There should be plan for gradual disarmament and peace building. Grazing reserves and cattle routes should be clearly delineated. Governments, on their part, should try as much as possible to intervene and resolve conflicts whenever they occur. Herding and farming communities should learn to live together as Nigerians; for there is nothing as beautiful in the whole of creation than to see a group of people – irrespective of race, colour, social status and religion–living harmoniously with one another in a given social formation.
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State Response to Violent Conflicts: An Assessment of the Nigerian State and the Indigenous People of Biafra (IPOB) Separationist Movement

By Clement Odiri Obagbinoko

Abstract

Conflicts arising from separationist movements are gradually becoming a security threat and source of instability in Nigeria. This article examines the nature and impact of the activities of the Indigenous People of Biafra (IPOB), and the response of the Nigerian state. It is of the view that the response of the Nigerian security apparatus to separatist movements is more likely to exacerbate the crisis, rather than help resolve it.

Keywords: Violent conflicts; Indigenous People of Biafra (IPOB); Separationist Movement

Introduction

Almost immediately after the decolonization experience, countries in Africa, Asia, and in parts of Europe started to experience a new wave of nationalism and separatism. Southeast Asia was faced with a variety of separationist movements, most occurring on the peripheries of its large multi-ethnic peninsular and Island states. Perhaps the worst-hit in Asia was Indonesia, with its wide expanse of islands and nearly incalculable diversity. Almost from its very outset, it faced a powerful and well-armed separationist movement in Aceh. Another separatist insurgency rose in Indonesia that resulted eventually in the granting of independence to East Timor in 2002.

In South Asia, there was the historic partition of India and Pakistan that later triggered a series of events that threatened the territorial integrity of both countries, mainly due to the accession of Jammu and Kashmir, a Muslim-majority territory, to India. In the Philippines, the post-independence government faced opposition from the Muslim populations of Southern Mindanao, which culturally had more in common with its neighbours to the South in Malaysia and Indonesia than to the predominantly Catholic mainstream Philippine culture. In Thailand, a superficially similar situation exists in the South which contains a large Malay-speaking Muslim population in a predominantly

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Buddhist society. Yet large-scale Muslim nationalist insurgency did not start there until the mid-1990s.

Curiously, nationalist separationist activity has also taken place in the regions of the world where it was least expected, the Industrialized West, often in the very home countries of the former colonial powers. For example, there was the upsurge of nationalist violence in Northern Ireland involving the movement by the Catholic Radicals and the Provisional Irish Republican Army (IRA) in 1970; the growth of Basque separatism in Spain, and the movement for the Quebec independence by the Quebec Sovereignty Movement, which became an active voice in Canadian politics in 1968. (Chai, 2008)

In Africa, the longest-running separatist conflict in North Africa, occurring continuously in Western Sahara since the 1960s and 1970s, is the one of the Polisario Front against Moroccan occupation of the former Spanish colony. Indeed, Africa has witnessed a series of separationist insurgencies; and they include the conflict between Nilotic groups of Southern Sudan and the Arab North, as well as Eritrean separation from Ethiopia.

Although many separationist movements are based on religion and racial/ethnic identity grounds, however, the process of decolonization also left behind conditions that gave rise to ethnic based separationist movements. This is as a result of boundaries that were drawn for administrative convenience but did not reflect geographical patterns of ethnic identities. And this has led to conflicts between ethnic groups, notably among which was the attempt by Katanga Province, under Moise Tshombe, to secede from Zaire (now DRC), but was defeated over the course of 1960 – 1963 with the aid of United Nations (UN) forces. Another ethnic-based separationist movement in Africa was the attempt by Igbo nationalists to secede from the Nigerian state to form the independent state of Biafra, leading to a bloody civil war of 1967-1970. (Chai, 2008)

Forty-seven years after the end of the Nigerian civil war and after Biafra had been reabsorbed into the Nigerian state, there is a resurgence of the scenario that led to the Nigerian civil war (Philips, 2007). Incidentally, this scenario of insurrection is playing out almost in every section of the country; the Boko Haram sect in the North East, the Movement for the Emancipation of the Niger Delta (MEND) and more recently the Niger Delta Avengers (NDA) in South-south, the erstwhile restiveness of the Odua People’s Congress (OPC) in the South-west, and that by the now less-active Movement for the Actualization of the Sovereign State of Biafra (MASSOB). It is interesting to note that since Nigeria’s return to civilian democracy in 1999, many of the country’s diverse peoples have been demanding for self-determination or greater autonomy. This clamour and agitation for greater autonomy by various ethnic and insurgent groups in Nigeria has in some cases unexpectedly assumed the form of armed rebellion against the
Nigerian state. This has, in no small measure, constituted a major threat not only to the Nigerian federation but also to Nigeria’s constitutional democracy.

The election of a Muslim northerner from Katsina State, Muhammadu Buhari, as president of Nigeria early in 2015, seems to have heightened fears of renewed violence and militancy in the Niger Delta, and possible resurgence of agitation by other ethnic groups, which hitherto nursed feelings of distrust against a president of northern origin. There are indications that some militants in the Niger Delta region are rearming and still launching occasional attacks on oil and gas installations and are involved in the trade in stolen oil. There are also indications that neo-Biafran independence movements have re-emerged and intensified their protests partly due to Buhari’s unpopularity in Nigeria’s South East (Menas Associates, 2015). All of this may appear like mere perceptions; but indeed the perceptions may have given way to reality following the emergence of two insurgent separatist groups - the Niger Delta Avengers (NDA) and the Indigenous People of Biafra (IPOB).²

So far, the objectives of the two insurgent groups appear similar but their modus operandi and strategies for achieving their objectives are obviously different. Both groups have demanded for autonomous regions for their peoples; but while the Niger Delta Avengers have embarked on massive destruction of oil and gas installations mainly located in the Niger Delta region, the Indigenous People of Biafra have resorted to massive street protests, most of which have either outrightly incited violent responses from security agencies or have been tainted by violence. However, our focus here is on the activities of the IPOB, the involvement of the state and the strategy adopted by the state in responding to the demands by the IPOB separatist movement.

Before the emergence of the IPOB, there were other similar separatist movements which originated from South–East Nigeria. For example, there was the Biafra Zionist Front (BZF), which supports the reinstatement of the Biafra state in Southern Nigeria. The BZF, formerly known as The Biafra Zionist Movement (BZM), was reported to have stormed a radio station to announce the rebirth of the Biafran Republic. The Biafra Zionist Movement, led by Benjamin Onwuka, was created in the early 2000s. The BZM later declared a new state of independence on 5 November 2012, at an event during which at least 100 peaceful protesters were arrested. The Biafra Zionist Movement is believed to be a by-product or an offshoot of the Movement for the Actualization of Sovereign State of Biafra (MASSOB), which was led by Ralph Uwazuruike. Uwazuruike was later arrested in 2005 and detained on treason charges (Iaccino, 2014).

² This article was written before IPOB was banned by the Nigerian government in September 2017.
Although IPOB is undisputedly a separatist movement, there have also been insinuations concerning the obscure motive of the group. For example, the group has been linked to the idea of a Customary Government of Biafra, but this notion has been debunked by IPOB, reaffirming the general belief that the group is unequivocally a separatist movement. In a reaction to a publication branding the IPOB as part of the Customary Government of Biafra, the IPOB reinstated that it is strictly a ‘freedom fighter’ group led by Nnamdi Kanu who was given the mantle of leadership by the High Command of the Biafran Army on the 30th of May 2014 at Enugu (Africanpress.com, 2016).

The objectives of this study are: (1) To determine the fundamental issues and the driving forces responsible for IPOB secessionism; (2) To examine IPOB’s secessionist strategy vis-à-vis government militaristic approach in containing the Biafran secessionism with the view to ascertaining the effectiveness of the approach; and (3) To ascertain the legitimacy and legality of IPOB’s secessionism.

Theoretical Perspective

This study is framed along the lines of Johan Galtung’s (1993) ‘Violence Triangle and Structural Violence’ theory. Analyzing this theory, Rajkumar Bobichand (2016), explains that violence is any physical, emotional, verbal, institutional, structural or spiritual behaviour, attitude, policy or condition that diminishes, dominates or destroys others and ourselves. Violence is one of the possible responses to specific conflict situations. Galtung made a clear distinction between Structural violence, Cultural violence, and Direct violence. In examining the three interrelated forms of violence (Structural, Cultural, and Direct), Structural violence is placed at the left end and Cultural violence is at the right end of the base of a triangle, while Direct violence is on the vortex.

Direct violence, physical and/or verbal, is visible as behaviour in the triangle. However, this action does not come out of nowhere; its roots are cultural and structural. Direct violence can take many forms. In its classic form, it involves the use of physical force like killing, torture, rape and sexual assault, and beatings. It also includes verbal violence like humiliation or put downs.

Cultural violence is made up of the prevailing attitudes and beliefs that we have been taught since childhood and that surround us in daily life about the power and necessity of violence. We can consider the example of telling of history which glorifies records and reports wars and military victories rather than peoples’ non-violent agitation movements.

Structural violence exists when some groups, classes, genders, nationalities, etc. are assumed to have, and in fact do have, more access to goods, resources and opportunities, than other groups, classes, genders, nationalities, etc., and this unequal advantage is built
into the very social, political, and economic systems that govern societies, states, and the world.

The implication of the Galtung’s (1993) structural theory of violence is that, though structural violence seems latent but lethal, it is that often leads to direct violence. According to Galtung, the understanding of violence goes beyond direct violence in which one or more people inflict violence on other people. To the scholar, structural violence is another form of violence which is not carried out by individuals but is hidden, to a greater or lesser extent, in structures. An example of this might be the injustices of the worldwide system for the trade in goods, which creates more and more starving people every year.

Violence is built into the social system and expresses itself in the unequal distribution of power and, as a result, unequal opportunities (i.e. inequality in the distribution of income, education opportunities, etc.). As far as Galtung is concerned, structural violence is synonymous with “social injustice”. Structural violence, thus, epitomizes deprivation and limited access to desired opportunities. The general formula behind structural violence is inequality in the distribution of power and resources (Galtung and Gewalt, 1993). It is on this basis that violence is defined [here] as that which increases the distance between the potential and the reality and that which impedes the decrease of the distance; the difference between what could have been and what is. When opportunities are denied, basic needs are deprived (denied?), and when access to political and socio-economic opportunities are limited, it translates into structural violence; and when this engenders the use of physical force, killings, maiming and the like, we have direct violence.

This is what is aptly represented in the IPOB versus the Nigerian state imbroglio. The Igbo people of Eastern Nigeria have, overtime, decried the political and socio-economic marginalization of their people. They have also expressed their grievances over limited access to key political positions, inequality in the distribution of social and economic resources, and what is perceived to be large scale vindictive deprivation and neglect of the South-East region within the Nigerian Federation (Menas Associates, 2015). This situation epitomizes structural violence (ostensibly precipitated by the Nigerian state), which has often led to civil unrest, and sometimes armed struggle between restive ethnic groups and the Nigerian state, thereby engendering direct violence as often showcased by the deployment of military option against separationist movements like IPOB.

The IPOB Secessionist Movement: The Driving Forces and the Issues Involved

The various movements for the restoration of Biafra no doubt revolve around diverse issues; ranging from the political, socio-economic to the legal and constitutional issues. Since the separationist struggle for a Republic of Biafra first became evident in 1967, the demands and the engendering issues have by no means changed. Much of the grievances
have been linked directly to the problem of political and socio-economic marginalization of the Igbo people of South East Nigeria (Menas Associates, 2015).

From a political perspective, movements like IPOB, have expressed and projected the discontent of the people of the South East around appointments into key political positions in the country. Invariably, these appointments, which are believed to be skewed in favour of other sections of the country, have been considered to be grossly unfair to the Igbo people. These grievances were further aggravated in President Muhammadu Buhari’s first appointments in 2015, shortly after he came to power, which were seen to have been in favour of the north. In his initial political appointments, Buhari did not pick anyone from the South East. This created a strong feeling of neglect in the area which had voted massively against Buhari’s political party, the All Progressive Congress (APC) in the 2015 general elections. Although, subsequent ministerial appointments tended to redress the earlier imbalance, the mistrust persists. This has systematically increased the fears of pro-Biafra agitators because the Southeast is not getting its due from the country’s federal system. Thus, it is believed that the pro-Biafra protest appears to have gained ground in part because of a perception that Buhari is biased against the South East (Menas Associates, 2015).

In terms of socio-economic ramifications, the South-East is believed to have suffered from deficient and decrepit infrastructure and widespread youth unemployment. The resulting economic frustration feeds into longstanding complaints that the federal government never fully rehabilitated the region after the civil war. Critics hold that administrative changes (such as the creation of new states and local government areas) decreed by northern-led military governments from 1983 to 1999 have diminished the region’s share of federal appointments, revenue and development projects (Menas Associates, 2015).

This position has been re-echoed by the Secretary of the Lower Niger Congress, Tony Nnadi (2016). Nnadi, on the Africa Independent Television (AIT), breakfast programme, Kakaaki, aired on Monday August 29, 2016 alleged that there has been a deliberate effort by the ruling elite to stifle the economy and social life of the Southeast. According to him, the Federal Government has over the years shut down the Orji River power plant, neglected the coal deposits in Enugu which could have served as source of power supply to the Southeast region. Nnadi also condemned the failure of government to cite an alternative seaport in the Southeast and the over-concentration of economic activities on the Lagos seaport, and its neglect and abandonment, for over ten years now, of the Onitsha – Enugu Expressway.

Excerpts from the in-depth interview with Dr. Boniface Anyanwu reveal that the end of the Nigerian civil war in 1970 signalled the beginning of the marginalisation of the Ibo
people from the South East. The issues, as articulated and repeatedly canvassed by the various Biafran separationist movements, were re-echoed by IPOB as follows:

- That Biafra was an existing autonomous nation before the arrival of the British in Africa. The 1914 amalgamation that united the North and South and created the new country called Nigeria is illegal because it was decided without their consent (it was a forced amalgamation);
- That the 100 years terms of the amalgamation experiment expired in 2014 which automatically dissolved the Union;
- That there is consistent economic and political marginalization within Nigeria;
- That because of the marginalization, there is palpable lack of developmental projects in Biafra land;
- That there exist persistent security problems, frequently resulting in unaddressed killings of the Biafrans in the North of Nigeria;
- That the incidence of killings has gradually caused a fear of total extinction among the Ibo people (Government of Indigenous People of Biafra, 2014).

Thus, the IPOB have decided to consolidate their demands as follows:

- Declaration of their right to self-determination: Outright independence from Nigeria; or
- Self-determination within Nigeria like in a confederation as agreed at the Aburi meeting in 1967; or
- A dissolution of Nigeria along the ethnic lines instead of allowing the country to break up in bloodshed. This will reverse the amalgamation of 1914 so that everybody would return to their ancestral homeland as they were before the arrival of the British (Government of IPOB, 2014).

However, the claim of marginalization by the South-East can hardly be completely correct considering the number of Igbo indigenes who have occupied exalted political positions in the past. For example, Jaja Wachuku was the Speaker of the House of Representatives 1959 -1960; Edwin Ume-Ezeoke also became the Speaker of the House of Representatives between 1979 and 1983; five indigenes of South-East Igbo occupied the senate presidency, beginning from Evan Enwerem, 1999; Chuba Okadigbo, 1999 – 2000; Anyim Pius Anyim, 2000 – 2003; Adolphus Wabara, 2003 – 2005; and Ken Nnamani, 2005 – 2007. Under President Goodluck Jonathan, Anyim Pius Anyim also became the Secretary to the Government of the Federation.

In relation to the above, one of the in-depth interviewees, Prof. A. S. Apkotor, also argued that the phenomenon of marginalization is not exclusive to the South-East Igbo, rather it
is a common factor which other ethnic groups have experienced at one time or the other depending on who occupies the seat of power.

The IPOB Struggle and the Effectiveness of the Militaristic Approach

What is clear about the Nnamdi Kanu-led IPOB separationist movement is the goal of achieving self-determination for the Igbo nation within the Nigerian Federation; what is not clear about the movement is the strategy it seeks to adopt in achieving its objectives. There is a generalized belief that Kanu’s movement may be disposed to a non-violent strategy in its struggle. However, a critical observation of the strategies adopted by IPOB so far indicates that the strategies seem to have betrayed the presumed non-violence stance of the movement. This has become very evident in some of Kanu’s declarations and proclamations. In some of his gatherings, Kanu has been found repudiating MASSOB’s pledge of non-violence and ostensibly endorsing violence as an instrument for resuscitating Biafra. Addressing a Diaspora group, the World Igbo Congress (WIC), in Los Angeles, U.S., in September 2015, he said: “We need guns and we need bullets and those of you in America will give it to us … If we don’t get Biafra, everybody has to die”. (Obasi 2015). Anyanwu, a key informant from the University of Delta state, does not agree that IPOB is a violent movement; he, however, sees the purported attempt of IPOB to acquire arms as a measure of self-defence.

The violent disposition of Nnamdi Kanu and his IPOB was accentuated by the setting up of Radio Biafra, live-streamed from London, which broadcast highly provocative messages laced with misinformation, hate-speech and anti-Nigeria derision. This is not only capable of inciting violence, but also a recipe for violence. Following Buhari’s victory in the March 2015 election, Kanu’s Radio Biafra stepped up its messages of hate and incitement against the new president, his government, and northern Nigerians. (Republic Reporters, 2015). It is also believed that IPOB, in recent times, is interfacing with the newly formed and violence-oriented, self-styled separationist group, Niger Delta Avengers (NDA). (African Press, 2016). To this end, it is evident that, though IPOB propagates a non-violent form of mobilization, its modus operandi is blended and tainted with some elements of violence. And this, many believe, appears to have also informed the hard posturing of government against IPOB pro-Biafra agitations.

Government responses to IPOB’s protest have been rather high-handed. A report by Amnesty International (AI) revealed that the state’s response often takes the form of extrajudicial execution and torture by Nigeria security forces, especially the Nigerian Army. This approach has led to the death of at least 150 pro-Biafra protesters across Nigeria’s South-east, between August 2015 and August 2016. The AI report corroborated

3 Interview, 2017
a Premium Times investigation which revealed the vicious clamp down and wanton execution of members of IPOB by soldiers of the Nigerian Army, the police and operatives of the State Security Services (SSS) (Ibekwe, 2016).

The largest number of IPOB members killed was recorded during the Biafra Remembrance Day of May 30, 2016. An estimated 60 members were reportedly killed on that day when security forces swooped on over 1,000 members of the group who were gathered for a rally in Onitsha. On February 9, 2016 at the Aba National High School, the Nigerian Army surrounded a group of IPOB members during a peaceful gathering and opened fire on everyone in sight without any warning. Many of the protesters were then rounded up and taken away. Four days later, 13 corpses, including some of the men (where there women, children, etc.?), were found near the Aba Highway (Ibekwe, 2016).

There have also been reports revealing the disturbing use of widespread torture of those arrested by the military. On May 30, 2016, a trader in the commercial city of Onitsha was reportedly shot, dumped in a gutter, and bathed with acid by soldiers. Another man detained at the Onitsha Barracks said that “those in the guard room were flogged every morning, the soldiers tagged it Morning Tea” (Ibekwe, 2016). The climax of government hard posturing was the arrest and incarceration of the leader of IPOB, Nnamdi Kanu, in October 17, 2015 (Ogefere, 2015), before being released on bail in 2017.

Nevertheless, there have been critical voices against the hard posturing of the government concerning Kanu’s incarceration which portrays the government as acting in breach of the rule of law and contrary to the tenets of democracy. An academic at the Delta state university 4 agrees with the argument that such persons like Kanu should be freely allowed to pursue their rights to campaign for (Igbo) self-determination without persecution, the way it is done in developed climes. This is based on the fact that the arrest and arraignment of Kanu is perceived to be tantamount to persecution of Kanu and a contrived attempt to suppress IPOB’s struggle (Ogefere, 2015).

This militaristic approach by the Nigerian government has been obstructive to modern democratic practice. An academic at the Delta State University 5 bemoans the choice of military option in containing the Biafran secessionism, claiming that “it is a unique kind of response which witnessed the killing of unarmed protesters based on the historical antecedents of the protesters”. According to the academic, the response of the Nigerian state to the pro-Biafra insurgency has been selective and has not been standardized to the extent that government has not deployed the same measure of militarism to more lethal

4 Interview, Prof. A. S. Akpotor, 2017
5 Interview, Prof. Jike, 2017
insurgencies like the one perpetuated by Fulani Herdsmen in Northern Nigeria. Thus, the state’s response to the pro-Biafra movement is believed to be a mismatch in the sense that, unlike the Niger Delta militants, the pro-Biafra agitators are neither armed nor militarized, and unlike Boko Haram, they are not terrorists (Ogefere, 2015).

Okadigbo (2016) categorizes the model of state response to the pro-Biafra movements into three theories which he describes as negative theories. One of the theories is the Vindictive Exclusion Theory, involving the punishment of Igbos for not voting for Buhari and which of course sparked off the renewed agitation. Another theory is what Okadigbo describes as the Underestimation and Under-Rating Theory, a theory where government dismiss the agitation for Biafra as a non-threat. For example, in a recent interview with the International Business Times, government spokesperson, Mike Omeri observed that the authority does not consider the separatist movement as a threat to the current leadership and defined pro-Biafrans as an ‘insignificant number of frustrated people who are not a threat to the existence of Nigeria’ (Iaccino, 2015). This theory has been linked to the Non-Negotiable Theory where President Buhari (like some past Nigerian leaders) has argued that the unity of Nigeria cannot be discussed. It is this theory that has apparently given impetus to the adoption of the military option.

The question to ask here is that, to what extent has government’s militaristic approach been effective in containing the IPOB movement? As much as government militaristic approach has helped government to foreclose other options; it is also intended to weaken the enthusiasm of both the protagonists and sympathisers of the pro-Biafra movement. However, it has been argued that, despite the suppressive nature of government militarism, the pro-Biafra struggle will by no means abate. Another interviewee from the Delta state university believes that government’s response has been a tradition which is becoming more and more ineffective. This point is buttressed by Ejechi who agrees that government militaristic approach is more likely to stoke the Biafran struggle.

For Ikeoji, the militaristic approach of the Nigerian state, instead of vitiating the Biafra struggle, has rather attracted the attention of the international community to the activities of IPOB. Anyanwu agrees with this line of thought, admitting that the suppressive approach of the Nigerian state in containing IPOB activities has brought more international recognition to IPOB, alluding to the recent invitation of IPOB by the United Nations (UN). According to Ikeoji, the international community is becoming more curious, interested in and sympathetic to the Biafra secessionism, due to the widely

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6 Interview, Prof. Ikeoji, 2017
7 Interview, Dr. Eueria Ejechi, 2017
8 Interview, 2017
9 Interview, 017
acclaimed persecution and injustice the Igbo people have suffered since the Nigerian civil war. He queries the discriminatory treatment being meted out to South-east Igbo despite the ‘No Victor, No Vanquished’ pronouncement made after the civil war by General Gowon, Nigeria’s former military head of state. Ikeoji therefore submits that the repudiation of the post-civil war resolve to reintegrate the Igbo people into the Nigerian state is no doubt attracting the attention of the international community to the Biafra struggle.

In the light of the above, the history of the Biafra struggle has revealed that the strategy adopted by the Nigerian state in containing the Biafran separationist movements has exacerbated the conflict. Over the years the use of military force to repress separationist agitators in Nigeria has proved to be counter-productive. For example, frequent deployment of the military to contain insurgencies in the Niger Delta (since the time of Isaac Boro) has only galvanized rather than reduce the potency of the Niger Delta agitators. Similarly, the defeat of the Biafran troops during the Nigerian civil war did little or nothing to prevent subsequent resurgence of pro-Biafran agitation, decades later.

The IPOB Secessionism: The Legal Perspective

There have been arguments in respect of the legality, legitimacy and/or constitutionality of the IPOB secessionist movement. At least two of the academics at the Delta state university are of the opinion that the intention to secede may not be the real objective behind the IPOB struggle, but rather to draw the attention of the international community to the plight of the Igbo of South-east Nigeria. Nevertheless, the major issues revolving round the pro-Biafra movements over the years have been the demand for self-determination. Whether or not the protagonists of these movements have disguised themselves on this issue is a matter of conjecture. But our main concern here is to determine if IPOB’s demand for secession is a legitimate one.

Thus, the questions to ask here are: What is the position of the law on IPOB’s demand for secession and self-determination? Is IPOB’s demand for secession guaranteed in the Nigeria’s constitution? Prof. Akpotor argues that issues that border on secession are not provided for in the constitution of Nigeria and can only be leveraged through the process of constitutional amendment. Indeed, the law allows for the indigenous peoples of the land to maintain their indigenous identities; but does the law confer on the indigenous peoples of the land the right to self-determination? IPOB has argued that its struggle for a separate territory within the Nigerian state is a legitimate and lawful one, drawing inference from the Scots and the Catalans. According to IPOB, the Indigenous People of Biafra are seeking to exercise their right to self-determination to re-establish and

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10 Interview, 2017
11 Interview, 2017
restore their ancient, ancestral nation of Biafra as a sovereign nation independent from Nigeria, the same way the Scots and the Catalans are seeking to exercise their right to self-determination and establish Scotland as a sovereign nation independent from Great Britain, and Catalonia as a sovereign nation from Spain respectively. (Government of IPOB, 2014).

But others have criminalized the activities of IPOB, citing Sections 37, 38, and 41 of the Criminal Code, Laws of the Federation of Nigeria, which define Treason and Treasonable Felonies as follows:

**Treason:** Any person who levies war against the Nigerian Government or the Government of a Region (or state) with the intention to intimidate, overthrow or overawe the President or Governor, or conspires with any person either within or without Nigeria to levy war against Nigeria or against a Region, or instigate a foreigner to invade Nigeria or a Region with an armed force, is guilty of treason and is liable to the punishment of death upon conviction. (S. 37(1); S. 37(2) and S. 38)

**Treasonable Felony:** Any person who forms an intention to overthrow the President or Governor, or to levy war against Nigeria or against the State, or to instigate a foreigner to make an armed invasion against Nigeria or the States, and manifests such an intention by an overt act is guilty of a treasonable felony and is liable to life imprisonment on conviction. It is, however, controversial to say if the activities of IPOB contravene these provisions of the criminal code. (S.40 and S. 41)

There have been frantic scholarly efforts to distinguish between secession and self-determination. Is secession the same thing with self-determination? Under what legal framework is the right to secede guaranteed? In an attempt to answer these questions, it has been argued that the right to secede is a matter of international law. On the other hand, the principle of self-determination of peoples suggests that every “people” have a right to their own nation-state. In a more explicit term, the principle of self-determination, as provided for in the United Nations (UN) Charter, Articles 1(2) and 55, was used to encourage colonized peoples to throw off alien domination. The normative force behind secessionist arguments derives from a different source, namely the right to territory that many ethnic groups claim to possess. Therefore, the separatist arguments make little sense unless interpreted in a territorial light. Thus, it has increasingly become difficult to determine whether the struggle of IPOB is meant to achieve secession or self-determination. The IPOB needs to clarify and better articulate its objectives by distinguishing secessionism from self-determination (Brilmayer, 1991).
The IPOB Movement and the Emerging Trajectories of Conflicts

There is the tendency for the Nigerian state to sustain its military action against the Biafran separatist movement to suppress further pro-Biafra agitation and possibly prevent or forestall future similar agitation. Such a sustained military approach is expected to result in the disarticulation and capitulation of the leadership of the pro-Biafra movements. There is bound to be a reoccurrence since the Nigerian state continues to savour the victory that was recorded during the 30 months Nigerian civil war. There is the prognosis that if government suspends or decides to abandon its militaristic approach, similar insurgencies may likely emerge from other regions.

It is also expected that the Biafra secessionist agitation will fade away when more people of Igbo extraction are appointed into the Buhari government, or when the Buhari administration begins to implement more infrastructural projects in the South-east. This is precisely what happened in the restive Niger Delta when Jonathan became the Vice President (and later the President), and when the amnesty programme was introduced to rehabilitate ex-militants from the region (Adibe, 2014).

The institution of the present democracy can also result in the abatement of the Biafra secessionism. This is to the effect that elected representatives from the South-east, especially the Governors from the region, are unlikely going to lend support to the pro-Biafra struggle. Indeed, the reality of the fact that the South-east has representatives in the present government is a vitiating factor. In relation to that, Akpotor is of the view that the failure of the South-east delegates to the 2014 National Conference to canvass the IPOB position is a disincentive to the secessionist struggle.

It is interesting to note that there is a noticeable trend, especially among African states, to the effect that ethnic-based secessionist movements are hardly successful. Although, many separationist movements are based on religion and racial motives, however, the process of decolonization also left behind conditions that gave rise to identity-based separationist movements. This is as a result of boundaries that were drawn for administrative convenience but did not reflect geographical patterns of ethnic identities. And this has led to conflict between ethnic groups, notable among which was the attempt by Katanga Province, under Moise Tshombe, to secede from Zaire but was defeated over the course of 1960 – 1963 with the aid of United Nations (UN) forces. Incidentally, the pro-Biafra struggle is also an ethnic based separationist movement which has so far been unsuccessful (Chai, 2008).
On the whole, based on the antecedents of pro-Biafra struggles in Nigeria, the IPOB neo Biafra secessionist movement may not achieve its set objectives due to, what Ikeoji\(^\text{13}\) refers to, lack of proper framework on the part of the agitators. According to him, IPOB should consider the reality of the landlocked nature of the South-eastern states and what impact this would have on the region in case the secession bid is achieved and the South-east eventually become autonomous. This means that the South-east would still depend heavily on other regions on the coastal line for their commerce.

Essentially, it is also expected that the neo-Biafra struggle, like in some African countries such as Sudan, Eritrea and Ethiopia, may eventually culminate in a referendum especially with the recent interest shown by the developed countries and the United Nations (UN).

**Conclusion**

The hallmark of IPOB secessionist struggle is hinged on the dire need to address the problem of marginalisation and social injustice against the Igbo people of South-east Nigeria; a problem which incidentally has been a major outcome of the Nigerian civil war. The neo-Biafra struggles no doubt have been episodic and have over time been championed by different movements, including Ralph Uwazuruike’s MASSOB, Benjamin Igwe Onwuka’s BZF and presently Nnamdi Kanu’s IPOB. Interestingly, the modus operandi of these movements has not been significantly different as they have always employed the civil disobedience approach to propagate their ideals and galvanize their supporters. Although this approach may not have achieved their expected objectives, it has undoubtedly elevated the struggle to a higher pedestal by attracting the attention of its supporters and the international community.

On the other hand, the government’s militaristic approach in containing IPOB protests is considered too high-handed and therefore counter-productive. Invariably, the hard posturing of the Nigerian state has stoked, rather than vitiated, the pro-Biafra activities of IPOB.

Modern methods of handling separationist movements include the use of state coercion, but may also, depending on the context, involve the adoption of dialogue and negotiations that may culminate in the holding of a referendum. War is usually considered the last option when all avenues of dialogue and peaceful negotiation have failed. The recent ‘BREXIT referendum’, which witnessed the exit of England from the European Union (EU) and the referendum by the Scots to seek an exit from the United Kingdom though unsuccessful, are instructive. To this effect, former UN Security-General Kofi Annan has been reported as haven advised the Nigerian government to dialogue with the people of the South-east. Short-term solutions in the form of repression and deployment of
the military, as experience has shown, would lead to certain resurgence in the future (Tapuka, 2015). The issue of restructuring, as frequently canvassed by various segments of Nigeria, can be revisited as a long-term measure to address the fundamental issues of marginalization and social injustice against the Igbo people (Republic Reporters, 2015).

Furthermore, the prospect of achieving the objectives of IPOB is no doubt dependent on certain variables. These include the resolve of the leadership of IBO to sustain the ideals of the pro-Biafra struggle; and this entails the ability of IBO leadership to overcome challenges which are opposition by some Igbo elites, government opposition and the militaristic approach of the Nigerian state; its ability to build a more coherent movement to forestall and manage any possible leadership crisis; and the dire need for the leadership of IBO to properly conceptualize and articulate the goals of the pro-Biafran movement. Issues relating to vitriolic outbursts of intolerance and duplicity have been linked to the leader of the IBO, Nnamdi Kanu. And this has dramatically contributed to the emergence of The Reformed Indigenous People of Biafra (RE-IBOB) whose leader is yet to be announced. This, combined with the recent banning of the organization by the federal government, to a large extent, raises questions about the future of the pro-Biafra groups, including IBO, and the prospects for the movement for Igbo self-determination.
References


