



AfSol Journal

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About The 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, has unique problems that require special diagnosis as well as a unique socio-cultural and political landscape that distinctly impacts the peace and security environment. With the transformation of the Organization of African Unity (OAU) into the African Union (AU) in 2002, new objectives under the new framework emphasized the need to define and find African-centred solutions for peace and security in the continent. While the African Peace and Security Architecture (APSA) is already operational, there is an emerging need for the AU to focus more on the interface between peace, security and governance. This makes 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 to these needs, it is time for Africans to actively discuss the past and present in order to shape their future by debating and analyzing conflict, peace and security issues through an African perspective. Vision 2063 of the AU pursues “a people-driven process for the realization of the vision of the AU for an integrated, people-centred, prosperous Africa, at peace with itself”. The AU Heads of State and Government recognized peace and security as an “intellectual challenge” in the 2009 Tripoli Declaration on the Elimination of Conflicts in Africa and the Promotion of Sustainable Peace. Responding to this “intellectual challenge”, IPSS offers the AfSol Journal as a platform for critical debate that avails theoretical and practical knowledge to academia and policymakers. This knowledge is drawn from newly emerging practices and from past experiences, found 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 objective is to bring this knowledge together to publish papers with high academic standards that are presentable to policymakers and to those working towards a peaceful and prosperous Africa.

Scope of the Journal

The Journal on African-Centred Solutions in Peace and Security (AfSol Journal) is an initiative of the Institute for Peace and Security Studies at Addis Ababa University. The Journal is an inter-disciplinary African studies journal, focusing broadly on the fields of peace and security in Africa. It covers the interface between ‘academia and practice’ and ‘theory and policy’ in African security and governance issues that have implications on the management of peace and security

in the continent. The Journal publishes articles from broad fields of study with at least one of the following criteria:

- Original empirical data collected and presented through acceptable scientific methods.
- Already existing data and with a unique or advanced theory.
- Practical cases in one of the following analytical dimensions:
 - » **African ownership and commitment**
 - » **Leadership**
 - » **African shared values**
- Narrate and analyze undocumented events or practices with suitable academic rigour.
- Unless it is especially relevant to the present or is a critical account of a missing piece of history, biographic and/or autographic narratives are not published in this Journal.

The Journal would particularly like to publish critical analyses of Africa's social, cultural and political factors that influence peace and state building in Africa. It ultimately aims to gather cross-cutting themes that would inform policymakers, civil society, and academicians, and also advance the promotion of effective interventions across Africa. Unless explicitly specified in the call for papers of a specific edition, articles within this scope are considered for review.

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The AfSol Journal will be produced and distributed in print and electronic copies in accordance with the Open Access Policy of the Journal.

b) Language

The AfSol Journal will be published in English. However, works written in French might also be published. Although the AfSol Journal will conduct its own language editing after acceptance, articles, whether in French or English, should be clearly written and referenced upon submission. Refer to the guidelines document for more information.

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- **Innovation, creativity, evidence-based and action-oriented**
- **Pan-Africanism, diversity, integrity and inclusion**
- **Commitment to delivery and social transformation**

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Introduction

This volume of the AfSol Journal consists of five articles focusing on different areas such as women and peace building, terrorism, Horn of Africa politics, and AU peace support operations. The articles in the volume communicate the research outcomes that investigate some of the challenges of the continent in areas of peace and security in general and more importantly provide specific recommendations on how to address these challenges.

In the first paper, Darlington Tshuma provides an interrogation of gender and peace building. He argues that, in the African context, gender relations and its relationship to peace building should be understood within the context colonialism, struggles for self-determination, and independence and post-independence struggles to construct new nation states. He further provides an examination of the options for increasing women's involvement in conflict resolution and peace building in postcolonial era of the continent.

In the second article, Owonikoko Babajide Saheed and Freedom C. Onuoha provide a critical examination of the uses and abuses of the Civilian Joint Task Force (CJTF) in Borno State, Nigeria. They find out that, on the one hand, the CJTF has helped to curtail military attacks on innocent civilians and assisted in decimating Boko Haram but, on the other hand, CJTF led to the human rights abuses of residents and inappropriate uses of positions in the task force.

In the third paper, Samuel Yaw Appiah-Marfo provides a discussion of the origins, development, and extent of networks and inter-linkages with the global terror networks of some terrorist groups in West Africa. Samuel argues such discussions help us understand the activities of terrorists and their organizations so as to prepare adequately to counteract their actions before they strike.

In the fourth paper that deals with the African Union 'Robust' Peace Support Operations, Samory Badona Monteiro argues that "the assessment of the responsibility of the international organisations and the participant States has to start from the determination of the attributability of the impugned conducts, on the basis of the 'effective control' test."

In the final article, Abdi Zenebe used the primary data collected from Ethiopian diplomatic circle to explore the potential areas of cooperation and challenges between Ethiopia and the Arab League and he argues that "the Arab League could create a platform for Ethiopia to address its multiple political economy and security concerns with most of its neighbors."

This volume of the AfSol Journal brings together various research outputs that provide invaluable insights and solutions from academia in an effort to mitigating the emerging challenges of conflict prevention, peace building and sustainable development on the continent.

IPSS conveys its deep appreciation to all authors for their invaluable contributions in the development of this volume. IPSS through its Africa Peace and Security program (APSP) will remain committed in being a platform for the academic exchange of ideas with a goal of promoting African-led solutions for peace and security challenges of the continent.

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Are women a missing link in Africa's peace process? Interrogating women's involvement in peacebuilding and conflict resolution in precolonial, colonial and postcolonial Africa

Darlington Tshuma¹

Abstract

This paper locates peacebuilding within the context of selected African countries with a focus on Zimbabwe; highlighting the intersection between gender and peacebuilding. The central argument in this paper is that gender relations and its relationship to peacebuilding in Africa must be understood within the context of the disruptions brought by European colonialism, struggles for self-determination and independence and post-independence struggles to construct new nation-states. The paper provides a sociohistorical analysis of gender relations in pre-colonial and colonial Africa and attempts to draw parallels with the postcolonial African state. It argues that a complex combination of these processes gave rise to exclusive, androcentric and elite driven peace processes in the postcolonial state. In examining women's struggles for equality and social justice in the postcolonial state, the paper highlights how civic society and the civic space has come to be synonymous with women and women's struggles to influence the peace process. Building on indigenous models of conflict resolution, the paper critically engages the concept of Ubuntu and appraises how it can be appropriated to re-insert women's peace agency in postcolonial Africa. The paper concludes by examining options for increasing women's involvement in conflict resolution and peacebuilding in postcolonial Africa.

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The author is grateful to two anonymous reviewers for their insightful comments on an earlier draft of this paper.

Key Words:

Peacebuilding; Conflict Resolution; Gender; Politics; Ubuntu; Africa.

Introduction

The aim of this paper is to provide a sociohistorical critique of gender relations in selected African countries in order to locate contemporary gender relations and its implications on peacebuilding. It attempts to unpack and highlight the role of women in light of systemic and entrenched patriarchal, androcentric systems of practice that undermine and marginalize women vis-à-vis conflict resolution and peacebuilding. The paper is constituted as follows; the first section provides an overview of gender relations in Africa across three historical periods (i.e precolonial, colonial and postcolonial). The second part engages peacebuilding in the context of Africa more broadly and Zimbabwe in particular. It advances the position that shrinking political spaces in countries like Zimbabwe, Liberia and Burundi necessitated institutional shifts that saw women turn to civic spaces to influence decision making on peace, conflict resolution and peacebuilding. The third section constitutes a discussion of unfolding political developments on the continent. Using indigenous models of conflict resolution and peacebuilding; the paper reflects on how women can transform politics and conflict in postcolonial Africa. It engages the question of how indigenous models of conflict resolution rooted in Ubuntu philosophy can be appropriated to influence politics and peace processes on the continent. It concludes by way of possible future options to strengthen women's involvement in conflict resolution and peacebuilding.

Gender, Colonialism and Peacebuilding in Africa

Although pre-colonial women have always been at the centre of peace processes, with their roles extending beyond localized conflict resolution (Amadiume, 1997; Nyong-Mbede, 2003; Isike & Okeke-Uzondike, 2011; Isike, 2017), peacebuilding literature until recently presented peacebuilding as a gendered process. This is in part because precolonial African women's history is very scant and often comes across as generalised. This tends to obscure important gender considerations across cultural, ethnic and geographic contexts. Consequently, most accounts of precolonial Africa portray societies in which women had limited or no political power (Muingi, 2016). However, a careful re-examination of history over the years by scholars such as Isike & Uzondike (2011) and Isike (2016, 2017) contest this narrative.

Bauer in Muingi (2016) contends that precolonial African women yielded considerable power that permeated economic, political and social spheres. Indigenous models of conflict resolution and peacebuilding rooted in the philosophy of Ubuntu² accorded women and men differentiated

² The concept of Ubuntu, like many other African concepts do not lend itself to easy interpretation particularly so in a foreign language. It is first and foremost an African traditional worldview based on respect, compassion and associated values. John Mbiti sees Ubuntu as based on the premise that an individual becomes conscious of his own existence (rights, duties, and obligations) through others, society, and the environment. To Murithi (2006:29) Ubuntu borders on principles of reciprocity, inclusivity and a shared destiny. Philosophically grounded in enduring values of tolerance, humanism, non-discrimination, peace and nonviolence and participatory decision making, Ubuntu shapes how individuals and communities respond to both conflict and peace.

but equal recognition in society (Murithi, 2006; Isike & Okeke-Uzondike, 2011; Gudhlanga, 2013). For example, Ntahobari & Ndayiziga (2003) note that Burundian women were traditionally considered 'bridge builders' and symbols of unity across families, communities, ethnic groups and clans through the institution of marriage. The institution of marriage was thus highly regarded and respected in traditional societies as it strategically positioned women, especially elderly women as peace envoys and peace makers who facilitated peace negotiations (Mohammed, 2003; Lihanba, 2003). Clarke & Nyathi (2010) document how Queen Lozikeyi, wife to King Lobengula facilitated peace processes in the famous Matopo mountains between Cecil Rhodes' forces and the Ndebele army following the Ndebeles' defeat.

In *Male Daughters, Female Husbands*, Amadiume (1989) demonstrates the power and influence precolonial African women exercised. She cites an example of the Nnobi, an Igbo community in south-Eastern Nigeria, where women could technically become 'sons' through lineage and could control property. Married and widowed women occupied the economic and social positions of husbands by marrying other women. This practice was a display of power and influence. Hoppe (2016), like others before her, argues that colonialism served to disempower rather than empower African women. Isike & Okeke-Uzondike (2011) argue that women in postcolonial Africa seem to have lost their peace agency³. This loss is due to socio-economic and political marginalization of women but increasingly also erosion of traditional communitarian values (Isike & Okeke-Uzondike, 2008; Hoppe, 2016; Isike, 2017).

Colonialism had a distinct impact on gender relations in Africa because it not only transformed traditional values but fundamentally transformed precolonial gender relations. Gudhlanga (2013) notes that due to cultural imperialism⁴, conventional interpretation of precolonial African society is biased against African culture. Women in many precolonial African societies had different roles and concerns to women of colonial times. For example; they considered themselves as people carrying out their duties; both in the domestic and public sphere. In the domestic sphere, women were responsible for the house and home-based tasks that included, among others tasks, food processing, cooking and cleaning. Together with men, they also helped till the land (Bhatasara & Chiweshe, 2017; Gudhlanga, 2013). In many traditional societies, men were responsible for clearing the land and ploughing the fields while women were responsible for sowing and weeding. Harvesting of yields was done collectively. In societies where land was collectively owned, women were also given pieces of land to grow what they deemed necessary for the family (Mfecane, 2018; Guy, 1990; Higson, 1986). This practice was common in many precolonial African societies. However, colonialism greatly disrupted this practice through the introduction of wage labour that necessitated changes in gender relations (Gudhlanga, 2013; Mfecane, 2018).

Martens (2009) argues that because western notions of femininity and masculinity differed from African gender systems, colonial administrators perceived women's intense involvement in labour

³ 'Peace agency' is a phrase used by Isike & Okeke-Uzondike (2011) to refer to a range of peace activities that historically positioned women as peace envoys, conflict mediators and negotiators. These activities were rooted in women's cultural and socio-political roles.

⁴ The Dictionary of Sociology defines 'Cultural Imperialism' as the imposition of dominant cultures on other cultures rendering them insignificant and invisible.

as a sign of gender oppression thus sought ways to 'liberate' African women from their oppressive men. Unbeknown to colonial administrators, women's labour involvement had positioned them as key decision makers, conflict mediators and peacebuilders. Colonial administrators were equally appalled by cultural practices such as payment of bride wealth and polygamy which they perceived as an ultimate mark of 'African barbarism' (Martens, 2009, p. 128). Consequently, beginning in the early 1830s, colonial administrators across Southern Africa introduced a number of policies and legislation that aimed to 'liberate' African women while simultaneously aiming to 'civilise' African men (Walker, 1990, p. 180).

Publicly, women played important and crucial roles as chiefs, arbitrators in traditional courts, village elders and leaders in war through providing spiritual guidance (Gudhlanga, 2013). Because there was no clear distinction between religious and political domains in precolonial Africa, spirit mediums such as Mbuya Nehanda of the Shona community in present day Zimbabwe, played key political and religious roles (Gudhlanga, 2013). Clarke & Nyathi (2010) note that Queen Lozikeyi stepped in to provide leadership after the 'disappearance' of the Ndebele King – Lobengula. After the Anglo/Matebele War of 1893 the Ndebele kingdom was severely weakened and had lost a significant portion of its population. Lozikeyi temporarily assumed leadership of the Ndebele kingdom and fought tirelessly to resist further land dispossessions. In fact, her anti-colonial stance is believed to have sown seeds of what later became the First Chimurenga (Clarke & Nyathi, 2010). Women assumed key roles as spirit mediums, mediators in local disputes but were also consulted on other matters of societal importance, for example calamities such as droughts or outbreak of diseases (Gudhlanga, 2013).

Women's involvement in important societal issues made them significant political actors. Gudhlanga (2013) argues that some of the best combat regiments during the Munomutapa period were comprised of women only; mainly young and unmarried. She notes that being afforded the opportunity to lead was a manifestation and confirmation of women's capabilities and a clear indication that they were not marginalised but worked together with men for the betterment of society. This confirms Diop's (1989) argument that precolonial African societies were a manifestation of what he refers to as 'harmonious dualism' where patriarchy and matriarchy coexisted in a stable manner. Amadiume (1997, p. 92) describes precolonial African societies as exhibiting 'fluid demarcation'; a situation where two contrasting systems existed and the balance of forces was constantly tilting and changing. Isike & Uzondike (2011) argue that gender relations in precolonial Africa were fluid as they were not only a means of dividing roles and responsibilities between men and women but also a means of integrating and coexisting in dynamic ways that enabled stability and order based on justice, fairness and equity. Within such arrangements, women's power became closely associated with their economic power in relation to men while men's general belief in the sacredness of the female body accorded them respect (Isike & Uzondike, 2011).

However, Hoppe (2016) warns against romanticization of precolonial Africa. She argues that 'the idea of female husbands bewilders biological determinism, but not patriarchy or hierarchical gendered institutions' (Hoppe 2016:5). Similarly, Siedman (1984) argues that although men

and women in precolonial society may have had equal access and ownership of resources such as land; using resource access as a yardstick for equality ignores non-economic forms of male domination embedded in powerful social and cultural structures. Scholars like Guy (1987) and Mkhize & Cele (2017) have argued that vertical control of power by men, in precolonial times, denied women access to important economic assets such as cattle and land which formed the primary source of wealth in many societies. They further argue that with these power and gender dynamics at play, it was easy for colonialism to tap into these localised gender relations to entrench patriarchy and colonial interests.

In spite of disagreements among historians, there is no denying that the impact of colonialism is such that it left indelible marks everywhere it permeated local systems (Walker, 1990). By removing black African women from positions of power and influence and eroding traditional values; colonialism inadvertently marginalised women's active participation in public life. Martens (2009) argues that because colonialism in Southern Africa was conceived ideologically as a 'civilizing mission', it transformed existing social systems to align with Western notions of 'societal progress.' For example, during colonialism, women's participation in politics and public life in general diminished (Gudhlanga, 2013). Colonialism was followed by introduction of pieces of legislation that saw women lose not only their political power but increasingly also their social and economic power (Gudhlanga, 2013). The loss of political and economic power further removed women from previous roles as chief negotiators, arbitrators and peace envoys. Customary law effectively reduced women to perpetual minors transforming fluid and flexible gender relations that had existed in precolonial Africa into hard and fast rules. These pieces of legislation engraved with Victorian values of patriarchy and male authority marginalised and excluded women from public spaces. As a result, colonial and postcolonial African societies became poor imitations of a deeply classed and gendered Anglo imperialist society (Gudhlanga, 2013). In many parts of Southern Africa, chiefs and rural men formed curious alliances with colonialists to control and disempower women (Walker, 1990).

Changes in gender relations under colonialism diminished the power and influence African women had enjoyed for centuries. For example, under colonialism; small scale commercial farms were designed to cater for the small group of black male elites who could afford to buy land from the state. In Rhodesia, this was facilitated through the Land Apportionment Act of 1930 and the Native Land Husbandry Act of 1951 which set aside Purchase Areas (PAs) where blacks could purchase freehold land (Bhatasara & Chiweshe, 2017). In both the colonial and postcolonial state, women's access to land was negotiated and mediated through their relationship with men (Gudhlanga, 2013; Gaidzanwa, 1993). Muvingi (2016) argues that some extremely important and influential African public roles; such as the role of spirit mediums had no equivalence in the European model. Furthermore, competing interests between spirit mediums and missionaries meant that women's public roles among them peacebuilding and conflict mediation were also diminished and silenced. Weir's (2007) study among the Zulu nation in South Africa confirms the centrality of women in Shaka Zulu's kingdom. They played significant public roles as traditional healers and wielded great influence in matters to do with statecraft (Weir, 2007).

Mushonga & Seloma (2018) note that throughout history, women across cultures have worked alongside men to resist and dismantle oppression. For example, during the Algerian war of independence from France between 1954 and 1962, thousands of women actively participated in the struggle for self-determination as combatants, spies, fundraisers, couriers, nurses, launderers and cooks. Similarly, in Zimbabwe and South Africa, women and women's groups played instrumental roles in the struggle for political freedom (Muvingi, 2016; ANC, 2009; Sadomba & Dzinesa, 2004). In spite of having played active roles in the liberation of their countries, many women faced similar challenges of political, economic and social exclusion and marginalization upon cessation of conflict. In Algeria, for example; many women including former combatants faced challenges reintegrating into a society they had helped liberate (Turshen, 2002). In post-colonial Zimbabwe, women ex-combatants faced challenges of political exclusion, economic and social marginalization (Muvingi, 2016; Dzinesa, 2007; Sadomba & Dzinesa, 2004).

Sandole & Starotse (2015) argue that the post-colonial African experience has been that spaces created by women during war and conflict shrink with the cessation of conflict as calls for a return to the status quo reverberate louder. Gughlanga (2013) argues that male dominance is not only a sexual and social problem but also a political problem directed at maintaining existing power relations which privilege men. In post-genocide Rwanda, for instance, women's demands to legalise abortion due to rape-induced pregnancies were disregarded (Sandole & Starotse, 2015). Gaidzanwa (1993) notes that in the post independent phase, a number of nationalist governments across Southern Africa adopted models of society couched in Western culture. In Zimbabwe, the state assumed patrilinearity and this was reflected in a number of legislation around inheritance laws and ownership of resources such land and property (Gaidzanwa, 1993). Bhatasara & Chiweshe (2017) and Chiweshe et al (2015) argue that Zimbabwe's land reform in the early 1980s was a reflection of deep seated patriarchy which further marginalised divorced and married women. Registration of property and title deeds was always in the name of a male spouse.

Making an Impact from the 'Margins:' Women, Civic Society & Peacebuilding in Zimbabwe: 1980-2018

Women have been instrumental in shaping Zimbabwean society. For example, female combatants played crucial roles in the country's armed liberation struggle between 1962 – 1979 (Siedman, 1984; Sadomba & Dzinesa, 2004). However, the political space⁵ for their participation contracted sharply after independence (Muvingi, 2016). With a narrowing political space, and determined to make their concerns heard, women increasingly became active in civic society (Gudhlanga, 2013). The growing and expanding civic space offered women an opportunity to re-enter public life, although this time pressing for a recognition of women's rights and the erasure of oppressive practices. For example, in June 1999, a group of women activists, researchers, academics with the support of more than 30 women's rights organizations came together to launch the Women's Coalition, a broad based women's movement born out of the realisation that a proposed draft constitution in 1999 was silent on issues of women's rights and empowerment (Gudhlanga, 2013). The group set out to invite women from all walks of life to participate in the constitutional reform process.

⁵ Cheeseman (2006) defines 'political spaces' as constituting arenas within which political actors engage in political activities through mobilisation of political concerns, legitimisation of political claims and representation. They can also be spaces of inclusion and exclusion.

Women's Coalition became synonymous with women's struggles for self-determination in an increasingly patriarchal and authoritarian state. Chiweshe et al (2015) note that in spite of women's involvement in Zimbabwe's chaotic and violent Fast Track Land Reform (FTLR), women were increasingly side lined and marginalised in the distribution of the spoils. A land audit commission in 2003 revealed that only 18% of the beneficiaries were women (Utete Report, 2003). The 20% quota advocated by the Women's Land Lobby Group (WLLG) was not achieved. In the late 1990s, women's groups and other Civil Society Organizations were active in attracting international attention on the declining economic, political and social situation in the country. Women of Zimbabwe Arise (WOZA), a civic society organization (CSO) in Bulawayo staged numerous demonstrations in the country between 2003 and 2008, calling for an end to gross human rights violations (Ndlovu, 2009; Freedom House, 2011; Peace Work, 2007). They also strongly condemned the government's heavy handedness in dealing with dissent.

In spite of their involvement in the liberation war, women and women's groups were conspicuous by their absence in peace negotiations on many occasions as male decision-making took centre stage. During the Lancaster House Agreement (London) in 1979, women were underrepresented in both the Patriotic Front and Rhodesian delegations. There were two women present compared to 64 men (Lyons, 2004; Sadomba & Dzinesi, 2004). In the negotiations that led to the GNU in Zimbabwe, only one woman from the Movement for Democratic Change (MDC-N) was present (Mbwadzawo & Ngwazi, 2013). During negotiations for independence in London, Sadomba & Dzinesi (2004) note that questions that arose concerning women had to do with women and their relationship to men. For example, discussions around what happens to the citizenship of women married to foreign men or foreign women married to Zimbabwean men.

Under pressure from various lobby groups to give attention to gender issues, in 1981, the government created a Ministry of Women Affairs, Gender and Community Development which raised hopes that the government was prepared to match political rhetoric with practical action. Mabeza-Chimedza (1995) argues that this resulted in women and women's issues being removed from mainstream politics. At about the same time, male leaders of the liberation struggle called on women who had participated in the struggle to 'return to the domestic space' since independence had been won (Campbell cited in Muvingi, 2016). Siedman (1984) contends that political movements elicit the support of women in times of crisis and then ask them to return to their 'rightful places' when the crisis has ended. To Muvingi (2016), party loyalty effectively replaced liberation ideals; among them gender equality, further peripherizing women's issues and concerns. To Geisler (1995), the ruling party's women's wing (Women's League) visibly served to advance the party's (male) agenda. Thus, one of its core functions became that of working in opposition with other women's groups, particularly independent women's groups. Similarly, Kwinjeh (2010) contends that women's leagues have been used by male politicians to advance their political interests at the expense of women.

However, the few female parliamentarians, working with Civil Society Organizations and independent women's groups succeeded in removing some of the prohibitive and discriminatory legal provisions such as: (i) the Sex Discrimination Act (1980), which allowed women to hold

public office; (ii) the Employment Act (1980) which legislated equal pay for equal work; (iii) the Labour Relations Act II (1985) which ended gender based discrimination in employment and benefits; (iv) Legal Age of Majority Act (1982) recognised women and girls as equal before the law; and (v) Matrimonial Causes Act (1985) and the Labour Relations Act (1985) which made workplace discrimination based on sex illegal and also provided for maternity leave (Muvingi, 2016). While these progressive pieces of legislation were being implemented, a counter narrative that portrayed women and girls as irresponsible in need of 'male support' continued to characterize national debate about gender equality. In 1983, the government launched an operation crackdown code named; 'clean up operations' to arrest and harass women who were unaccompanied by men after sunset as a campaign against 'prostitution' (Muvingi, 2016, Gaidzanwa, 1993; Siedman, 1984). Siedman (1984) notes that these practices were an extension of pre-independence vagrancy laws which disproportionately targeted women and girls. Prior to independence, women were indiscriminately picked up on the streets, hotels and cinemas and held in 'concentration camps' until they could produce proof of marriage or employment. Failure to do so resulted in them being remanded to rural settlement camps (Siedman, 1984). The continuation of these harsh laws, post-independence, incensed women and women's groups and provoked them into action. In 1983, a group of women came together to form Women's Action Group (WAG) to resist government's 'Operation Clean Up' which indiscriminately targeted women and girls accused of loitering and prostitution (Gudhlanga, 2013).

The formation of the women's group heralded a period of intense women's lobbying and confrontation with the state. Women took this opportunity to challenge the state on a number of unfair and discriminatory practices; among them issues to do with citizenship. For example, foreign female spouses were granted citizenship while foreign husbands were not (Muvingi, 2016; Gaidzanwa, 1993). The state response was rather disappointing, for example instead of acceding to women's demands, the state simply shut out all foreign spouses. Win (2004) argues that in the context of a predominantly hostile state, women's organizations had to carefully manoeuvre a perilous political terrain by deciding whether to cooperate with the state and risk co-optation or simply challenge it and risk being labelled neo-colonial puppets. It must be appreciated that in post-colonial Zimbabwe; 'labelling' became an effective tool to delegitimize and 'otherise' dissenting voices. In the aftermath of independence, ZANU-PF's main political challenger and rivalry; PF-ZAPU were labelled 'dissidents' and 'traitors' to justify the government's security crackdown in Matabeleland (Doran 2017; Ndlovu-Gatsheni, 2008; 2009)

Women's advocacy and activism work expanded and continued into the turn of the millennium when the country faced a multifaceted economic, social and political crisis. In the lead up to the 2000 constitutional referendum, the Women's Coalition was formed to ensure the formation of a gender-sensitive constitution (Muvingi, 2016; Gudhlanga, 2013). The Women's Coalition embarked on nationwide civic education programmes and mobilisation of women culminating in the launch of a Women's Charter. The Charter became a platform for women to articulate their issues and concerns in view of defining what constitutes 'women's consciousness' (Women Coalition, 2001). At the same time, the National Constitutional Assembly (NCA), led by one of Zimbabwe's notable feminists Thoko Matshe, challenged the government on the process

and substance of the nation's constitution. The NCA constituted a task force with 30% being representatives of various women's groups and organizations. Mavingi (2016) argues that women have used the political space intelligently to advance both their interests and more broadly, national issues. Riding on their successful campaign to reject a constitutional referendum, the coalition of women's groups organised and supported a selected group of women to contest parliamentary elections scheduled for June 2000. Demonstrating their resolve to build bridges across party lines, the women advanced and endorsed by the coalition group refused to toe party lines choosing instead to create inclusive spaces for dialogue, problem solving and conversation (Gudhlanga, 2013). With the rejection of a ZANU-PF led constitutional referendum, violence, state repression, political intolerance and violent problem solving came to define ZANU-PF's approach to statecraft in Zimbabwe (Makachanja, 2010).

Although the negotiations leading to the Government of National Unity (GNU) remained a private affair between political parties largely represented by men (Abey, 2016) women's groups continued to put pressure on the process through their networks in both civic society and formal politics. Only one woman representing her political party was invited to the negotiating table (Mbwadzawo & Ngwazi, 2013). The exclusion of women and minority groups from the peace process in Zimbabwe was worrying given that many women suffered serious trauma due to physical assault, murder, sexual abuse and rape (Hodzi, 2012; Shaba 2011; Doran 2017). Shaba (2011) notes that women were disproportionately affected in the 2008 post-election violence.

Women groups also criticised the Organ for National Healing, Reconciliation and Integration (ONHRI) for its gender bias. Established as part of the Global Political Agreement (GPA), ONHRI was meant to advise the state on addressing past injustices and human rights violations to ensure healing, reconciliation and integration (Hozdi, 2012). ONHRI proved incapable of responding to historically gendered processes of violence or challenging the patriarchal status quo which often promotes hyper masculinities that perpetuate the abuse of women in conflict situations. Women's representatives argued that because traditionally women are bearers and protectors of communities' culture and future generations, they were often targeted in ways directly linked to their gender and sexuality. Hodzi (2012) notes that in the context of Zimbabwe's political crises, sexual violence targeting women became a means of undermining the strength and support of other political parties, but increasingly also to demoralise and vanquish communities opposed to ZANU-PF rule. Chiweshe (2016) raises three important gender considerations that ONHRI was found wanting on. First; ONHRI failed to provide a gendered analysis of violence and past human rights violations in Zimbabwe. These would have spelt out how different social groups experienced and were impacted by violence. Second, the Commission did not seek to understand how perpetrators, victims and survivors are all gendered and in such contexts, gender becomes a central issue in understanding the historical process of violence. Lastly, both victims and perpetrators were lumped together as a homogenous entity without further interrogation and analysis. These issues continue to be contentious points as Zimbabwe embarks on a long overdue national healing and reconciliation process.

Africa's Future Peacebuilding Prospects: A Discussion

Since the turn of the millennium, Africa has witnessed an increase in women's political and civic participation (Tshuma, 2018; Tripp, 2013). For example, in 2005, Liberia elected Africa's first female president – Ms. Ellen Johnson-Sirleaf and seven years later Joyce Banda was elected President of Malawi. More recently Ethiopian Prime Minister Abiy Ahmed appointed Ms. Sahle-Work Zewde as state President. Since 1975, 12 women have served as vice presidents across Africa including Wandira Speciosa Kazibwe in Uganda and Joyce Mujuru in Zimbabwe (Tripp 2013). Women are also being seconded to key ministerial appointments in defence, finance and foreign affairs – traditionally a preserve for men. Ethiopia, Zimbabwe, and South Africa have female defence ministers. Women are similarly visible in regional bodies, holding more than half of the African Union parliamentary seats (African Union Parliament, 2012). Women like Gertrude Mongella and Nkosazana Dlamini-Zuma have served the continent at the highest level. In countries like Lesotho and Seychelles, women occupy approximately 60% of all local government positions; 43% of municipal assemblies in Namibia and over a third of local government seats in Mauritania, Mozambique, Tanzania, and Uganda (Tripp, 2013). In 2018, Ethiopia's Prime Minister allocated 50% of cabinet seats to women (The Economist, 2018). In light of these developments, the paper reflects on the following questions; do women have the potential to transform politics and conflict in postcolonial Africa? If so and given unfolding political developments on the continent, how can indigenous models of conflict resolution and peacebuilding be appropriated to influence politics and peace?

It is not a secret that some African countries today have the world's highest rates of female parliamentary representation (Tripp, 2013; The Economist, 2018). Examples include Rwanda, Seychelles, South Africa and Senegal. In 2018, Rwanda had the highest female parliamentary representation in the world (The Economist, 2018). In Senegal, the Seychelles and South Africa, women hold more than 40% of parliamentary seats while in Mozambique, Angola, Tanzania and Uganda female representation stands over 35% (Tripp, 2013; ANC, 2009; Maina, 2016; The Economist, 2018). This compares favourably to between 18% and 20% in the US House and Senate (Tripp, 2013).

We agree with Tripp (2013) that these changes are a result of a decline in African conflicts, expansion of civil liberties and progressive international and regional instruments on women empowerment. To sustain these gains, it is important to seek ways of building on the progress recorded this far through infusing traditional and modern ways of conflict resolution and peacebuilding. This is particularly important in Africa where conflict is largely driven by perceptions of exclusion and economic marginalization, poverty and inequality.

An African Model of Empowerment?

For a long time, the 'Nordic model' was used as a reference point and model for countries aspiring for 'gender parity' in decision making. Previously Scandinavian countries like Sweden and Denmark enjoyed the highest rates of female representation in government and public

institutions (Tripp, 2013; The Economist, 2018). The 'Nordic model' has now been replaced by what Danish political scientist Dahlerup calls the 'fast track' model seen in a number of African countries that have experienced dramatic jumps in female parliamentary representation through adoption of electoral quotas (Tripp, 2013). Studies show that women who take up leadership positions put the interests of society ahead of personal interests. For example the election of Ms. Ellen Johnson-Sirleaf as Liberia's first president not only put a stop to a civil war that had gone on for years but also saw an increase in government expenditure on key areas of education, health and strengthening of legal mechanisms (Jennings, 2016). This unique model of African empowerment has implications on peacebuilding given that most conflicts on the continent are triggered by perceptions of economic marginalization, political exclusion and inequality. Investment in public service becomes an important step in consolidating peace and managing conflict.

To support women's active participation in politics and decision making, a number of African countries have adopted mechanisms to boost women's visibility and enhance their participation in state building. For example, while only six countries in sub-Saharan Africa had adopted quotas in 1995, today more than half of all sub-Saharan African countries have adopted gender quotas (Tripp, 2013). Quotas are measures and mechanisms used in politics as a means of addressing women's macro and micro needs in society (Tshuma, 2018). The UN Conference on Women, held in Beijing in 1995 helped spur these trends by adopting a Platform of Action that encouraged countries to advance women's political leadership (UN Women, 2015). Basically three types of quotas have been adopted to influence female legislative representation. First, reserved seats – these are seats set aside for which only women can compete. This guarantees from the outset a predetermined percentage of seats to be given to women. These provisions are usually mandated by constitutions or legislation. Second; voluntary quotas – these are usually adopted by parties, regardless of whether there is a legal mandate. Zimbabwe uses a mix of both (Tshuma, 2018). Third; compulsory quotas – these are quotas which legally require all parties to include a certain percentage of women on their candidate lists. They generally do not mandate where they should be placed on the list, which is crucial to the success of such a provision. However, Tripp (2013) notes that the last has been largely unsuccessful because it is viewed as an imposition.

Africa's Democratization Wave?

While third wave of democratization⁶ had mixed results in Latin America and Eastern Europe, in Africa it was accompanied by an expansion of women's rights, civic and political participation (Tripp, 2013). Although democratic and non-democratic countries tend to have similar levels of women's political representation in Africa, Tripp (2013) argues that it is democratization (the process of democratizing) rather than levels of democracy (measured in absolute terms) that may be more important in explaining the relationship between democracy and women's political representation. This understanding is particularly poignant for Africa where the big shift in the 1990s was not towards democracy, but rather from authoritarian regimes to hybrid regimes that

⁶ Third wave of democratisation refers to changes in international norms regarding women's political representation and women's rights more generally. This period influenced not only domestic women's movements through the increase in donor funding for women NGOs, but also influenced the activities of multilateral agencies such as the UN and the World Bank, and of donors more generally.

are neither fully democratic nor authoritarian. Examples include Zimbabwe, Rwanda and Uganda. In Zimbabwe, the emergence of democratic multipartism in the early 1990s coincided with a period of intense lobbying by women's groups which often took a confrontational approach. They challenged the state on a number of unfair and discriminatory practices such as inheritance laws and processes around property ownership.

Post-Conflict Impacts

Conflict has also stirred some African countries towards democracy and democratization. For example; Rwanda and South Africa has twice as many women in legislatures than non-post conflict countries on the continent (Tripp, 2013). Post conflict countries in Africa have also passed twice as much woman-friendly legislation when compared with non-post-conflict countries, and they have made significant constitutional reforms in women's rights. For example, Zimbabwe pushed for legislative quotas for women, passed laws around violence against women and have challenged customary laws on inheritance, land and property rights that previously worked to the disadvantage of women (Gudhlanga, 2013; Gaidzanwa, 2011). In Liberia, the Women in Peacebuilding Network (Wipnet) was instrumental in the election of the country's first female President H.E. Ellen Johnson-Sirleaf (Mutisi, 2016).

The decline of conflict often creates opportunity structures like peace negotiations and constitution-making exercises that allow women activists to press for a women's right's agenda and increased representation. For example; international and regional condemnation of Zimbabwe's violent and bloody June 2008 presidential run-off resulted in a GNU whose immediate task was to come up with new constitution among other reforms (Machakanja, 2010; Ford and Du Pleiss, 2009; Abey, 2016; Tendi and Cheeseman 2010). In Zimbabwe, women and women's organizations used the civic and political space to advance the adoption of legislative quotas and demands for equal representation in government and public institutions. The adoption of a quota system in 2013 was ground breaking because for the first time in the history of the country, women's representation in both the National Assembly (NA) and Senate catapulted from 16% and 25% in 2008 to 35% and 48% respectively (Tshuma, 2018). Zimbabwe's experience contrasts sharply with Angola where conflict simply ended with the decimation of a rival force, denying civic society and women's groups the much needed space for dialogue; national reconciliation and a platform to assert their interests. When National Union for the Total Independence of Angola (UNITA) leader Jonas Savimbi was killed in 2002, the Movement for the Popular Liberation of Angola (MPLA) led government threatened to decimate the rebel movement, but later buckled under pressure from the peace movement (The Guardian, 2002). Although Angola did adopt a quota system following Savimbi's death, there was less mobilization around other women's rights demands in ways that were evident in Zimbabwe and South Africa.

Last, interventions to end conflict in countries like Liberia and Sierra Leone created incentives for women to demand greater rights and representation. The presence of women combatants in Liberia and Sierra Leone challenged existing gender norms as did women's roles in peace movements. The gender disruptions were evident both in countries where women were active in

battle and in peace movements, but these changes were less visible where women played neither role in the conflict for example in Chad (Tripp 2013). During war in Burundi, Liberia and Zimbabwe after the electoral dispute in 2008, women's organizations attempted to influence formal peace talks (Tripp, 2013; Muvingi, 2016). After cessation of conflicts women's groups continued to influence women's political leadership, constitution-making and legislative reforms through extensive informal mobilization. In Liberia, they organized rallies and boycotts, promoted small arms confiscation and reconciliation ceremonies, and negotiated with small groups of rebel leaders to disarm (Tripp, 2013; Jennings, 2016). Other strategies during war included media work through the radio, and organizing workshops to promote peace with warlords and rebel leaders. In northern Uganda, women's organizations negotiated for the release of child soldiers (Maina, 2016; Natukunda-Togboa, 2016).

Conclusion

This paper has provided a sociohistorical analysis of gender relations and peacebuilding in Africa. It highlighted the devastating impact of colonialism on gender relations, particularly how colonialism undermined women's active participation in public life. Colonial transformation of gender roles eroded traditional mechanisms that previously positioned African women as peace envoys, conflict mediators and peacebuilders. Institutional shifts that saw women actively deploy their agency through civic involvement in countries like Zimbabwe, Liberia and Sierra Leone ought to be seen as attempts by women to revive their peace agency. These initiatives must not only be encouraged but ought to be supported through specialized skills training programmes and workshops on conflict negotiation, mediation support and conflict resolution. The African Union and the United Nations in partnership with regional think tanks like the Institute for Peace and Security Studies (IPSS, Ethiopia) and the African Centre for Constructive Resolution of Disputes (ACCORD, South Africa) have previously hosted such trainings and workshops.

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Child Of Necessity: (AB)Uses Of The Civilian Joint Task Force In Borno State, Nigeria

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Abstract

Non-state armed groups (NSAGs) have become key actors in the provision of security and safety in communities in Africa. One of the NSAGs created to provide safety and security in the war-ravaged North Eastern Nigeria is the Civilian Joint Task Force (CJTF). This paper critical examines uses and abuses of the NSAG in Borno State. Based on data collected through online and print newspapers, interviews and other secondary sources, the study shows that the formation of the CJTF in Borno State has helped to curtail military attacks on innocent civilians and also assisted in decimating Boko Haram. However, activities of the group since its creation in 2013 have been accompanied with human rights abuses of residents, use of position as members of CJTF to witch-hunt opponents, serving as informants to Boko Haram and subject to elites manipulation especially politicians and military. The study also held that rebuilding Borno State and entire Northeastern Nigeria where Boko Haram insurgency has been on for almost a decade now should incorporate demobilisation and reintegration of members of CJTF into normal life to prevent the possibility of the group developing into new security threat after Boko Haram.

Key Words:

Civilian JTF; Borno State; Boko Haram; North East; Nigeria

Introduction

Non-state armed groups (NSAGs) have become key actors in the provision of security and safety in several communities in Africa where there is limited or non-existence of state security forces. The role of these NSAGs, especially those operating as local defence forces, in tackling criminality and violence is certainly not a new phenomenon. While they have always been useful in Africa in security provisioning where the state is unable to deal with insecurity, criminality and violence towards the civilian population, they have proven in several cases to be susceptible to manipulation and abuses. People Against Gansterism and Drugs (PAGAD) in South Africa (Dixon and Lisa-

Morie, 2001); White farmers in the Orange Free State in South Africa in the 1910s and 1920s (Murray, 1989); Anti-thief and Anti-witch organisations in Bugisu District in Uganda in the 1960s (Heald, 1986); the Arrow Boys in contemporary Uganda (Taylor, 2017); Sungusungu Movement to counter cattle rustling in Tanzania in the 1980s and 1990s (Abraham, 1987); the Kamajors in Sierra Leone (Dalby, 2017) and the Mungiki in Nairobi, Kenya (Anderson, 2002) are some of the few examples of the use of local defence force to curtail crimes and address prevalent security challenges in Africa. These groups began as local defence forces against insecurity, criminality and violence. However, they gradually became perverted to become another security threats. As a result of the many threats they pose to their countries after armed conflict, local defence forces are usually parts of the recovery plan for countries seeking sustainable peace after armed conflict.

In the Nigerian context, Boko Haram insurgency in the north east which have devastated mostly Borno, Yobe and Adamawa states, compelled local people to engage in self-help measures to ensure community protection and security. The self-help measures have come largely in the form of formation and sustenance of several local defence forces such as the Civilian Joint Task Force (CJTF), Hunters Association, Pulaaku Brigade, and Vigilante Group of Nigeria (VGN), among others (Onuoha and Kwaja 2018).

Since its formation in 2013, the CJTF has been very active in Borno State in complementing the efforts of state security forces providing community safety and security. However, issues of abuse continue to trail the activities of the CJTF in Borno State. Reports of arbitrary arrest and detention, extra-judicial killings, usurpation of the role and power of the police, intimidation of civilians and general abuse of fundamental human rights of the people have always been levied against members of the group. With the expectation of end to Boko Haram insurgency, the next major security threat may be from the CJTF and other various voluntary policing groups in the North East. Although, studies have examined the contributions of this group to counterterrorism efforts against the Boko Haram group (Bamidele 2017), their uses and abuses have not been critically examined. It is against this background that this article examines the uses and abuses of the CJTF in Borno State. The study provides answers to the following questions: How did CJTF originate in Borno State? How useful has the CJTF been in the fight against Boko Haram terrorism in the Borno State? How and in what specific ways has the group been abused? What security threat does the existence of the group holds after insurgency and how should the threat be addressed?

(Ab)Uses of Local Defence Forces in Nigeria: Evidences from Precedents

The use of local defence forces in Nigeria is not a new phenomenon. Indeed, since the colonial period, the use of local defence force had been popular, authorised and legalised by colonial administration in Nigeria (Fourchard 2008). Rural banditry, armed robbery, recurrent thefts, burglaries, collapse of law and order, and general inadequate security necessitated the emergence of alternative policing approach known as hunter guard system during colonial period in Southwestern Nigeria (Falola and Oguntomisin 1999; Watson 2000; Fourchard 2005; Falola 1995). However, allegation of harassment, intimidation of people and killing of innocent people trailed the activities of the group (Fourchard 2008). By 1950s and 1960s, they had become

increasingly involved in politics as they were increasingly becoming useful tools in the hands of the regional premiers for manipulation of elections (Fourchard 2008). The story was not too different in the Northern Nigeria.

According to Dawha (2012), the emergence of many Mafioso-style gangs such as yandaba in Northern Nigeria can be traced to the commencement of politics and the beginning of the formation of political parties in Northern Nigeria before 1960s. As independence approached and the colonial administration began to give way to the rulership of the local elites, they began to align themselves into political parties. This brought face-off between these political parties. Notable among them were Northern Peoples' Congress (NPC) and Northern Elements Progressive Union (NEPU). To establish and consolidate their grip on power, NPC party hierarchy covertly used the dogarai (traditional palace police), which were supposed to protect them, to intimidate opponents. This also made NEPU create a special unit of bodyguards to protect their stalwarts against the dogarai of the NPC. The military took-over power in 1966, and this rendered the bodyguards who were living on the largesse of the political leaders useless. These groups transformed into criminal gangs terrorising the public given the hard economic situation that greeted the period. In the Niger Delta region where the Federal government has been fighting insurgency for more than two decades, the origin of the armed groups in the region has been traced to the formation of vigilante groups to fight cultism, fight inter-communal conflicts and other forms of insecurity prevalent in the region. These vigilante groups were armed by the communities in the region to provide security for the people. Much later, the vigilante group metamorphosed into armed groups constituted grave insecurity to the people of the region (See Owonikoko 2016a; 2016b). Furthermore, in some cities of the region such as Ughelli, vigilante groups formed to provide security for the people were severe source of insecurity for the people as they often clash with government security agencies and were frequently used by politicians for private interests (Owonikoko 2019)

The emergence of the Fourth Republic since 1999 has witnessed sporadic evolution of the use of non-state groups for security provisioning in Nigeria. Famous among these groups are Bakassi Boys in the South East and O'odua People's Congress (OPC) in South West. While Bakassi Boys was created to basically fight crimes in Igboland, OPC was initially established to address perceived marginalisation of the Yoruba nation within the Nigerian state. It later started addressing crimes within the Yorubaland (Baker 2002; Smith 2004; Meagher 2007; Abdulazeez 2012). According to Abdulazeez (2012), OPC performed multiple security functions. They acted as vigilante, maintained order in public functions and fuel stations, engaged in controlling traffic jams, settling disputes, reporting crime suspects to the police, and in some cases arresting such, especially suspects considered to be 'sacred cows' (Pp. 241). The setting up of these groups to address crimes in their region actually led to significant reduction in crime. For instance, before the Anambra Vigilante Service (AVS) and Bakassi boys were set up in Anambra State, armed robbery and other criminal activities were almost on daily basis. This made the state one of the highest in the incidents of armed robbery in Nigeria then. However, from the time of its establishment in July 2000 till January 2001, no incident of armed robbery was recorded anywhere in the state, thus becoming one of the lowest around the period (Baker 2002; Newswatch September 18, 2000). Similarly, the bravery that accompanied the operations of OPC in the South West had endeared the group in the mind of categories of people because criminal activities which were prevalent

before the operation of the group had reduced drastically (Abdulazeez 2002). The apparent display of violence only served to displace violent crime in the locality of the group but eventually led to escalation of violent crimes in other places especially where the groups could not be found.

However, much more striking is the fact that activities of these groups proved to be more than containment of crimes and insecurity. Incidents of human rights abuse, extra-judicial killing, trial by ordeal, leadership tussle within the groups, perpetration of inter-ethnic clashes, partisan arrests, political influence and meddling in partisan politics with politicians and political parties greeted the activities of the groups in their respective regions. Gradually, the groups' missions and visions became perverted and they became sources of insecurity to the regions. The implication is that there is a track record of abuse of local defence force in Nigeria. They always start off with good intention but often later become perverted.

Child of Necessity: The Origin, Evolution and Operations of Cjtf

While the origin of the Boko Haram can be traced to 1995 (Onuoha 2014), it was in 2010 that the group began its terrorist activities after it was heavily crushed in 2009. From 2010 onward, the armed violence of the group against the Nigerian state steadily increased, perfecting its terror tactics from targeted assassination to the use of explosive devices (ibid). As usually done, the Nigerian government responded to the initial terror activities of the group by setting up a Joint Task Force (JTF) team consisting of the various branches of the armed forces, police, state security services, customs, Nigerian Security and Civil Defence Corps and other various security outfits of the Nigerian state under a single command. This security outfit was codenamed Operation Restore Order. However, due to the nature of the attacks of Boko Haram members on the security forces in Maiduguri, which includes carrying out coordinated attacks on the security forces and melting into the population, JTF members resulted to extra-judicial killings, dragnet arrests, intimidation of residents and killing of innocent people. Members of the security forces perceived and increasingly saw members of the society in Maiduguri as siding with the Boko Haram group and providing shield for the group members from the security forces whenever they attack security personnel.

This situation was compounded by the fact that the Nigerian soldiers and other security personnel deployed under the JTF were national and not local; they were recruited and deployed from other parts of Nigeria, especially from the South. They do not understand the language of the people neither do they share in the ethnic and cultural background of the local population (Solomon 2012). They also lacked adequate understanding of the terrain (Popovski and Maiangwa 2016). All these put serious pressure on the security personnel and led them into crude use of force against the innocent civilians in Maiduguri. As Human right Watch noted:

During raids into communities soldiers have set fire to houses, shops, and cars, randomly arrested men from the neighborhood, and in some cases executed them in front of their shops or houses. These raids have become so common in Maiduguri, especially after Boko Haram attacks on the JTF that parents have advised their sons to flee as soon as they hear of an attack (HRW 2012:59)

Evidently, residents of Maiduguri were caught in between the terrorism of Boko Haram group

and the brutality of the security forces. The frustration resulting from the situation explained above led to the formation of CJTF by the residents of Maiduguri. Kaka Shehu Lawan, the Borno State Commissioner for Justice, during his interview with Alexis Okeowo explained the scenario that led to the formation of the CJTF thus:

[The Civilian JTF was a] reaction to both the activities of the insurgents and the military...[In the past, after a Boko Haram attack], once the Nigerian military comes, they will not spare or investigate any body, they will start shooting and molesting the innocent passersby. The Civilian JTF felt they – and their fathers – were being punished for crimes they had not committed (Okeowo 2015)

The event leading to the formation of the group started in May 2013 when Baba Lawan, a trader from Maiduguri who later became the chairman of the group in Borno State, chased and captured a gun-bearing Boko Haram member with just a stick (Hassan and Pieri 2018). This act motivated other youths to follow the example of Lawan and joined the war against Boko Haram. By June, 2013 the group had had over 500 volunteers armed with basic weapons like machetes, stick, daggers, among others and started organising against Boko Haram through daily street patrols and house-to-house searches (Agbigboa 2017). The CJTF played a critical role in wading off attempt by the insurgents to overran Maiduguri. It was reported that the CJTF as at June 2014 assisted in the arrest of over 30 suspected members of Boko Haram, which were handed over to security agencies (Thurston 2017). However, as the group expanded, it started to become more sophisticated in weapon usage. They started using traditional weapons¹ especially bows and arrows, spears, locally fabricated guns and other seized guns from Boko Haram members or those given to them by the security agents to confront Boko Haram in war front.

The group overtime has developed a complete administrative structure, including sectors and units covering local government administrations and wards (Ibrahim and Bala 2018). The CJTF has evolved into a complex organisation consisting of many volunteers with base in each of the local government areas in each state of the North East having its own commander. While it is very difficult to ascertain the actual number of volunteers of CJTF in the North East because the biometrics data of members of the group which is very important for tracking members of the group is yet to be commenced, the youth force is estimated to number about twenty-six thousand volunteers in Borno State alone (Ibrahim and Bala). However, from then till now, many volunteers have joined the rank and file of the group. Hassan and Pieri estimated that the size of the volunteer force of the group might have grown to about 30,000 individuals (P.73). There are basically two types of CJTF in Borno State. One group is well trained and kitted and effectively mainstreamed by the Borno State Government into the Borno State Youth Empowerment Scheme (BOYES). They are paid a monthly stipend of N15,000 (about 40 USD). The second type is the less formal youths not mainstream into BOYES (Monguno 2018).

(Ab)Use of Cjtf in Borno State

¹ The use of traditional weapons by the group was believed to have been warranted by the expansion of the group into rural areas. For this view, see Hyden, S (2016) Nigeria's Self-Styled Warriors: Meet the Vigilante Army Taking on the World's Deadliest Terror Group. Voice News, April, 28.

CJTF has proven to be very useful in enhancing the restoration of security to Borno State and beyond. They have been useful in the area of intelligence gathering, searching operation, reconnaissance, manning of checkpoints and infrastructure security especially worshipping centres, crowd control, man guard posts, among others. The fact that they work closely with the Nigerian Army personnel has made it very easy to quickly and easily identify Boko Haram members from the midst of the people through house to house search and manning of checkpoints. The inability of the security personnel to be able to spot Boko Haram members from among the people was the major reason the security personnel clampdown on the innocent people prior to the formation of CJTF.

The formation of the group and its good working relationship with the security personnel, especially the military, therefore has made it relatively easy for Boko Haram members to be quickly identified and arrested in most local communities. Increasingly, members of the CJTF man checkpoints in Borno State and other parts of the Northeastern Nigeria mostly in partnership with Nigerian security personnel in the bid to identify Boko Haram members or enhance community safety and security. In this way, they have been able to identify and arrest suspected members of the Boko Haram given their robust knowledge and familiarity of the terrain and people. As Kaka Shehu Lawan, the Borno State Commissioner for Justice explained "... These miscreants (referring to Boko Haram members) are living among us. The youths know them" (Okeowo 2015). This obviously has made the work of the Nigerian security personnel easy and has aided their capacity to be able to decimate Boko Haram. Members of communities in Borno State acknowledged the efforts of CJTF members in the provision of security to their communities. A respondent recognised the efforts of the CJTF members thus:

These boys (referring to the CJTF members) are gallant and very fearsome to Boko Haram members. Where government security personnel have run away for their life, the CJTF members stood their ground and chased away the insurgents. Boko Haram members fear them much more than government security agents. Because of their deadliness in dealing with Boko Haram members, some of the members of the terrorist group believed that it is better to be killed by soldiers than to be killed by CJTF members because if they are killed by soldiers, they will go to *Aljanna* (paradise) but if they are killed by members of the CJTF, they will go to *jahannama* (hell). If not for their efforts, we would not have come back to our communities. Now, we are living in our communities even though we fear that Boko Haram members may still come and attack us (Indigene of Borno State interviewed in Yola, October 28th, 2018).

The success of the group in Borno State has encouraged the formation of community-based armed groups (CBAGs) in other North East states in Nigeria² and even in Nigeria's Lake Chad neighbours— Niger, Chad and Cameroon— taking cues from the CJTF. During experience sharing conference on popular defence in Chad Basin held by University of Maroua, Cameroon in February 2017, one of the leaders of the Comites de Vigilance interviewed explained how the activities of CJTF spurred them into action at the frontier areas in Cameroon thus:

² For instance, In Yola, Adamawa State, Hunters have performed the same role that the CJTF perform in Borno State. In Cameroon, a neighbouring country to Nigeria which also suffers Boko Haram attack in recent time, similar group has also been created by the people. This is called Comites de vigilance. All other Lake Chad Basin Countries have taken clues from the CJTF to form similar group to address Boko Haram insurgency in their locality.

The activity of our group against Boko Haram was necessary. Firstly, Cameroon government response to Boko Haram was belated because Boko Haram was not seen to be attacking Cameroon but we are the border communities were already experiencing the attack of the group but not covered in the media. We therefore need to defend ourselves before Boko Haram kill all of us. Secondly, we saw that a group like our own was already established in Maiduguri, Borno State and was doing well to provide security for the people from Boko Haram attacks. This gave us the boldness (Interviewed on February 17, 2017 at Maroua, Extreme North Region, Cameroon).

In spite of the usefulness of the group in decimating Boko Haram, the emerging concerns are that the group is prone to various forms of abuses and could constitute a major security threat after the effacement of Boko Haram. Allegations of human rights abuses, leadership tussle within the group, factionalisation, drugs and substance abuse, friction in their relationship with the military, problem of discipline, and use of child soldiers, among others, are rife. There is equally allegation that some segment of the CJTF were being manipulated by some government officials for their selfish political interests in the buildup of the just concluded 2019 general elections in Nigeria. The various abuses of the CJTF are discussed below:

Involvement in Human Rights Abuse of Residents: One of the major concerns on the activities of the CJTF in Borno State is that they are involved in human rights abuses. They are being fingered to be involved in extra-judicial killing of surrendered Boko Haram members and innocent community members. In 2014, Amnesty International released video-recorded documents indicting CJTF members of participating in military-led extra-judicial killing of Boko Haram members. The video footage showed how members of the Nigerian Military and CJTF used knives to slit the throats of several Boko Haram detainees before dumping their bodies in a mass grave (Amnesty International, 2014). This is expected on the part of CJTF members because most of the volunteers of the group joined as a result of the killing of their loved ones by Boko Haram members. Joining the CJTF therefore gives them the opportunity to revenge the death of their loved ones. Apart from their involvement in extrajudicial killings of Boko Haram members, the group is also involved in violation and harassment of women and girls. There are various reports that CJTF men are systematically coercing females in IDPs camps into sex in exchange for food or protection (International Amnesty 2018). A victim interviewed in the report narrated her ordeal thus:

They [the soldiers and Civilian JTF] will give you food but in the night they will come back around 5pm or 6pm and they will tell you to come with them... one [Civilian JTF] man came and brought food to me, he came back in the evening, but I hid myself. The next day he said I should take water from his place [and I went]. He then closed the tent door behind me and raped me. He said I gave you these things, if you want them we have to be husband and wife (Amnesty International 2018)

The frequent occurrence of this in Borno State is already generating series of protests, cries for justice and advocacy for accountability. The advocacy of a pressure group called Knifar Movement in Maiduguri, Borno State, demanding accountability from CJTF and other groups is another case in point. The Knifar Movement which basically consists of displaced women and victims of insurgency in North East, in a YouTube video released on May 24, 2017 accused CJTF and the

military of raping women and girls in Bama Hospital and internally displaced persons (IDPs) camps in Maiduguri and demanding justice from appropriate quarters³. Although leaders of the CJTF are wont to refute such allegations of human rights violations by their members, a female member of the group did solemnly acknowledge that some of their members have engaged in acts of human rights violations (Interviewed on December 3, 2018 at Maiduguri, Borno State).

Abuse of Position to Witch-hunt Opponents: Another major abuse of the CJTF in Borno State that is raising serious concern is the use of their position to witch-hunt members of the community who are opponents of any member of the CJTF. Therefore, any members of the community who have scores to settle with any members of the CJTF are easily taken for Boko Haram members and detained or summarily executed. They seem to easily get away with this because the military believe so much in the CJTF to have adequate understanding of the terrain and the people. Being a member of CJTF is an enviable status in Borno State, especially in Maiduguri. Any member of the CJTF can use his membership to enjoy certain benefits in the community including snatching another man's wife after sending such man to detention or summary execution for being tagged a Boko Haram member. Interview granted to a resident of Maiduguri lend significant credence to this fact.

The fear of CJTF members in Maiduguri and the entire Borno is the beginning of wisdom. If a member of CJTF likes your wife or girlfriend and sees you as the obstacle to getting her, he will tag you as Boko Haram so that you will be picked and detained or probably killed. Then, he can take over your wife or girlfriend. That is how bad it is! (Phone interview on 17th October, 2018)

Several people have been picked as Boko Haram members simply to witch-hunt opponents or to settle personal score. Currently, there are several cases in different courts against men of CJTF brought by relatives of victims of CJTF against CJTF for several atrocities including deliberate wrongful accusation that their family members is a member of Boko Haram (Hassan and Pieri 2018:18)

Informant for Boko Haram Members: Nigerian military personnel and men of the CJTF usually treat themselves with high level of distrust in spite of the working relationship between the two. While men of CJTF have raised serious concerns about the military alleging that they sell weapons to Boko Haram to get extra cash, military personnel also believed that CJTF ranks have been infiltrated by Boko Haram members, criminals and miscreants. This has actually affected the smooth relationship between the Nigerian Army and CJTF. Both Nigerian Army and CJTF began to experience break in their relationship in 2015, and it reached its climax in 2017 with the arrest of the founder of the CJTF- Baba Lawan Jafar over his alleged link with Boko Haram (Hassan 2017). In July 2018, 22 senior commanders of Boko Haram were arrested by the operatives of the Inspector General of Police Special Intelligence Response Team (IGP-IRT). One of the shocking revelations of the arrest was that three commanders of the CJTF were among those arrested by the team for giving out operational information of the military to the sect (Okolie 2018). The suspected link between CJTF members and Boko Haram was corroborated by a police officer in Maiduguri when he asserted that:

3 See YouTube video of the advocacy of the pressure group at <https://www.youtube.com/watch?v=CjqQssL9bxE>

The leader of CJTF in Bama was a member of the Boko Haram. He was arrested in mid-2018 by the IGP intelligence team headed by Kyari using a sophisticated intelligence and communication tracking device. His arrest coincided with the reduction in suicide bombing in Maiduguri (Interview on 5 December, 2018)

Elite Manipulation: The use of vigilante group by elites, especially political elites is rife in Nigeria. This is so because of the character of politics in Nigeria where winner takes all and the loser gets nothing. Given huge financial investment in this kind of politics, politicians usually do not prepare to lose. This, therefore, leads them into misusing and abusing political and state institutions as well as non-state institutions that lie within their sphere of influence. Elite manipulation of vigilante or community-based security group is a longstanding problem in Nigeria because of the weakness of the state. The example of how Bakassi Boys in South-East and Oodua People's Congress in South West Nigeria have been used by elites especially politicians cannot be easily forgotten. Even Borno State itself had had the experience of using disgruntled youths posing as members of vigilante groups for political course. Ex-Borno State Governor, Senator Ali Modu Sheriff, used the vigilante group in Maiduguri metropolis called ECOMOG (named after the ECOWAS Peacekeeping Force) during his 2003 campaign (Danjibo and Albert 2004). Some scholars have argued that some members of this group later joined Boko Haram after they were left unattended to by their pay master. There are already facts to buttress that CJTF is used by elites. In 2013, shortly after the group was formed, CJTF members burned down the home of the Borno State Chairman of the defunct All Nigeria People's Party (ANPP), Mala Othman, on the allegation that he was one of the sponsors of Boko Haram in the state. Kashim Shettima who is currently ruling as the Governor of the state for second time (2011-2019) and has also won the ticket under the All Progressives Congress (APC) to contest for one of the three senatorial seats in the state was a member of the political party then⁴. Clampdown on the defunct ANPP Chairman's home by the CJTF was later interpreted to have a lot to do with internal political wrangling within the party then (See International Crisis Group 2012:19). During the 2015 election campaign, many CJTF men were seen at the rallies of the APC (International Crisis Group 2019). It was also said that the current Attorney-General and Commission for Justice of the state, - Barr. Kaka Shehu Lawan, whose office is given the mandate to control the group in the state had once instructed CJTF members and leadership to desist from carrying out crowd control operation in the state airport because it involves a political opponent⁵. There is also credible suspicion that Governor Kashim Shettima of Borno State is using the Borno Youths Empowerment Scheme (BOYES) which is the organisation coordinating the CJTF in the state as political clientele to turn the CJTF into a political network using the counterinsurgency funding (International Crisis Group 2012). There is already a widespread agitation by the main opposition party in Borno State- People's Democratic Party (PDP) that the Government of the State is using CJTF as the instrument to witch-hunt and undermine their chance of electoral victory in 2019. Mr Mohammed Abba-Aji, a member of PDP who is presently contesting for the seat of Borno Central Senatorial, accused the Borno State Government led by APC of using the CJTF to deliberately destroy campaign symbols of oppositions to weaken their electoral success in 2019 (Mukaila 2018).

4 ANPP merged with other parties such as Action Congress of Nigeria (ACN) to form the APC.

5 This was shared by a prominent indigene of the state during a programme in Abuja on October 2nd, 2018.

Apart from the politicians, CJTF men have also been subjected to manipulation of the military elites especially to perpetrate abuse of women and girls in IDP camps. Soldiers deliberately beat up men and lock them up to have access to their wives. A woman shares her experience with a particular soldier in a YouTube video shared by Knifar Movement, demanding justice and accountability. According to the woman:

How it happened...One soldier beat my husband, injured him, detained in prison. After two or three days, he (the soldier) came with some provisions in his car, asking for my hand in marriage... When I said I am married and you know my husband is in prison, he said your husband is no more...Your husband cannot come out...So he kept coming and pestering me until we left Bama⁶.

In some extreme cases, rape and sexual assaults are usually carried out on these women with the help of men of CJTF. In a much organised system, men of CJTF usually choose the most beautiful of the women and girls to take to the soldiers outside for sexual assault (Abdulah 2018).

Conclusion

The formation of the CJTF as Civilian Counterterrorism outfit in Borno State and the entire North Eastern Nigeria where Boko Haram has been perpetrating terrorism for over a decade now is a child of necessity. The establishment of the outfit arose from the double-edge tragic experience of residents of Maiduguri and its environs who found themselves caught in between the terrorism of Boko Haram group and the counterterrorism of the Nigerian security agents. Since its creation, they have contributed significantly to the counterterrorism campaign of the Nigerian security agencies. However, the outfit has also been opened to severe abuses and manipulations. Particularly worrisome is that the activities of the groups in Borno State and other parts of the Northeastern Nigeria constitute a serious obstacle to effective rebuilding of the region after insurgency. There are many reasons to exhibit this fear.

Firstly, as shown in the previous section of the article, the history of the use of these groups shows that they are usually abruptly concocted to address a particular security challenge but once the challenge is overcome, they become the new security challenge to the people; more brutal than the security challenges that necessitated their existence. There is palpable fear that the CJTF will constitute a new security threat in the post-insurgency era in Borno State if adequate measures are not taken to prevent the politicization of the group. Even the Governor of the State, Governor Kashim Shettima expressed this fear when he said "...unless deliberate efforts are made... the Civilian JTF will be the Frankenstein monster that might end up consuming us" (cited in Okeowo 2015). Secondly, members of the outfit have also expressed agitation as to what the post-insurgency period holds for them. They held that they have contributed immensely to "winning" the war against Boko Haram by fighting along with government forces to decimate Boko Haram members and liberate territories that were previously seized by the insurgents. And this has come at great cost to them. The legal adviser to the CJTF claimed that between 2014 to June 2017, Boko Haram had killed not less than 680 members of CJTF in North East Nigeria. Many have also sustained several kinds and degrees of injuries during their engagement with Boko Haram groups (Onuoha and Kwaja 2018). The agitation has become more intense since

⁶ Watch in the YouTube link>>><https://www.youtube.com/watch?v=QjqQssL9bxE>.

the beginning of reintegration programme for ex-members of Boko Haram called Operation Safe Corridor (OSC). Thirdly, members of the group are in possession of huge cache of small arms and light weapons. Some of these weapons were handed over to them by the military, although the military and Department of State Services operatives maintain that there is a robust mechanism for retrieving such arms from them after every operation. Yet, some of them are also acquired from disarming Boko Haram members and looting of their amouries during operations. All these weapons were not surrendered to the authorities.

Since the emergence of the current APC-led federal government of Nigeria in 2015, efforts have been put into rebuilding the Borno State and the entire Northeastern Nigeria bedeviled by Boko Haram insurgency. The government has established Presidential Committee for the North East (PCNI) to oversee the rebuilding process in Borno State and North East. As a result of this, several post-insurgency reconstruction programmes have been commenced. One of those is the Operation Safe Corridor (OSC). OSC is a deradicalisation programme for repentant Boko Haram members anchored by the Nigerian military. So far, hundreds of repentant Boko Haram members have been deradicalised, trained and reintegrated into their various communities. However, it is also important that current rebuilding process should take care of the disarmament, demobilisation and reintegration of the CJTF members. Until this is done, the rebuilding of Borno State and North East is inconclusive and not sustainable.

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Terrorism In West Africa: An Introductory Essay

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Abstract:

Etymologically, the term *terrorism* lays the word terror. *Terror* comes from the Latin word “*terrere*”, which means “frighten” or “tremble”. When liaised with the French suffix “*isme*” (referencing “to practice”), it becomes akin to “practicing the trembling” or “causing the frightening.” (Mitusitz, 2015). Trembling and frightening are similar to fear, panic, and anxiety - what we would naturally refer to as “*terror*”. The origin of the word “*terror*” is over 2,100 years old. In ancient Rome, the terror Cimbricus era was a state of panic and emergency in response to the coming of the Cimbri tribe killers in 105 BCE. From this standpoint, the word *terrorism* was coined during the French Revolution’s Reign of Terror in (1793-1794). In this work, four (4) out of eight (8) terrorists organizations operating in West Africa are discussed. This study further examines their origins, development, the extent of their networks and inter-linkages with the global terror networks. Also their methods of operations (modus operandi) and sponsorship have been discussed. All these thematic areas will enable us understand the activities of terrorists and their organizations, as well as consciously prepare us adequately to counteract their actions before they strike. More so, apart from awareness and sensitization of West African States nationals, the study helps international counter-terrorism efforts to deal with the challenge or menace of global terrorism.

Key Words:

Terrorism; Salafist; Terror, Sharia Laws; Sufism; Terror- cells; Modus Operandi

Introduction:

Etymologically, the term *terrorism*, lays the word terror. *Terror* comes from the Latin word “*terrere*”, which means “frighten” or “tremble”. When liaised with the French suffix “*isme*” (referencing “to practice”), it becomes akin to “practicing the trembling” or “causing the frightening.” (Mitusitz, 2015). Trembling and frightening are similar to fear, panic, and anxiety – which we would naturally referred to as “*terror*”. The origin of the word “*terror*” is over 2,100 years old. In ancient Rome, the terror cimbricus were simply a state of panic and emergency in response to the coming of the Cimbri tribe killers in 105 BCE.

There are plethora of definitions for the term “*terrorism*”. Academic and legal scholars have defined it variously to suit different contexts in different circumstances and times. Terrorism, therefore is an amorphous term which means it is opened to different interpretations and meanings. Also,

when people use the term 'terrorism', they characterize their enemies' actions as something evil and lacking human compassion. This again, makes the term pejorative - that is, fraught with negative and derogatory meanings..

However, central to over "212 different definitions" (Simon, 1994) used presently, were violent use of force and fear which causes physical, material, and emotional damage with heavy casualty of innocent non-combatants (Schwartz, 1998, p. 486). Also *terrorism* could be defined as a crime; which consist of both '*mala prohibita*' acts (i.e. crimes that are made illegal by legislations) and '*mala in se*' acts (which are crimes of immoral or wrong in themselves) (Rush, 2002 as cited in Matusitz, 2013, p. 2).

Matusitz (2013) in his work: *Terrorism & Communication: A Critical Introduction*. Thousand Oaks: Sage publication, further argued that, even though, there were no universally agreed-on definition of *terrorism*, at best, there were "most universally accepted" definition of it; which are, the use of violence to create fear (i.e., terror, and/or psychic fear) for political, religious or ideological reasons" (p. 23). Similarly, The Office of UN High Commissioner for Human Rights observed in its general Factsheet N° 32 (2008, p. 6) that, *terrorism* is commonly understood to be acts of violence which target civilians in the pursuit of political or ideological aims. In 1994, the UN General Assembly's Declaration on Measures to Eliminate International Terrorism, sets out in its Resolution 49/60, stated that *terrorism* includes "criminal acts intended or calculated to provoke a state of terror in the general public by group of persons or particular persons for political purposes" and that, such acts "were in any circumstances unjustifiable, whatever the considerations, be it political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them."

There are several arguments which have been advanced as impediment to non-agreement of universally accepted definition of *terrorism*. Bassiouni (1988) in his work, "A Policy-oriented Inquiry of 'International Terrorism'" in M. Cherif Bassiouni, ed., *Legal Responses to International Terrorism: U.S. Procedural Aspects*. London: Martinus Nijhoff Publishers, observed that, an all-inclusive and ambiguous definition was impossible. This was because "the fundamental values at stake in the acceptance or rejection of terror-inspiring violence as means of accomplishing a given goal was obvious and well known range of views on these issues were what makes an internationally accepted specific definition of what was loosely called "*terrorism*," a largely impossible undertaking. This was why the search for and internationally agreed upon definition may well be a futile and unnecessary effort."

Another non-agreement could be found by considering the typology of *terrorism*. Laqueur (2000) observed that, defining *terrorism* in specific terms "were bound to fail" in that, there were "not one, but many terrorisms" (p.46) which are recognized by multitude of factors, motivations, and activities considered when describing *terrorism*. The maxim, "one man's terrorist could passed as another man's freedom fighter"; these aptly captures the present-day challenges of groups or individual sympathies typically lies, either with the "terror" perpetrators or the victims. Obviously, these sympathies unavoidably shaped how the term's application would be applied or rejected. More so, labeling actions simultaneously places a value and/or moral judgment on those actions which unavoidably are shaped by the orientation of the definer and the receiver. Therefore,

“*terrorism*” was and still is a pejorative label. It could be used to characterize an individual or organization as “terrorist” which indicates a negative connotation or wrongdoing. These have given currency currently to governments, organizations, and individuals to indiscriminately tag to suit their overt or covert political agendas. For example, the list of most wanted terrorists were kept by the United States prior to 9/11, 2001, it featured at one point, Yasser Arafat and Nelson Mandela, both of whom were subsequently awarded the Noble Peace Prize; an evidence that, the definition / tag was highly political and controversial. Besides, Yasser Arafat, before his death was again branded terrorist by US government, yet *terrorism* had continued to evolve over the centuries (Matusitz, 2013, p. 2).

Consequently, the non-universally agreed-on definition does not mean that states can act arbitrary towards terrorists and their organizations. Under the international law and international human rights laws of the United Nations High Commissioner for Human Rights factsheet N° 32, particularly the International Covenant on Civil and Political Rights (ICCPR) and its two optional protocols, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 and its optional protocols and UDHR prohibits all States even if they are not party to any of such treaties. For instance, in event of human rights challenges in countering *terrorism*, all members of the United Nations (UN) are obliged to take joint and separate actions in cooperation with the UN for the achievement of the purposes set out in Article 55 of its Charter.

Also to ensure dignity and security of all human beings everywhere and protect innocent lives, States rights to tailor their legislations on *terrorism* and their arbitrariness must still be checked. For example in U.S., persons suspected of *terrorism* were subjected to indefinite detention. Since January 2002, over 700 persons have been held as terror suspects at the US naval base in Guantanamo Bay, Cuba, pursuant to a Military Order issued by President George Bush: “Detention Treatment and Trial of Certain Non-Citizens in the war against *Terrorism*”. In earlier cases, these detainees were deemed not to be covered under the US constitution and the Bill of Rights. They did not even have the right to ‘*Habeas Corpus*’. They were considered to be in a “legal black hole”. These US legislations were in congruous to both Article 7 of the Inter-American Convention of Human Rights and Article 118 of the Geneva Convention of 1949 which ensures that prisoners of war must be released “without delay”, and not be held in indefinite detention. Thus on June 28, 2004, three of the six Supreme Court Judges rejected the fiction of the legal-black-hole and apprehended that persons being held in Guantanamo Bay are entitled to counsel and to challenge the legality of their detention (Zayas, 2005, p. 24). Moreover, *terrorism* perhaps be linked with transnational organized crimes like drug trafficking, money-laundering and trafficking in arms, as well as illegal transfers of nuclear, chemical and biological materials, leading to commission of serious crimes like murder, extortion, kidnapping, assault, hostage-taking and threatens security of states, political and socio-religious intolerance. These violates the Chapter 1: Article 1 (3) of the UN charter, and as such needed to be suppressed as an essential element for the maintenance of international peace and security.

The History of Terrorism in West Africa

Historically, *terrorism* was an old war tactic (Matusitz, 2013). Different accounts of terrorism have existed before the word itself was invented. Many ancient writers in antiquity advocated for tyrannicide (i.e. the killing of tyrants) as a way to have an ideal society and to please the gods. Besides, Regicide (i.e. the killing of kings) happened quite frequently during the Roman age.

Another early terrorist group were the Sicarii (66-73 CE), a Zealot-affiliated religious sect fighting against Roman occupiers in Palestine and Jerusalem (the City of David), Jewish traitors, and Jewish moderates who had sold their souls to Hellenistic influences. The Sicarii opposed the law that Jews pay taxes to Rome and refused to acknowledge the power of the Roman Emperor (Vitellius). They were persuaded that political change could come only through violent acts. Hence, they adopted *terrorism* as their tactic. For example, after investigating a target's routine every day, hiding nearby a temple's entrance, they knew the perfect time to cut the target's throat. In fact, *sica* (the first four letters of the group's name) means "short sword." The Sicarii's most fundamental justification was that all means were legitimate to achieve political and religious liberation. They wanted to show the world, who they were, but eventually the terrorists lost and committed mass suicide in Masada in 73 CE, which coincides with the destruction of the Second Temple in Jerusalem by Titus (the Emperor's son).

During the middle ages, in 11th century Persia, 'the Assassins' were religious sects striking terror against the empire of Saladin and resisted the armies of the Ottoman Empire. As Chaliand & Blin (2007) noted in their pioneering work, *The History of Terrorism, from Antiquity to Al Qaeda*, the word "assassin" allegedly comes from the drug *hashish*. Suicide missions were customary, and some Crusader leaders were so frightened by the Assassins that they paid tribute to them; in exchange, the Assassins would not attack them. The word 'assassination' were invented to describe this tactic. A major part of the Assassins' beliefs were paramount righteousness of their cause and procedure. To slay or be slain were seen as a positive gesture because it was done in the name of Allah and secured a place in paradise after death. As the Qur'an explains it, "Allah has purchased off the believers, their persons and their goods; for theirs in return was the garden of Paradise: they fought in His cause and slayed and are slain: a promise binding on Him in truth" (Qur'an 9:111). This text and belief in ultimate justification and reward have been adopted by many contemporary Islamist terrorists. Mamdani (2004) however argued that Islamists like Al-Qaeda subscribing to Political Islam skewed the interpretation of this text to prosecute their own agenda.

It is significant to note that, the word *terrorism* was coined during the French Revolution's Reign of Terror in (1793-1794). During the Reign of Terror, a campaign of large-scale violence was embarked upon by the French state; where between 16,000 and 40,000 people were killed. It is not surprising, then, that the French National Convention proclaimed in September 1793 that "terror is the order of the day." Maximilien Robespierre, a frontrunner in the French Revolution, in 1794 declared that "*terror is nothing other than justice, prompt, severe, [and] inflexible.*" In 1798, the French released the supplement for the dictionary of the *Académie Française*, an elite

French learned body on matters dealing with the French language. In this supplement, the term was explained as the “système, régime de la terreur” (i.e., “government of terror”). The English version of the word *terrorism* was attributed to a British man’s depiction of the bloodshed he had witnessed from afar in France, during the revolution. However, Sir Edmund Burke in his comment on the French Revolution warned about the advent of “thousands of those hell hounds called terrorists” (as cited in Matusitz 2013, p. 1- 2).

Furthermore, the evolution of *terrorism* became an issue on the international agenda in 1934, when the League of Nations took the first major step toward making the act highly illegal and punishable. In doing so, it drafted a convention for the prevention and punishment of terrorist acts. Terrorism could also be traced to the rise of radical political ideologies (nationalism, anarchism, communism and Marxism) and weapons technologies led to the assassination of Archduke Ferdinand of Austria-Hungary in 1914 which precipitated the World War I. (Adeyemi, 2015).

Terrorism began to make headlines again in the 1970s and reached a pinnacle in the mid-1980s. For instance, from 1975 to 1984, the average number of reported terrorist attacks increased from ten per week to nearly ten every day. Li & Schaub (2004) examined international terrorist incidents within 112 countries from 1975 to 1997 Middle East had the highest proportion of international terrorist incidents. Europe ranked second. Africa, Asia, and the Americas experienced considerably fewer international terrorist attacks -approximately 69%, 65%, and 33%, respectively, in comparison with the Middle East. Moreover, it is instructive to note that the rise of guerrilla tactics by non-state actors led to the rise of ethnic nationalism and anticolonial sentiments which were against British, French and German empires in Algeria, Kenya, Cyprus and South Yemen. Hijacking of planes, bombing of specific targets, the use of human hostages; increasing number of ideologies and religious groups that engaged in attacks and killing of innocent civilians for political gains made terrorism to gain media publicity. For instance, George Habash (the founder of the Popular Front for the Liberation of Palestine (PFLP) statement that “at least the world is talking about us now” (Adeyemi, 2015, p. 22) when he compared the level of media coverage on the hijack of an E1 AL Airline to the battles of Israeli soldiers (Adeyemi & Musa, 2015).

Finally, apart from the international terrorist attacks like the September 11, 2001 (9/11) launched by the Al-Qaeda upon the United States in New York and Washington D.C., the 1994 Bojinka plot, the 1998 U.S. Embassy bombings in East Africa, the 2003 Casablanca bombings and the 2001 Singapore plot as well as the incessant cases of bombings in India, Bangladesh, Afghanistan and Pakistan, the devastating effects of terrorists attacks and destruction of properties in West Africa by Boko Haram sect in the northern Nigeria, and those of the Al-Qaeda in the Islamic Maghreb (AQIM) in Mali needed an urgent attention.

Methodology

The methodological section of this research study attempt to explain how the research themes were investigated and the logic of selecting the four groups.

This research study was largely desk-based research. Data collection sources to investigate the research themes used, were both primary and secondary. The primary sources were largely recorded tapes of some leaders of the four terror organizations. The secondary sources included journals articles, policy briefs, books and internet sources. The four (4) cases chosen for this study were; Al - Qaeda in the Islamic Maghreb (AQIM), the Boko Haram (BK), Ansar Al-Din, and the Movement of Unity and Jihad in West Africa (MUJAO). The logic behind the selection of these cases were the nature of their threat in West Africa. For example, AQIM and Boko Haram which were organized around the ideology that Western education is forbidden. Their devastating effects of these terrorists' organizations operation in West Africa and their allegiance to *Da'esh* commonly referred to as Islamic State in the Levant (ISL, or IS) are a cause for concern. Moreover, AQIM, Ansar Din, and Mujao have merged with the notorious Maktar bel Moktar led Al-Morabitoun group in carrying out surgical bombings in Radisson Blu hotel in Bamako, Hotel Splendid and Cappuccino Café in Burkina Faso and the Machine gun attacks at Grand Bassam in Ivory Coast (Adeyemi & Musa, 2015). In addition, the methods of recruitments and motivations into the four cases are very attractive particularly because of lack of economic opportunities and higher levels of unemployment which makes recruitment appealing to the teeming youths in West Africa. Thus, it is easy to access food, shelter and compensation paid to families in an event of paying the ultimate price.

Lastly, the countries of West African sub-region have a peculiar vulnerabilities. First, they shared faultlines of artificial boundaries and porous borders that facilitate illegal movements across borders in the region, the weak border management capacity of most countries and the large ungoverned spaces within the region. These makes it difficult to detect movement by surveillance, thereby making it possible for the four (4) terrorist groups to crisscross the region with relative ease. Second, the approved border crossings in most of the countries of the region do not have the needed capabilities to man border posts, and the vast number of unapproved, but often used, routes on each border undermines the efficacy of control efforts. West Africa yet again, suffers from a proliferation of small arms and light weapons which occurred as a result of the "Gaddafi Spawn" (Zoubir, 2012) and has also seen an increase in transnational organized crimes.

1. Al-Qaeda in the Islamic Maghreb (AQIM)

Origin and Development:

AQIM was an outgrowth of the Algerian-origin Salafist Group for Preaching and Combat (GSPC), which was active during Algeria's civil war (1992-2002) as the Armed Islamic Group (GIA). The GIA became the GSPC in 1998, through the instrumentation of Hassan Hattab, a commander in Kabylia (North-Eastern Algeria), who opposed the GIA's policy of indiscriminate massacres of civilians. His position was also shared by several other GIA groups and by the leader of al-Qaeda, Osama Bin Ladin, with whom Hassan Hattab had been in contact. In a first communique in September 1998, Hattab proclaimed that 'All those, in Algeria, who consider themselves part of Salafist Islam must join the ranks of the GSPC' (Guidère 2007, p. 61) thus placing his new group in Al-Qaeda's ideological matrix. Indeed, among the objectives in its charter, the GSPC

sought was yet, although GSPC claimed to espouse al-Qaeda's global Salafi Jihadism, its fight was against Algeria and limited only to its territory, with no mention, whatsoever, of a struggle against any foreign power (Guidère 2007, p. 63). In fact, despite his willingness to support Al-Qaeda, Hattab did indeed want to restrict the struggle within an Algerian framework. As a result, after the 2003 US invasion of Iraq, Hattab was excluded from the GSPC leadership and replaced by Nabil Sahraoui, who was himself succeeded, after his death in June 2004, by Abdelmalek Droukdel. Droukdel then, began a policy of rapprochement with Al-Qaeda which led, in January 2007, to the transformation of the GSPC into AQIM, following successful Algerian counterterrorism operations, the GSPC established a safe haven in northern Mali and changed its name to Al-Qaeda in the Islamic Maghreb in 2007.

AQIM and other violent extremist organizations (VEOs) pose a greater threat to the Sahel, Maghreb and beyond. In fact, the region's mostly Muslim population generally rejects the violent extremist ideology espoused by VEOs. Still, several terrorist groups - such as AQIM, the Movement for Oneness (Unity) and Jihad in West Africa (MUJAO), Ansar al-Dine (Mali and throughout Sahel), Boko Haram, and Ansaru (Nigeria), Ansar al-Sharia (Tunisia), and the al-Mulathamun Battalion or Brigade (Algeria) - operate in the Trans Sahara Counter Terrorism Partnership (TSCTP) countries. These countries are commonly used as havens than as theaters of operations. They have expanded geographically to include Algeria, Morocco, Nigeria, Senegal, and Tunisia. Burkina Faso was added in 2009, for a total of 10 TSCTP countries spanning the Sahel (Warner, 2014, p. 17). With weak government institutions, inadequate public service delivery, porous borders, resource constraints for counterterrorism operations, and occasional lack of willingness to confront terrorist groups, the region has several vulnerabilities that can be exploited by these terrorists' organizations. Of these groups, AQIM poses the greatest threat to regional and West African interests.

However, it was during that period, too, that the GSPC started from 2003 an ongoing deployment into the Sahel. Up the 1990s the southern part of Algeria had been essentially considered a corridor for Algerian jihadists, who used it to provide the northern Islamist groups with weapons. This zone was already under the control of Mokhtar Belmokhtar who had been, from 1994, emir of the southern GIA groups, before rallying to the GSPC in 1998, which, subsequently, appointed him head of its Sahara-Sahel region. In 2003, the situation changed again when 32 Western tourists were taken hostage in Algeria by a GSPC group led by Saïfi Lamari (known as 'Abderrazak Al-Para' because of his previous service in the Algerian army) and by his right-hand man, Abdulhamid Abu Zeid. Seventeen of the hostages were freed by an Algerian military operation, one died from sunstroke but the 14 remaining hostages were taken by their kidnappers to Northern Mali where they were eventually released after payment of a ransom of some €5 million.

It is from that moment that the GSPC really started its deployment into the Sahel. Thus the hostage-taking and the subsequent ones were mainly used as fund raisers for the Algerian Islamist hideouts, which were supposed to receive 60 to 70% of the ransoms. Actually, at that time, GSPC was fundamentally an Algerian based-organization.

In early 2002, Mokhtar Belmokhtar was visited by an Al-Qaeda emissary Abdelwalid Ahmed Alwan, a Yemeni who subsequently went to Batna in eastern Algeria, where he met Saifi Lamari, then the local GSPC representative there. In short, although the Yemeni envoy was killed in September 2002 by Algerian security forces, physical contact between the GSPC and Al-Qaeda had been already established. At the same time, Belmokhtar met Saudi envoys as well, who conveyed a message from Bin Ladin asking Belmokhtar to welcome jihadists. Belmokhtar gave his agreement, in principle, for a rapprochement with Al-Qaeda through Abou Younis al-Mauritani, a Mauritanian contact and former Afghan jihadist, who was close to Bin Ladin.

Subsequently, to unify all armed Islamist groups in North Africa and the Sahara-Sahel region, under its banner, the GSPC made contact with GICM (Moroccan Islamic Combatant Group), GICL (Libyan Islamic Fighting Group), GICT (Tunisian Islamic Fighting Group), and with many other active Islamist groups in Mauritania and Mali.

Indeed, the GSPC's goal now was not only to bring together all the Islamist groups under its leadership, but also to redefine their roles within a common global struggle conducted at regional and international levels, rather than as local struggles (Guidère 2008, p. 15-16).

In January 2007, Ayman Al Zawahiri, Al-Qaeda's second-in-command, announced that the organization had accepted the GSPC's allegiance, which then took the name of AQIM. Since then, AQIM, which had around 1500 activist extremists, has been essentially divided into two branches, one in North-Eastern Algeria and the other in the Sahel.

Methods of Operation:

A. AQIM in Kabylia (North-Eastern Algeria):

The first branch, entrenched in Kabylia, has been under the direct authority of the AQIM supreme emir, Abdelmalek Droukdel. Droukdel was a former GIA bomb disposal expert who had been promoted to be the commander of the Abou Bakr Al-Seddik Katibat, in the Khemis El Khechna region, east of Algiers. As a matter of fact, Droukdel's experience within GIA from 1993 to 1998, and then within GSPC from 1998 to 2004, did not make him the obvious choice as GSPC commander. Nevertheless, Droukdel was elected as the organization's leader by all the emirs of the group before Belmokhtar could arrive at the meeting where the election took place. The result has been a very intense and on-going antagonism between the two men, which would weigh heavily on AQIM's future.

The Kabylia terrorists, in northern Algeria, contained 600 - 900 jihadists, living in clandestinely and avoiding contact with the local population. They operated quite separately from their counterparts in the Sahel but since 2005 AQIM's units (katibats - 'battalions') are essentially financed through ransoms from hostage-takings. These target mainly people perceived to be close to the Algerian regime or local businessmen. It is a strategy that allows the groups to cope with the Berber particularism of the Kablyli region which, historically, has been hostile to both the Algerian regime and to arm Islamist groups.

Politically, the FFS (Front des Forces Socialistes - Socialist Forces Front) and the RCD (Rassemblement pour la Culture et le Démocratie - Rally for Culture and Democracy), two deep-rooted local opposition parties, have long been politically dominant. In this regard, FFS dominate these areas and ensures that ‘...the Algerian regime and jihadist groups equally rejected by the local population’. However, the lack of cooperation between the local population and the Algerian security forces here explains, to a large extent, the jihadists’ longstanding presence in the region. Indeed, any other attitude of the local population would have been perceived, especially by the jihadists, as support for the Algerian regime. Also given the fact that Kabylia is mountainous woodland, difficult to access, AQIM’s isolation from and modus vivendi with the local population has allowed it to maintain its presence there.

On the other hand, despite numerous incursions, it has not succeeded in settling in RCD-dominated areas. The RCD, although opposed to the Algerian regime, is also an ‘eradicateur’ supporter, strongly committed to the elimination of Islamist terrorism. This is why it has favored the creation of paramilitary defense groups and militias, known as ‘Les Patriotes’, who were actively involved in the fight against armed Islamist groups in the region. However, following the violent riots of the Berber ‘Black Spring’ of April 2001, when massive demonstrations erupted after a teenager was killed whilst in gendarmerie custody and which were brutally quelled by the regime, the gendarmerie were removed from the region in response to popular demand. This, however, resulted in an unanticipated general rise in insecurity and created a further complication in the fight against AQIM and in the region being placed under military curfew from 2001 to 2005.

In order to limit the risks of defection and surrender, the northern branch of AQIM jihadists in Kabylia live completely isolated from the surrounding society, forbidden to read newspapers or to listen to the radio. Moreover, in order to discourage them from submitting to the authorities, reprisals are taken against any jihadists – and even against their relatives – who do submit under the terms of the regime’s Civil Concord and National Reconciliation programme.

In fact, despite the belief, widespread amongst the Algerian security forces, that, ‘These groups take advantage of the social misery of youth by trying to convince young men to join their ranks’ gaining new recruits appears to be one of the main problems facing AQIM in Algeria. Indeed, the violence and massacres endured by the Algerian population in the 1990s, which led to the rejection of jihadist groups by the local Kabyle population, have significantly reduced their recruiting capacities, particularly as the reconciliation policy has intensified the need for new recruits.

B. AQIM in the Sahel Region:

AQIM’s Sahelian branch, in 2011, consisted of core-unit with just under 500 men, together with local participants who were paid to carry out operations for the organization. However, the Sahel was to prove to be a major challenge for the movement. Initially, their population was around 40 Algerian jihadists led by Mokhtar Bel Mokhtar, who had wanted to turn it into a rear base area threatening the Algerian regime. However, following the April 2003 hostage-taking in Algeria, his forces were joined by the kidnapers, including the Tarek Ibn Ziyad brigade, led by Abderrazak Al-Para and then, after his capture by Chadian forces, by Abdulhamid Abou Zeid.

Isolated from Algeria by the Algerian army, these reinforcements were essentially Salafist Algerian Arabs in a region primarily inhabited by Tuaregs - Berbers practicing Sufi Islam - a much more complex environment than in Kabilia.

Sufism is, for Salafists, *Bida'â* - an innovation founded neither on the Qur'an nor on the Sunna and which, therefore, would correspond to 'witchcraft' or blasphemy. Consequently, as explained by Moulaye Zeini, a specialist in arms-trafficking in the Sahel, 'In such a context, AQIM could only have a small religious influence on the local population, even though the organization used religion to anchor its position in the region'. In this regard, 'AQIM's groups had no ideological appeal for Mali's northern populations'.

Yet, they also took advantage of the poverty and misery of the local population as well as of the weakness of the Malian state. So, in compensating for the absence of the state, AQIM has been able to gradually fit into the social and economic landscape of northern Mali. Indeed, flushed with the ransoms gained from hostage releases, AQIM's units, who used to buy their food and necessities directly from local shops, often paid two to three times the normal price for the commodities they bought, thus providing real social benefit to the local population.

Furthermore, they also helped local people with minor services, such as transport of with the ill to the nearest medical services. In addition, the generalized corruption in the Sahara-Sahelian region encouraged AQIM's engagement with trafficking and smuggling of all kinds, particularly drug trafficking. Even if the armed groups were not directly involved in drug smuggling itself, they, nevertheless, provided, protection to each convoy transiting through the territories under their control against payment of a fee. Finally, aware of the limits of their adaptation strategy, they interfered very little in local religious practices. A former jihadi has explained that, for them, there was no difference between Muslims, Sufi Malekites, or others. Taking a more global view of the Islamist struggle, he claimed that NATO killed more Muslims than any other foreign organization for the victims were always Muslim. Thus, in emphasizing this global perspective, AQIM expected to foster mutually supportive socio-political dynamics with the local population.

Moreover, when AQIM, Ansar al-Din, and MUJAO took control of Northern Mali, Abdelmalek Droukdel, AQIM's supreme emir and head of the Algerian northern branch of the organization, who was more pragmatic than ideological in his approach, sent a letter to the brigades deployed in the Sahel in July 2012, ordering them not to apply *shar'ia* law too strictly and to avoid destroying Sufi mausoleums as that would shock the local populations. For him, the most important issue was to concentrate first on inculcating faith, through preaching - through *ad-da'wa* (Anon, 2013) (The Unification of Salafist and Sufism ideologies of Islam).

In 2005, AQIM multiplied its attacks in the Sahel, particularly in Mauritania, and its kidnappings of Westerners, whose ransoms yielded tens of millions of Euros. However, its priority targets were mainly Algerian with targets in the south of the country, particularly against Algerian border police and customs posts. Defectors from the groups have explained that targeting customs and border-guard posts had allowed them to reinforce links with local smugglers (Mokkedem 2010, p. 117-137) and that the ransom money was initially intended to buy arms and ammunition

for the GSPC in northern Algeria. Thus, when Abderrazak Al-Para, at the time the second-in-command of the GSPC, moved to the Sahel, after the April 2003 tourist kidnappings, he intended to buy arms with the ransom money for the northern group. Furthermore, in 2006, a major arms convoy was intercepted by the Algerian Air Force in the Ouargla region which was intended for GSPC in Kabylia. In short, although the AQIM is a branch of Al-Qaeda and is supposed to lead jihad against all surrounding countries and the Western world, its operations are primarily directed against Algeria.

2. Boko Haram

Origin:

Boko Haram is an Islamist movement which operated in north-eastern Nigeria and came to prominence in 2009. However, its true historical root harks back to 1995, when Abubakar Lawan established the *Ahlulsunna wal'jama'ah hijra or Shabaab group* (Muslim Youth Organization) in Maiduguri, Borno State (Taiwo & Olugbode 2009; Adisa 2012). It was a fringe group under the leadership of Mallam Mohammed Yusuf, a fiery Islamic scholar resident in Maiduguri, the headquarters of the organization since 2002, and who had not fully committed to violence before 2009. Through subtle and open harassment, *Boko Haram* was goaded into an open confrontation with the Nigerian state and violently suppressed in July 2009. The group's official name is *Jama'atu Ahlis Sunna Lidda'awati wal-Jihad*, this Arabic inscriptions means "People Committed to the Propagation of the Prophet's Teachings and Jihad". The name '*Boko*' originally means 'fake' but came to signify Western education, while '*Haram*' means 'forbidden'. Loosely translated from the local Hausa language, this means "Western education is forbidden" (Chathia, 2011, p. 1). Yusuf built a mosque and madrassas at Maiduguri to attract youthful recruits who are influenced by the Koranic phrase like: "Anyone who is not governed by what Allah has revealed is among the transgressors" (Chathia, 2011, p. 1). Its political goal was to create an Islamic state, and the school became a recruiting ground for jihadis to fight the state. For instance, in 2009, Boko Haram carried out a spate of attacks on police stations and other government buildings in Maiduguri. It promotes a version of Islam which makes it "haram" for Muslims to take part in any political or social activity associated with Western society. This includes voting in elections, wearing shirts and trousers or receiving a secular education.

Muslim identity in Borno State:

Muslim identity and thought in Nigeria derive from the Sufi brotherhoods of Qadiriyya and Tijaniyya, primarily as a result of the historical role of the Kanem-Borno Empire and Sokoto caliphates in the spread of Islam. The Sufi orders and the Izalatul Bidi'a wa Ikhamatis Sunnah (People Committed to the Removal of Innovations in Islam; hereafter Izala) are the two dominant contemporary Muslim foci of identity in Nigeria.

Methods of Operation:

Thereafter, it went underground, rebuilt, and resurfaced in October 2010 with a remarkable prison break at Bauchi and has since changed its tactics to targeted assassinations, drive-by shootings, suicide bombings, and massive deployment of improvised explosive devices (IEDs), vehicle-borne IEDs, and, lately, kidnapping and hostage taking. In addition, the group resorted to burning of school buildings, attacking telecommunications base stations, killing of foreigners, slaughtering as opposed to shooting of opponents, and killing of health officials at routine vaccination clinics, as well as random shooting of pupils and teachers at schools. The message of the movement has transformed over the years. Before 2009, it was characterized by the blistering speeches of its leader Mohammed Yusuf. This period was characterized by proselytisation (*dawah*), which included verbal assaults on secular authority, traditional and modern - democracies. However, from 2010 onwards, Boko Haram committed itself to asymmetric warfare. Since its re-emergence the group had tried to mimic and adopt the tactics and strategies of global Salafist movements such as Al-Qaeda. Although heavily influenced by the message of Al-Qaeda and external developments, Boko Haram's grievances remained local at inception; however, there have been attempts to link local grievances to international developments in Mali and beyond.

Operational Tactics:

Following the death of Yusuf and the mass killings and arrest of many of its members, the sect retreated and re-strategized in two ways:

First, was the adoption of Yusuf's hardline top deputy; Abubakar Shekau, alias "Darul Tawheed", who incidentally became the sect's new spiritual leader. Second was the redefinition of its tactics, which involved perfecting its traditional hit-and-run attacks and adding new flexible violent tactics. As the sect retreated and regrouped, the new leadership began mobilizing, recruiting, and radicalizing members using martyrdom videos of the July 2009 revolt. They issued several radical messages in leaflets and audio and video tapes to the media, stating an intention to wage war on secular authorities and "enemies", as well as claiming responsibilities for deadly attacks. The sect has continued to perpetrate acts of violence against diverse targets, such as state security personnel, community and religious leaders, politicians, worship Centre's (Churches and mosques), the UN building in Abuja, telecommunication facilities, and media houses.

Exact casualty figures of attacks since the July 2009 anti-government uprising are hard to come by. Nigeria's Chief of Army Staff Lt. Gen. Azubuike Ihejirika claimed in November 2012 that the Islamic sect had killed no fewer than 3,000 people since it began its terror campaign (Iroegbu, Adedapo & Shittu, 2012). This figure is not inclusive of those allegedly killed by security forces while fighting the sect. Innocent people, including women and children, have been killed as a result of these attacks. There are other inestimable costs to the nation due to these attacks, such as discouraging local and foreign investments, disruption of social and academic activities, destruction of property, and internal displacement of persons. Their activities have equally undermined religious harmony. For instance, suicide bombing attacks on churches by the sect

have precipitated reprisal attacks on Muslims by Christian youths in Kaduna and Plateau states (Akogun et al. 2012; Alechenu, Chiedozie & Onwuamanam 2012; Wooden 2012).

Other consequences include the fracturing of family structures (creating widows, widowers, and orphans) and damage to the country's image. These attacks have occurred mainly in Maiduguri, the capital city of Borno State. However, several such attacks for which the group has claimed responsibility have occurred in Adamawa, Bauchi, Gombe, Jigawa, Kaduna, Kano, Kogi, Niger, Plateau, and Yobe states, and the Federal Capital Territory, Abuja. Although the terrorist organization has concentrated its attacks mainly in northern Nigeria, it is speculated that it may extend its attacks to the Christian-dominated South as security agencies firm up counter-insurgency operations in the northern states (Onuoha 2012b, p. 9).

Tactics such as targeted assassination, drive-by-shooting, use of IEDs, and suicide bombing have been used in the campaign of terror. The choice of any of the above-mentioned tactics usually depends on the context, chosen target, and objective to be accomplished. The tactic of open armed confrontation is a key operational tactic Boko Haram has perfected since the July 2009 revolt. This is a modification of its traditional tactics of hit-and-run, which require appreciable numbers (10-60) of selected operatives engaging security forces in gun battles. The new method involves deploying large number of members to mount surprise attacks on security establishments (stations, barracks, or prisons) or 'soft' civilian targets (markets and churches), where there is usually a large number of forces or people who can overpower its operatives if it adopts any other means.

Targeted assassination is another Boko Haram tactic. It is adopted when the terror organization is after a person(s) listed as an "enemy". The usual mode entails the assigned operatives trailing the target to a place where the individual is most vulnerable to being successfully killed. Boko Haram members usually use cars or motorbikes in going after such targets and shoot at a very close range (usually at the head, chest, or abdomen) to ensure that the chances of the victim surviving are very slim. In this way, Boko Haram has been able to kill several civilians, politicians, religious leaders, security agents, and community leaders that were outspoken against its ideology and activities. A notable example was the killing of engineer

Modu Fannami Gubio, the governorship candidate of All Nigerians Peoples Party (ANPP) in Borno State for the April 2011 general elections. On 28 January 2011, Gubio, a cousin of then incumbent Governor of Borno State Ali Modu Sheriff, was killed along with Sheriff's younger brother and six others in his residence in Maiduguri by Boko Haram operatives (Idris 2011b).

Drive-by-shooting is a method that is very similar to targeted assassination in that some of the targets killed in the past have been executed through a process that involves operatives riding on a motorbike. It became a common tactic after the July 2009 revolt, and by mid-October 2010 no fewer than 21 people, including a top politician, had been killed by suspected members of the terrorists' riding on a motorbike (The Nation 2010). One possible reason for adopting drive-by-shooting is to kill targets that have proven very difficult to track down to a spot where execution will be easy. It is a flexible method often adopted when operating in a built-up area or to kill target(s) that operate largely in the city Centre. The convenience of this method is that

the target can be shot at a very close range and the killers can easily man oeuvre their way out of the city without being apprehended by security agents.

The use of improvised explosive devices (IEDs) is another tactic that gained prominence after the July 2009 revolt. Such IEDs are configured in ways such that they can be detonated when thrown or can be set off through a timer or a remote control. Usually, the terrorists' selects a particular place to plant the IED where it will have maximum effect upon explosion. They have been planted along roads, bridges, and rail lines, or deposited in bags or containers that are left behind in public places, including churches, drinking establishments, lecture halls, car parks, and bus stops. The size of the IEDs has ranged from small contraptions stuffed into used drink cans, to large containers such as drums fitted into the boot of a car if the intent is to mount a suicide attack.

The US Joint IED Defeat Organization revealed that Nigeria witnessed a nearly fourfold jump in the number of IED attacks in 2011. Nigeria saw 196 bomb incidents in 2011, compared with 52 incidents in 2010 (Straziuso, 2012). The operational sophistication Boko Haram has attained in constructing IEDs is one of the main reasons why security experts believe it is receiving enhanced foreign support in the area of training and acquisition of explosives, possibly from AQIM. The IEDs are usually constructed using powerful explosive substances, such as trinitrotoluene (TNT), pentaerythritol (PETN), and ammonia (fertilizers).

The use of IEDs is one of the greatest challenges the security forces are confronting in regard to the terrorists'.

Particularly worrisome among the new tactics of Boko Haram is the adoption of suicide terrorism. Suicide terrorism refers to a form of extremely committed violence, carried out by someone who is intent on or deceived into taking his or her own life alongside killing or destroying the chosen target, in furtherance of a political, religious, or ideological goal. Seen in this light, the terrorist is fully aware that if he or she does not die, the planned attack will not be implemented. Thus the perpetrator's ensured death is a precondition for the success of the mission (Ganor 2001; Gunaranta 2002; O'Connor 2011). The method of suicide terrorism adopted by the Boko Haram (BK) is suicide bombing, which refers to any politically or ideologically motivated violent attack perpetrated by a self-aware individual(s) who actively and purposely causes his or her own death through blowing himself or herself up along with the chosen target.

Boko Haram is adept in mounting suicide bombing. It has relied mainly on vehicle-borne improvised explosive devices (VBIED), twice on body-borne improvised explosive devices (BBIED), and once each on a motorcycle-borne improvised explosive device (MBIED) and a tricycle (popularly known as *Keke*) 3-borne improvised explosive device (TBIED). Examples of each of the suicide bombing modes are,

It has been noted that "between June 2011 and November 2012, the BK has staged at least 29 suicide attacks in northern Nigeria, with Borno State witnessing the highest number of attacks" (Onuoha 2012b, p. 7).

Other acts of suicide bombing have been staged since then in northern Nigeria. While quite a number of these suicide attacks failed woefully, some were partially successful, and the majority has been largely successful when assessed on the basis of the number of lives lost, property damaged, and the international visibility they earned BK. Its diverse targets of suicide attacks included security establishments (stations and barracks), international organizations, churches, mosques, telecom offices, and media houses. It is believed that some of the cars used in the suicide bombings were stolen.

Four factors could account for the adoption of suicide terrorism by BK:

- a. the emergence of a more radical and hardline leadership in the aftermath of the July 2009 revolt;
- b. the increased counter-insurgency measures put in place by the government to curtail its traditional tactics of open armed confrontation or placement of IEDs;
- c. improved funding from various sources within and outside Nigeria; and,
- d. more importantly, the BK's bond with foreign terror groups, leading to increased fanatic indoctrination of its members by experienced ideologues skilled in evoking visions of martyrdom to radicalize recruits.

Development:

There are three distinct and yet overlapping phases in the evolution of Boko Haram.

The first phase is what can be termed the Kanama phase (2003-05), when a youthful militant jihadist group waged war on the Nigerian state but was repelled with casualties on both sides. This group was led by Muhammad Ali, a Nigerian who was radicalized by jihadi literature in Saudi Arabia and prominent Wahhabi scholars Ja'afar Mahmud Adam and was believed to have fought alongside the *mujahideen* in Afghanistan. Mohammed Ali influenced Muhammed Yusuf, upon his returned from Saudi Arabia in 2005.

The second phase began with the collapse of the Kanama uprising and ended with the suppression of Boko Haram proper in July 2009. This period, called the *dawah phase*, was devoted to intensive proselytization, recruitment, indoctrination, and radicalization of its members. This phase involved extensive criticism of the extant secular system; debates with opposing *ulama* (clerics) on the propriety or otherwise of Western education, Westernization, democracy, and secularism; and unceasing criticism of the corruption and bad governance under Governor Ali Modu Sheriff (2003-2011) of Borno State as well as the conspicuous consumption and opulence of the Western-educated elite in the midst of poverty.

Dawah is a major feature of radical Islam. It is "[an] Islamist term which denotes a combination of propaganda, education, medical and welfare action - and its practitioners. Yet the da'awa

has an importance beyond that of being a possible cradle for violence. It is bringing about change in many Muslim societies, and sometimes plays a role indirectly in politics” (Sivan 2003, p. 27).

The third phase began with the 2009 suppression of the movement and the killing of its leadership in gory and barbaric form by Nigerian security agencies. Boko Haram went underground, re-organized, and resurfaced in 2010 with a vengeance. They not only targeted their perceived opponents, but indiscriminately attacked security officials, politicians associated with the ruling All Nigeria Peoples Party (ANPP) government in Borno State and resorted to bombing high profile targets in Abuja such as the Nigerian Police Headquarters as well as UN offices, in June and August 2011 respectively. As the military crackdown intensified, they became desperate and more militant, thereby resorting to more desperate measures, which they had despised in the past.

Boko Haram Narratives:

The main planks of the narratives were framed, though not exclusively, around the following issues or variants of them. However they are based on a Jihadist Ibn Taymiyyah, a puritan *Salafist* scholar’s teachings:

(1) The concept of *taghut* (idolatry), including secularism, democracy, and partisan politics;

To oppose any form of executive, legislative, or judicial function derived from a secular constitution rather than from Islamic Shariah law

(2) Western education and Westernization - Fears of Saudi Arabia Monarchy; I have a book that discusses the knowledge of geography, geology, and sociology. These branches of knowledge are not knowledge but full of unbelief (Yusuf tape, June 30 2006)

(3) Working for an un-Islamic government; and

(4) Repudiation of the charge of Kharijism (i.e. apostasy) levelled against Boko Haram by the local *ulamas*, especially Yusuf’s former colleagues in the Wahhabi group in Borno (By labeling other Muslims as unbelievers, unable to distinction between sin and unbelief, their quarrelsomeness, and predisposition to easily kill for even minor infractions) formed the base of the fight with the local Borno Izala in the run up to the 2009 crisis.

3. ANSAR AL-DIN

Origin and Development:

Ansar Dine is the new power player in northern Mali. This Islamist rebel group, in June took de facto control over a swath of the Sahara, raising diplomatic eyebrows across the globe for its destruction of the U.N. World Heritage Sites in Timbuktu, the threat that it could pose to

West Africa and global security interests, and the humanitarian crisis manifested by an estimated 420,000 displaced persons.

Ansar Dine, which roughly translates to “defenders of the faith,” is a rebel group that emerged in Mali in March 2012 that seeks the installation of a strict interpretation of sharia law. It gained partial control over the northern stretches of Mali alongside another rebel group, the National Movement for the Liberation of Azawad (MNLA), on March 22, when the government in Bamako was overthrown in a military coup.

Development:

Ansar Dine is led by Iyad Ag Ghaly, the former senior commander of a rebel military group in Mali in the 1990s who has also formerly served as a negotiator for the release of Westerners kidnapped by al Qaeda in the Islamic Maghreb (AQIM), of which his cousin is a commander. Known as a powerful, if informal, powerbroker in northern Malian politics for decades, reports indicate that Ag Ghaly created Ansar Dine after his failed attempts to wrest control of the MNLA for himself.

Though based in Mali, Ansar Dine is a truly transnational outfit. Ag Ghaly allegedly received Salafist religious training from Pakistani “missionaries” in northern Mali in the 1990s, views that were abandoned then rekindled during his diplomatic service in Saudi Arabia years later. Ansar Dine is believed to be financially backed by Qatar, and the group is believed to draw its membership from a range of nations including Nigeria, Pakistan, Somalia, Afghanistan and Algeria. Global in reach, Ansar Dine recently brought its efforts online by releasing a propaganda video and establishing a presence in jihadist chat rooms.

With Ansar Dine operating in a largely ungoverned expanse of the Sahara, the security experts in Niger, Mauritania, are concerned that, northern Mali could become an out of the way haven for affiliates of al Qaeda (AQIM). Yet despite the potential threats it poses, Ansar Dine’s newness, coupled with constantly shifting alliances in the region, have made a clear understanding of the group hard to come by. With that in mind it’s worth asking what Ansar Dine is, what it wants, and how the rest of the world is responding.

Methods of Operation: (So, what does Ansar Dine want?):

The group’s stated goal is the imposition of strict sharia law throughout Mali. After having taken control of the three major cities in the north, including Kidal, Timbuktu, and for the most part, Gao, Ansar Dine has banned alcohol, smoking, Friday visitations to cemeteries, watching soccer, and women are now required to wear veils.

Networks and inter-linkages:

But part of the challenge in gaining a broader understanding of Ansar Dine lies in the fact that the group’s allegiances are constantly shifting amongst at least four other main players in northern

Mali: the MNLA, AQIM, the West African jihadist group MUJAO, and the Malian army. To that end, a Malian newspaper described the north of the country as “total confusion; it is difficult to know who controls what!”

a). Ansar Dine cannot be understood without mention of the MNLA. The MNLA is composed primarily of nomadic Tuaregs, the historic inhabitants of northern Mali, who have periodically rebelled against Malian authority over the north of the country. When Malian president Amadou Touré was ousted in a putsch in March 2012, the MNLA consolidated power in the vacuum left in the north. Ansar Dine then brokered a parasitic alliance with the MNLA that Mali expert Jeremy Keenan describes as the MNLA taking over a town, and upon its seizure, Ansar Dine entering behind them and “start[ing] bossing everyone around about sharia law.” Allied with Ansar Dine, in April the MNLA proclaimed the creation of a new state called the *Islamic Republic of Azawad*, a claim the African Union rejected as “null and of no value whatsoever”.

That marriage ended in a quick and messy divorce: Ansar Dine’s vision for the installation of sharia didn’t mesh with the MNLA’s desire for secular statehood. On June 26 and 27, 2012, Ansar Dine made public proclamations that it had chased out remaining MNLA elements from all major northern Malian cities, and was in control of the entirety of the region. For its part, the MNLA currently denies any affiliation with Ansar Dine, and has accused the Western media of portraying more of a connection between the two groups than actually exists. At present, the MNLA claims that its departure from northern Mali was strategic and was made so as to “prepare our new war strategies.”

b). An important ally of Ansar Dine is the Movement for Unity and Jihad in West Africa (MUJAO). Appearing in March as a self-proclaimed offshoot of AQIM, MUJAO’s goal is to provide “all kinds of material and military support for young Muslims determined to raise the banner of Islam.” Many residents of MUJAO-occupied towns like the group because it has provided social services not offered by either the MNLA or the Malian state. The group draws its membership from across West Africa, and it was reported that MUJAO’s Gao branch recently welcomed some 200 recruits from countries including Burkina Faso, Senegal, and the Ivory Coast. Other reports condemn MUJAO for recruiting children.

c). Primary amongst the other local actors Ansar Dine deals with is AQIM, which has real (if nebulous) associations with both Ansar Dine and MUJAO, as well as the cadre of South American drug traffickers using West Africa as a cocaine trafficking alleyway to Europe. Ansar Dine is further having to confront the remaining soldiers loyal to the Malian army, some of whom are now defecting and siding with Ansar Dine. For their part, some Malians in occupied areas have rebelled against Ansar Dine’s presence. Their protests have largely been directed against the harsh application of sharia law.

Looking forward, Ansar Dine’s hold on the northern Mali shows no signs of easing. The current Malian government, in a shambles in the aftermath of the March 2012 overthrow, is unlikely to have the ability to force a military solution to the problem.

Another approach for ousting Ansar al Din could come in the form of a transnational African military coalition. Led by calls from Benin's President Boni Yayi, the Economic Community of West African States (ECOWAS) has considered deploying an intervention force, though others worry that a West African-led intervention would have a greater destabilizing effect throughout the region than the crisis itself.

Also to deal with Ansar al Din, the reality is that any external (Western allied i.e. outside Africa) military intervention would be exceedingly difficult and potentially injudicious. Though, the U.S. has recently said that "all options are being considered," such an incursion would likely only add fuel to Ansar Dine's ideological fire. Despite its hazards, the best option is to support Mali and West African regional organizations such as ECOWAS as they craft a solution that has the potential for long term stability, and one that is in the best interests of the people of the region.

In fact, the disappearance of the Qadhafi regime and the subsequent sudden emergence of Ansar al-Din had a decisive impact on AQIM's position. Its alliance with the Tuareg-based movement decisively reinforced AQIM's position in northern Mali by providing it with access in to the social environment there. This effect was enhanced by the fact that the Tuareg salafi-jihadi group was led by a Tuareg hero, Iyad Ag Ghali, thus facilitating AQIM's new ties with the local population. MUJAO was to offer AQIM similar benefits of social access amongst the population living between Gao and the Mauritanian border. Both developments, furthermore, fell squarely within the meta-strategy proposed for al-Qaeda by Abu Musa al-Suri, one of the most influential of its ideologues who had argued for worldwide Islamist resistance (Da'watal muqawamahalis la-miyyah ad-'alamiyyah). It also coincided with the views of **Abu Bakr Naji**, whose book,

The Management of Savagery, had been published online by al-Qaeda which encouraged different jihadist groups to integrate themselves with their social environments in order to win a lengthy struggle. It was to counter this strategy that Algeria was so anxious to promote dialogue with Ansar al-Din.

4. Movement of Unity and Jihad in West Africa (MUJAO)

Origin and Development:

Malian Islamist group MUJAO, which claimed twin car bombings in Niger on Thursday (May 23, 2013), is an offshoot of Al-Qaeda in the Islamic Maghreb (AQIM) which advocates jihad in West Africa. MUJAO came into being on December 10, 2011. It kidnapped three (3) European volunteer workers of Spanish and Italian nationalities in the late October 2011 at western Algeria. MUJAO was founded by Mauritania'n Hamada Ould Mohamed Kheirou, alias Abou Ghoum-Ghoum, who worked with Omar Ould Hamaha, a Malian from the northern town of Kidal, and a former lieutenant of an Algerian jihadist, Mokhtar Belmokhtar, the leader of AQIM in the Sahel. MUJAO is considered to be the least ideological but more like a criminal group, living from trafficking. Hicham Bilal, a commander quit the group in November, 2012, lambasting its leadership of drug smuggling. On December 7, 2012, it was added to the UN list of Al Qaeda groups. This newly formed group of West African jihadists was referred to as *Jamaat Tawhid*

Wa'l-Jihad fi Garbi Afriqiya translates in English as “Movement for Oneness (Unity) and Jihad in West Africa” (MOJWA). It existed in northern Mali and exported its activities to Niger and Mauritania (Cristiani, 2012). Moreover, MUJAO was full of defectors from the ranks of AQIM, who involved in a campaign of kidnapping, intimidation and attacks against targets in the three Sahelian countries (Amnesty International, 2012).

Methods of Operations:

MUJAO, before French and African armies intervened in the country in January 2012, and had claimed a number of abductions in the northeast of Mali and that of one of seven French hostages held in the Sahel. Also, it was active in neighboring Algeria where it claimed several attacks on Algerian forces.

MUJAO in May 2013 carried out double attack outside the territory of Mali and Algeria. A pair of suicide bombers killed 19 people including 18 soldiers in attacks that targeted a military barracks and a French-run uranium mine in northern Niger. The attacks were first of their kind in the West African. The first attack occurred in a military barracks in the town of Agadez in northwestern Niger. Five suicide bombers carried out the attack in Agadez, which killed 18 soldiers and a civilian. Gunfire between the attackers and Nigerien troops was reported after the initial explosion. Four members of the assault team were killed, while the fifth is said to be holding four Nigerien soldiers' hostage.

The second attack took place at the Somair mine in Arlit, which is just north of Agadez. A suicide bomber who was dressed as a soldier detonated his explosives near a group of workers at AREVA, the French company that runs the uranium mine, and about twenty (20) people were killed.

In addition, in March 2012, it abducted the Algerian consul and six (6) members of his mission in Gao. It executed the vice-consul in September, but Algiers never confirmed the report. Again in October 2012, it abducted five (5) of the Nigerian nationals and a Chadian who were working for aid groups in the south east of Niger. The Nigerians were freed, but the Chadian national was shot during the abduction, and died of his injuries.

MUJAO's activities further became pronounced when the Movement for the National Liberation of the Azawad (MNLA), Tuareg separatists group launched an offensive against the government in northern Mali in January 2012, but AQIM, MUJAO and Ansar Dine soon overpowered them. The Islamist coalition eventually seized control of the entire northern half of Mali, and Gao became MUJAO's main base. However, MUJAO, AQIM and Ansar Dine, who shared out northern Mali among themselves and have maintained close links, were chased from the region's big towns by the French military, which allied with African troops to take on the Islamists in January 2014. But they still make their presence felt and MUJAO claimed several suicide attacks in the regions of Gao, Kidal and Timbuktu.

MUJAOs Networks and Inter-Linkages:

It must be noted that MUJAO originally emerged as a reaction to AQIM's strategy of socialization with the local population, especially towards the Tuaregs. The AQIM leadership had decided to accommodate the local population in order to have it join the organization, especially through a strategy of promoting Targui leaders to key positions in it. The most emblematic symbol of this policy was the promotion of Abdel Krim Al Targui, a targui salafist jihadi, who also happened to be a cousin of Iyad Ag Ghali, a prominent Tuareg leader - at a time when Algerians dominated the AQIM leadership.

This had caused considerable resentment amongst lower-level commanders and fighters who were Malians, Mauritians, or from the Sahel and had fought loyally with AQIM. The AQIM leadership had also refused to create an Arab Malian group, which had added to the resentment.

Thus, the strategy of promoting Tuareg, few of whom had joined aggravated these tensions and intense rivalry between Mokhtar Bel Mokhtar and both Abou Zaid and Droukdal on the one hand, and close to the Sahelian jihadist on the other, discreetly encouraged them to form an organization of their own, which, although separated from AQIM, would have the same goals as the parent organization. Mokhtar bel Mokhtar's aim was to weaken the positions of his rivals while enhancing his own. It is significant that Omar Ould Hamaha, his brother-in-law and colleague, was to become a major MUJAO leader when it was formed in 2011. It was essentially composed of former AQIM fighters and new West Africans closed to Mokhtar bel Mokhtar. They were to unite with his own group in 2013, to form the 'Al-Mourabitoun movement' but the important point was that, although a separate organization, it shares the same goals as AQIM.

The most important ally of AQIM in the Sahel region, however, was to be the Ansar Al-Din movement created by Iyad Ag Ghali. He is a Tuareg from the Ifoghas tribe, one of the most powerful Tuareg tribes in the Sahel. Ghali is a major figure for the local Tuareg population, because of his role in the Tuareg rebellions of the 1990s, rebellions in which Algiers played a major role as mediator, to whom he therefore became a major concern. After the rebellions failed, Iyad Ag Ghali swore never to lead a sectarian rebellion again, but instead find a cause that would unite the Northern Mali population and thus achieve success. Iyad Ag Ghali became an intermediary between Western powers, Algeria and AQIM over the kidnappings in the Sahel, and, as a result, came into contact with Mokhtar bel Mokhtar and Abou Zeid. It is also at this time that he was appointed Malian Consul in Saudi Arabia where he converted to Wahhabi-Salafism.

Back in Mali in 2010, he broke off relations with the Malian government and, although tempted to take the leadership of the Movement National de Libération d'Azawad (MNLA) in 2011, Iyad Ag Ghali rather decided to create his own movement, Ansar Al-Din, along Salafist lines. Essentially formed of Tuareg, Ansar Al-Din entered into alliance with AQIM, a vital alliance for it, given that Ansar Al-Din is a local organization led by a major local figure.

Yahia Abou Hamam, supreme commander of AQIM in the Sahel, explained that those who

oppressed Muslims oppressed the Tuareg, and it is, therefore, normal for AQIM to support Ansar Al-Din, especially since the group adopted the same religious ideals. The major difference between the two groups resides in the extent of the struggle in which they wish to engage; Ansar Al-Din wants to establish an Islamic state along Salafi lines in Mali, without necessarily fighting the West, whereas AQIM has a more global strategy, that of Al-Qaeda. Nonetheless, the three organizations - AQIM, Ansar Al-Din, and MUJAO - were to come together in January 2012 and, after defeating the MNLA, were to take control of northern Mali.

Conclusion:

In sum, the four (4) cases use similar tactical operations. These include, abductions, hostages taking, and demand heavy ransom from organizations and governments which they used to run their operations. More so, they use same strategic tactics like acting invisible, springing surprised attacks, recruiting non-Muslims, and uses of suicide attacks with advanced explosives (commercial explosives). Again, they mount attacks on motorbikes and cars, and employed simultaneous attacks. Besides, all the cases operate a centralized structure of leadership where operations and commands are issued. Weapons for attacks include knives, arson, bombs, guns and engaged in shootout with security agencies, and armed robbery. It is therefore imperative to enhance the preventive efforts and ensure that all hands are on deck to avert any of such attacks. Obviously, the most significant issue then is to beef up security, create enough awareness in the minds of government leaders, security operatives and the consciousness of the citizenry about their *modus operandi*. It is however fair to argue that, there is hardly a viable debate on the evolution of terrorism to the level of an existential threat in the West African sub-region, nevertheless security must be enhanced at all the international borders. Media including cybercrime activities must be used to engender all-inclusive engagement so as to eschew the politicization of the issues. Finally, heads of institutions who are within the category of “Soft targets” and those who provide them security must be sensitized and exposed to other forms of preservation techniques so they can, by their actions and increased awareness, reduce the vulnerabilities of their institutions.

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African Union ‘Robust’ Peace Support Operations: Rules of Engagement and Attribution of Conduct

Samory Badona Monteiro

Abstract

The development of ‘robust’ peace support operations in the framework of the African Union is a complex process that revolves around two primary propositions. Firstly, the consent of the host State, factor of the initial legality of the missions. Secondly, the use of force determined by the commanding authority, which ensures the continuance of the legality in terms of respect of the rules of international law.

The participation of the African organization and the States that contribute with their military contingents makes the establishment of the command and control authority over the operation, and the related operational documents, a crucial passage. In this context, there is an operative document of utmost importance for the outcome of the missions, the rules of engagement. As combination between political, legal and military considerations, their construction contributes to the compliance with international law, in particular international humanitarian law.

If and when a potential violation occurs, the assessment of the responsibility of the international organizations and the participant States have to start from the determination of the attributability of the impugned conducts, on the basis of the ‘effective control’ test. And it is at this stage that the rules of engagement become decisive factors, due to their connection with the command and control structure of the missions.

Keywords

African Union; Robust Peace Supporting; Rules of Engagement; Command and Control; Attribution of Conduct

Introduction

In a continent where crises and conflicts are widespread and tangled, the African Union (AU) is developing and consolidating its capability in the management and resolution of situations endangering continental peace and security. To this aim, one of the main tools created by the founding treaties of the organization is represented by multidimensional ‘robust’ peace operations. These operations take inspiration from the United Nations (UN), which initially launched peacekeeping missions and developed their main features. The AU incorporates the UN conceptualization. But at the same time it moulds the constituents, with some variances, on the basis of the continental reality and its own doctrine.

In the activation of AU operations there is a document linked to the management of the operational authority, which is of fundamental importance: the Rules of Engagement (RoE). The peculiarity of this instrument is given by its heterogeneous characterisation, which ranges from the observance of the law to political and military considerations, but also by its nature of expression of the authority that directs the actions of peace supporters. The process that leads to the creation of RoE reveals the entities in charge of the drafting and successive management of the very rules and informs their content. The practice and case law in the evolution of the responsibility of International Organizations (IOs) and States for the acts of peace supporters is still scant. Nonetheless, the nature of RoE, whose function is to conciliate the activity of the operational authority with the limitations set by international law, suggests that they play a determinant role in the attribution of impugned conducts.

1. ‘Robust’ Peace Support Operations

1.1. Origin and Qualification of ‘Robust’ Peacekeeping Operations

The history of actions to maintain or restore international peace is dominated by the UN, which finds the legal foundations of such missions in the Charter of the United Nations (Charter). The starting point is the responsibility of the United Nations Security Council (UNSC) for the maintenance of international peace and security (Art.24 Charter), through its powers to promote peaceful means to settle disputes (Chapter VI) and to use forceful measures (Chapter VII). Additionally, there is the capacity to support and involve regional organizations in the matter (Chapter VIII).

The qualification of the missions relies on the UN authorising resolutions. Historically, due to the lack of explicit legal reference, the list of missions’ tasks has constituted the source for the development of the categorization. Therefore, a ‘traditional’ Peacekeeping Operation (PKO) is one through which troops “monitor a truce between warring sides while mediators seek a political solution to the underlying conflict”.¹ PKO is regarded as expression of Chapter VI, namely Art.37(2), and is characterised by three distinctive elements: consent;² impartiality, interchanged

1 UN, Capstone Doctrine, p.99. The United Nations Emergency Force (UNEF I) in Egypt is the first example.

2 It can be seen separately as the legal basis to intervene in a country in the form of acceptance of the deployment of the mission by the host State, as well as the agreement of (ideally) all or the main parties to the conflict, manifested as cease-fire or peace deal (UN, Capstone Doctrine, pp.20-21).

with neutrality;³ and UoF exclusively in self-defence.⁴ On the other side of the spectrum, a Peace Enforcement Operation (PEO) is defined as a “[c]oercive action undertaken with the authorization of the United Nations Security Council to maintain or restore international peace and security in situations where the Security Council has determined the existence of a threat to the peace, breach of the peace or act of aggression”.⁵ The result of these actions, framed under Chapter VII, is that the premises of ‘traditional’ peacekeeping are reversed and the mission is full-scale combat aimed at neutralising the identified enemy.⁶

In the third alternative, inaugurated through the expansion of the concept of self-defence for the United Nation Force in Cyprus (UNFICYP), self-defence meant also peace supporters’ counteractions to “[a]ttempts by force to prevent them from carrying out their responsibilities as orders by their commanders”.⁷ Later, the formulation of the new idea of self-defence was directly linked to the mandate, as delineated in 1973 UNEF II, where “[s]elf-defence would include resistance to attempts by forceful means to prevent it [the Force, author’s note] from discharging its duties under the mandate of the Security Council”.⁸ This dilation of the UoF triggered the formation of the new type of peace operations, called ‘robust’ PKO. The new feature of the UoF qualifies the category as operation mandated under both Chapter VI and Chapter VII, due to its hybrid elements: the use of peaceful means in the interposition between opposing parties and the enforcement attribute of UoF in a proactive manner in certain situations.

The expansion of the third PKO’s constituent affects the second one, not regarded anymore as synonym of neutrality, but distinguished as referring to the strict respect of the mandate and the consequent response to actions intended for impeding it, regardless of whom the instigator is.⁹

The UN ‘Brahimi Report’ formalises the new idea reassessing two of the ‘traditional’ PKOs principles: impartiality is reformulated to be distinctly separated from neutrality;¹⁰ and the UoF is intended as the capacity of the troops not just to defend themselves, but also “other mission components and the mission’s mandate”.¹¹ The UN ‘Capstone doctrine’ articulates the new paradigm. It redefines the pillar of consent as the less stringent commitment to a political process aimed at the solution of the hostilities,¹² due to the anticipatory characterisation given to PKOs. This new conceptualization subordinates the missions to the political tools of management of the

3 Donald explains that “[n]eutrality and impartiality have long been seen as at least inseparable, at most synonymous. They have been explicit mainstays of UN peacekeeping since 1957, initially seen as inseparable, later as synonymous” (p.22).

4 As individual self-defence and the defence of UN contingents against attacks. Sheeran, p.351.

5 UN, Capstone Doctrine, p.97.

6 Example is the 1950 Korea operation. Bialke, p.23-29.

7 UNSG, S/5653, par.18(c).

8 UNSG, S/11052/Rev.1, par.4(d). Boddens Hosang, pp.478-479; Sheeran, pp.352-353.

9 UN, Capstone Doctrine, pp.33-34; UN, Infantry Battalion Manual, pp.13-14. Brahimi explains that “[i]mpartiality for such operations must therefore mean adherence to the principles of the Charter and to the objectives of a mandate that is rooted in those Charter principles. Such impartiality is not the same as neutrality or equal treatment of all parties in all cases for all time, which can amount to a policy of appeasement” (Brahimi Report, p.9, par. 50). Donald analyses the process of separation of impartiality from neutrality and the related conceptual and practical ambiguities and hindrances (Donald, from p.23).

10 UNGA, A/55/305-S/2000/809, 21.08.2000 (Brahimi Report), p.9, par.50. Also Caparini, pp.34-35; De Coning, Civil Military Coordination in United Nations and African Peace Operations, p.59.

11 Brahimi Report, p.9, par.49.

12 UN, Capstone Doctrine, p.31.

conflict, as emphasised by the latest UN review of PKOs, the ‘Ramos-Horta Report’.¹³

Furthermore, the guidelines explain that the UoF in ‘robust’ PKOs has a tactical purpose, namely to neutralise the threats that are hindering the execution of the mandate.¹⁴ This would mean the neutralisation of the (identified)¹⁵ enemy in the attainment of a definite military advantage, genuine concept of the law of armed conflicts applicable in the sphere of operations mandated by IOs only to PEOs and explicitly codified in Art.52 Additional Protocol I (AP I).¹⁶ The dilatation of the notion of UoF brings into play the issue of mission accomplishment, that is a military concept associated exclusively to the UoF beyond self-defence, which finds limitations in the specific mandate’s commitments. The outcome of this construction is the significance of the operative documents in the configuration of ‘robust’ PKOs, because they instruct multinational forces on what is allowed to do in the event of actions conducted in an attempt to interfere with mission accomplishment.

The mandate represents the focal point for ‘robust’ PKOs. As a result, it is incorporated into the third pillar as the reference parameter for the UoF. The defence of the mandate is twofold: the stabilisation of the situation as part of the peace process and the protection of civilians.¹⁷ The justification is the experienced volatility of the context of deployment, even after the formal conclusion of peace negotiations. The critical point is the qualification of the very instances for the preparation of the operational directives, due to their dependence from synchronisation of the prerequisites of the mission with the modifications of the factors on the ground.

1.2. ‘Robust’ Peace Support Operations in the AU Framework

In the AU framework, the first step to qualify the operations is the analysis of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union (Protocol). Firstly, in the rule presenting the Peace and Security Council (PSC)’s guiding principles, Art.4, Par.(a) refers to the “peaceful settlement of disputes and conflicts”, wording almost identical to the title of Chapter VI of the Charter; then Pars.(j) and (k) recall the actions codified in Art.4(h) (j) Constitutive Act of the African Union (Constitutive Act), respectively in case of war crimes, genocide and crimes against humanity or pursuant to the request of a member State. Secondly, Art.6 uses the phrase “peace support operations” and “intervention” in Par.(d) with regard to the aforementioned provision of the Constitutive Act; later, it uses “peace-building” in Par.(e) without further specifications.

Moreover, Art.13 establishes the African Standby Force (ASF), an operational instrument of the PSC based on “rapid deployment capacity”.¹⁸ Par.1 of the provision explains that the ASF is created for the purpose of “peace support missions and intervention pursuant to Art.4(h) and

13 UNGA, A/70/95 - S/2015/446, 17.06.2015 (Ramos-Horta Report), from p.26.

14 UN, Capstone Doctrine, pp.34-35.

15 De Coning, Peace Enforcement in Africa: Doctrinal Distinctions between the African Union and United Nations, p.3.

16 Melzer, p.330; Schmitt, pp.277-279.

17 UN, Capstone Doctrine, p. 34. Also Brahimi Report, p.11, par.63; Ramos-Horta Report, p.47, par.128.

18 AU, APSA 2010 Assessment Study, p.19.

(j) of the Constitutive Act”. The following Par.3 lists the functions of ASF and does not simply recall the operations presented in Par.1 (Lett.c), but refers also to “other types of peace support missions” (Lett.b), to “preventive deployment in order to prevent (i) a dispute or a conflict from escalating, (ii) an ongoing violent conflict from spreading to neighbouring areas or States, and (iii) the resurgence of violence after parties to a conflict have reached an agreement” (Lett.d) and to “peace-building, including post-conflict disarmament and demobilization” (Lett.e). With specific regard to the last clause, the subsequent Art.14 outlines peace-building activities, during and at the end of the hostilities (Pars. 2 and 3). The tasks presented are traditionally assigned to the civilian component of the mission,¹⁹ but they can arguably include military activities, in particular when the hostilities are still continuing.²⁰ Hence, if AU treaty law is more specific compared to the Charter in the definition of the missions for the maintenance or restoration of international peace, the use of different phrasing for expressing overlapping concepts can be deceptive.

The doctrine clarifies the characteristics of peace operations. The AU takes into paramount consideration the canons developed by the UN, as confirmed by the Preamble and Art.17 Protocol.²¹ As a result, the AU shares the three cornerstones of PKOs; nonetheless, it started elaborating its own guidelines on what are generally labelled as ‘Peace Support Operations’ (PSOs).²²

In order to define the type of missions that bases the subsequent part of the study, the standpoint that originates from the UN doctrine is examined. It is the ‘Ramos-Horta Report’ that reflects the African doctrine.²³ The three pillars of UN PKOs remain the bedrock for the elaboration of PSOs. Nonetheless, the insertion of “complementary principles”²⁴ generates room for interpretative modifications. Consent is viewed as a mean for extending the political process to involve military contribution. Inclusion into the political process implies the anticipation of the deployment to earlier stages of the crisis. PSOs are therefore regarded as supportive tools of the political process activated in order to settle the crisis; as a consequence, the deployment of military forces is a contributor to the achievement of the peace agreement.²⁵ This signifies that the indispensable element is the acceptance by the host State in order to avoid violations of sovereignty, rule of customary international law²⁶ mirrored in the Constitutive Act (Art.4(a)), whereas the approval by the other actors is seen as achievable along the mediation process.²⁷

The primacy given to the consent of the receiving country is also expressed in a special case codified by treaty law, namely Art.4(j) Constitutive Act that institutes the intervention upon invitation. This option appears to collide with two instances from the outset: with the prerequisite of impartiality and, subsequently, with the inclusiveness of the political process the military mission is part of.

19 PSO are multidimensional missions, constructed with military, police and civilian components. See AU, Common African Position on the UN Review of Peace Operations; also UN, Capstone Doctrine.

20 Art.14(3) Protocol lists the peace-building activities, which correspond to the peace-building tasks that the UN doctrine considers part of PKOs (Capstone Doctrine, pp.25-26).

21 AU, Common African Position on the UN Review of Peace Operations, p.2, par.6(i).

22 AU, Roadmap for the Operationalization of the African Standby Force, p.7, par.2.12.

23 AU, Common African Position on the UN Review of Peace Operations.

24 Idem, p. 4, par. 9(iv).

25 Idem, p.7, pars.16-17.

26 Simma et al., p.213.

27 AU and EUEA, NJIWA Exercise Manual, 2012, p.3C-10; Caparini, pp.26-27.

But it is justified by the necessity of operationalisation in the shortest time possible.

A case that reflects the indispensability of consent by the host State for the legality of PSOs is given by the resolution of the PSC for activating the mission to Burundi²⁸ under the prerequisite in Art.7(1)(a) Protocol, which expresses the anticipatory timing recalled above. The PSC Communiqué of December 2015 raises an issue of extreme importance for the classification of PSOs. Yet, preliminarily, two annotations are necessary. Firstly, Art.7(1)(a) envisages preventive actions in order to avoid conflicts and international crimes; it does not require the involvement of the Assembly of Heads of State and Government of the African Union (Assembly) in the decision-making process for the activation of the mission (unlike Art.4(h)(j) Constitutive Act, as clarified by Art.7(1)(e)(f) Protocol); and the consent of the host country is contemplated, as the Communiqué demonstrates. Secondly, Art.7(1)(e) is similar to Art.7(1)(a) in the scope, but it concerns itself with actions aimed at halting the ongoing perpetration of the international crimes listed in Art.4(h) Constitutive Act (the same foreseen in Art.7(1)(a) plus war crimes), the final decision is referred to the Assembly and consent is not requested, as displayed again by the very Communiqué.²⁹ In light of these considerations, deployments under Art.7(1)(a) have the shape of ‘robust’ PSOs (the prevention of genocide and crimes against humanity entails the task of protecting civilians), as the mandate stipulates.³⁰ Conversely, the assessment is more intricate with regard to the operation under Art.7(1)(e) Protocol: it can be seen as ‘robust’ PSO without the element of consent, if the other two pillars are maintained and the opinion of the unnecessary of the very consent is held; it can be labelled as PEO, as some scholars do,³¹ assuming that the absence of one of the foundational requirements changes the nature of the mission. The second option is followed, grounded on the absolute relevance of consent for the qualification of a mission, which also leads to an ‘internal’ pre-eminence over the other two keystones of PSOs. In case of lack of consent, as controversially brought forth by the Communiqué on Burundi, the mission is transformed from ‘robust’ PSO to PEO.

In respect to the UoF, protection of civilians acquires a central position,³² illustrating the major direction of expansion of this pillar. The new objective also finds incentive in the development of the ‘Responsibility to Protect’ (R2P) doctrine,³³ strongly taken into account by the AU to the point that the core element of the protection of civilians is arguably present in Art.7(1)(a) Protocol and Art.4(j) Constitutive Act.

As PSOs are conceived as part of the political process seeking the maintenance or restoration of peace in the host country, the main task assigned to the mission is to create or strengthen the conditions for the peace process to be completed. With such precondition, underlining the instability of the

28 PSC, PSC/PR/COMM.(DLXV)(17.12.2015)(MAPROBU Mandate), p.5, par.13(c)(ii).

29 MAPROBU Mandate, p.5, par.13(c)(iv). In such circumstances it cannot be said that the consent is implicit in the ratification of the Constitutive Act by the State involved (Simma et al., p.1491). In the opposite situation, it is shareable the view that a State cannot “in good faith renounce” to the activation of Art.4(h) of the Constitutive Act when a non-international armed conflict burst in the territory on the basis of internal political divisions (Fox, pp. 832-833).

30 MAPROBU Mandate, p.3, par.13(a)(ii).

31 Amvane, p.290.

32 AU, Common African Position on the UN Review of Peace Operations, p.4, par.9(iv).

33 On the difference between protection mandate and R2P, see Willmot and Mamy, pp. 381-382.

environment and the new form of conflicts undertaken by the parties involved,³⁴ the protection of civilians is increasingly a prominent issue. As a consequence, the AU is developing a sort of mandate within the mandate, which is contained in the authorising resolution but possesses the higher status of a linchpin of the African Peace and Security Architecture (APSA).³⁵

In conclusion, the general tenor of codification and legislative resolutions causes a process in which soft law instruments, doctrine and scholars characterise 'robust' PSOs, reconnecting the substantial features to the most appropriate legal provisions. The consequence is a certain uncertainty on the components of these missions, due also to the complexity of the factual framework of analysis. Nevertheless, the idea of robustness is ingrained into the inceptive tenets of the African institution. On that account, AU 'robust' PSOs can be qualified on the basis of the following elements: employment with the consent of the receiving State (and possibly of the other actors) as part of the political process of resolution of the crisis, or upon invitation of a member State; action in an impartial manner; activation under the mandate to use force beyond self-defence for tactical purposes, with particular consideration to the protection of civilians.³⁶

1.3. Command and Control over Peace Support Operations

In PSOs one of the determining elements for the functioning of the mission, the assessment of which is crucial to clarify the allocation of responsibilities, is the command and control. In general terms, first of all it can be said that command and control define the authority and responsibility of specific individuals or organs to issue orders and direct the actions of the armed forces.³⁷ Secondly, command can be described as "[t]he authority vested in an individual of the armed forces for the direction, coordination and control of military forces",³⁸ whereas control can be explained as "[t]he authority exercised by a commander over part of the activities of subordinate organizations, or other organizations not normally under his command, that encompasses the responsibility for implementing orders or directives".³⁹ This classification of control is already oriented towards multinational missions.

In this framework, three categories of authority can be distinguished to establish which parties (the Troop Contributing Countries (TCCs), the IO(s) or all of them in conjunction) direct and control PSOs: full command, operational command (OPCOM) and operational control (OPCON).⁴⁰ Full command is given by the entire command authority, embracing every deliberation on organization and direction of forces, and it is generally maintained at the national level; some elements are delegated for the specific purposes of PSOs, except for the strategic level command that is always retained by States as expression of sovereignty and is symbolised by the authority to determine the participation and the withdrawal of the troops.⁴¹ The indication of the elements

34 AU, Common African Position on the UN Review of Peace Operations, p.4 par.9 and p.7 par.16. See also Caparini, pp.22-23.

35 Okeke and Williams, pp.14-16.

36 In this scheme, interventions under the rationale of Art.4(h) Constitutive Act are excluded due to their purely enforcement nature.

37 Gill, Legal Aspects of the Transfer of Authority in UN Peace Operations, p.45. Leck, p.352.

38 NATO, Glossary of Terms and Definitions, p.28.

39 *Idem*, p.32.

40 Cathcart, pp.260-262.

41 Cammaert and Klappe, p.181-182; Gill, Legal Aspects of the Transfer of Authority in UN Peace Operations, p.46.

that States relinquish to the IO(s) suggests which entity/entities has/have the decisional power over the accomplishment of the mission, and the focus consequently leads on to the following two types of authority. Therefore, OPCOM is the authority “to assign missions or tasks to subordinate commanders, to deploy units, to reassign forces, and to retain or delegate operational and/or tactical control”.⁴² On the other hand, OPCON is “[t]he authority delegated to a commander to direct forces assigned so that the commander may accomplish specific missions or tasks which are usually limited by function, time, or location”.⁴³ In the doctrine it is conventionally recognised that TCCs to ‘robust’ PSOs maintain full command over their contingents, which is reflective of State practice;⁴⁴ whereas some elements of the OPCOM or the OPCON are delegated to the IO.⁴⁵

In the AU framework, during the early stages of preparation of the PSO, the Conflict Prevention and Management Task Force (CMTF) outlines the military command structure in the Initial Draft Plan, identifying the command and control over the mission.⁴⁶ Once the mandate has been approved by the PSC, the authority is transferred to the Head of Mission (HoM), who is the Special Representative of the Chairperson (SRCC), and to the Force Commander (FC) that is the head of the military component of the PSO and is responsible to the HoM.⁴⁷ The authority that the AU exercises “is not full command and is closer in meaning to the generally recognised military concept of “operational command””.⁴⁸ The account is specified by a passage of the Mission Implementation Plan, where it is spelled out that the FC “exercises AU Operational Control (OPCON)”⁴⁹ over the military contingents.

This construction apparently creates two layers of authority within the organization. Firstly the OPCOM, which is managed by the Peace Support Operation Division (PSOD)⁵⁰ and the HoM. Secondly, the OPCON, internally delegated to the FC. The impossibility to outline precisely the scheme is given by the subsequent illustration of the term ‘operational authority’: “[t]he FC exercises operational command over all military units”.⁵¹ The uncertainty is increased by the absence of indications of the portions of operational authority maintained by the TCCs. Notwithstanding the dubious attribution of the authority, from the presence of an integrated command structure and the references to the sole operational command and control contained in the training handbook it is clear that the AU does not apply full authority over PSOs.⁵² In conclusion, even if the precise distribution of authority is undetermined from the outset, it is distinct that the AU is not taking full command in ‘robust’ PSOs. Conversely, there is a distribution of OPCOM and OPCON between the organization and the TCCs. This means that the AU PSOs cannot be categorised as pure AU missions.

42 NATO, Glossary of Terms and Definitions, p.91.

43 Ibidem.

44 Dannenbaum, pp.145-148. Ryngaert, pp.157 and 160.

45 Gill, Legal Aspects of the Transfer of Authority in UN Peace Operations, p.47.

46 AU and EUEA, Aide Memoire, p.24.

47 AU and EUEA, NJIWA Exercise Manual, p.3C-4, par.11.

48 Idem, pars.9-10 and p.3F-4, par.8.

49 Idem, p.3-11.

50 AU Peace and Security Department, PSOD Presentation, pp.15-16.

51 AU and EUEA, NJIWA Exercise Manual, p.3F-9, par.24.

52 AU and EUEA, NJIWA Exercise Manual, p.3F-9, par.24.

2. The RoE: Definition and Role in AU Peace Support Operations

2.1. Classification and Function of the RoE

The nature of PSOs and the role of command and control for the success of the mission lead to the examination of one of the conventional operative documents of such operations: the RoE. RoE are precisely command and control tools⁵³ that delineate “the circumstances and limitations within which military forces may be employed to achieve their objectives. [T]hey provide authorisation for and/or limits on, among other things, the UoF, the positioning and posturing of forces, and the employment of certain specific capabilities”.⁵⁴ This definition presented by the ‘San Remo Handbook on Rules of Engagement’ is formulated in general terms to encompass the broad spectrum of descriptions furnished by States, IOs and scholars.⁵⁵

Notwithstanding the different illustrations given to the concept of RoE, it is widely recognised that three components concur to their elaboration.⁵⁶ Firstly, political objectives, which are the purposes of the entities involved, States and/or IO(s). The influence of political factors is conceptually embedded into the nature of war, depicted as the “continuation of policy by other means”.⁵⁷ As a consequence, it can be asserted that RoE “are the instrument by which the political leadership exercises control of the means of armed force”.⁵⁸ Secondly, military purposes, which embody the regulation of the UoF and the operational construction of the actions. In other words, RoE provide instructions to subordinate commanders and soldiers about the employment of force in execution of the specific mission assigned.⁵⁹ Thirdly, legal purposes, represented by the compliance of the actions with international and domestic law.

The last element of RoE has a special importance under the international law perspective, as it needs to be clarified that these rules are not laws, in particular they are not specifications of International Humanitarian Law (IHL). Some scholars open to the consideration that RoE can at times “amount to state practice for the purposes of developing customary international law”⁶⁰ or even that “RoE, enacted by an international organization, can *de facto* become binding as part of customary international law, since ... the norm-creating character of the provision in question and the elements of *state practice* and *opinio iuris* are present”.⁶¹ Nonetheless, these positions can be rejected by analysing the two elements of customary law. On the objective component, it cannot be said that the content of RoE reflects a “settled practice”⁶² because States and IOs have their own views over the rules and, moreover, the very rules are tailored differently for every operation, thus making them mission specific. On the subjective component, it was said above that RoE

53 Cooper, from p.231; LCDR Lee et al., p.81.

54 International Institute of Humanitarian Law (IIHL), p.1, par.3.

55 E.g.: U.S.A., Dictionary of Military and Associated Terms, p.207; NATO, Legal Deskbook, p.254; Carswell, p.928; Pennekamp, p. 1630; Cooper, pp.191-193.

56 Faix, p.138; IIHL, p.2; Phillips, pp.7-8; U.S.A., Operational Law Handbook, pp.81-82.

57 Von Clausewitz, p.87.

58 NATO, Legal Deskbook, p.254.

59 Phillips, 1993, p.8; U.S.A., Operational Law Handbook, p.82.

60 Cooper, p.209.

61 Knoops, p.145.

62 ICJ, North Sea Continental Shelf, Judgment, ICJ Reports 1969 (p.3), p.44, §77.

are tools to be used by commanders and this itself does not align with any sense of “conforming to what amount to a legal obligation”.⁶³ *Ergo*, RoE do not make law. On the contrary, they may restrict the applicable legal norms as a result of the conciliation of political, military and legal deliberations. With regard to the binding character towards the addressees, RoE can assume the status of guidance or lawful commands.⁶⁴ The majority of States accept the legally binding nature of RoE, whether directly if seen as operational orders or indirectly through implementation orders.⁶⁵

Once the features are identified, RoE, in terms of functions, “delineate the parameters within which force may be used by designated international peace operational personnel”.⁶⁶ More specifically, they “define when and how force may be used. ROE may reflect the law of armed conflict and operational considerations but are principally concerned with restraints on the UoF. ROE are also the primary means by which commanders convey legal, political, diplomatic, and military guidance to the military force”;⁶⁷ this definition stresses the pivotal interest arising from the nature of such missions, which is the limitation to the UoF.

The fundamental role that RoE play here is twofold. On one side, the harmonisation of the positions (policies, military standards, legal obligations) of the TCCs, among them and also with the stances of the IO(s) launching the mission, in order to identify the highest common standard and not the “lowest common denominator”.⁶⁸ In this context, a critical contribution to the political facet of RoE is given by ‘national caveats’, which are imperative limitations of national nature imposed by TCCs to the mission from the moment of development of RoE.⁶⁹ On the other side, the rules have to forecast an environment of deployment that may switch from peace to armed conflict and vice versa. Hence the mandate⁷⁰ of the mission becomes the decisive document, providing the basis for the construction of RoE.

63 Ibidem.

64 Cooper, pp.193 and 201; IIHL, p.1, par.3.

65 Cooper, p.208; Gill et al., p.136.

66 Klappe, p.631.

67 U.S.A., FM 100-23 Peace Operations, p.35.

68 IIHL, p.2, par.7.

69 ‘National caveats’ are submitted by the TCCs to impose restrictions upon the actions and the UoF of their contingents in the context of the multinational PSO (Gill, *Characterization and Legal Basis for Peace Operations*, 2015, p.159; Gill and others, 2006, p.124; Sheeran, 2015, p.372). As expression of the political leaderships of the TCCs (Williams Jr., 2013, pp.24-25), the caveats stand in a unique position because they are not negotiable in the process of creation or modification of RoE and are applicable exclusively to the peace supporters of the related TCC.

70 The mandate is one of the prerequisites for the legality of the mission. It is represented by two documents: the PSC approval and the UNSC authorisation, as means to comply with the Charter and the Protocol.

2.2. RoE for AU Peace Support Operations and International (Humanitarian) Law

Among the three constituents, the legal component of RoE, in the segment that deals with the observance of international law, requires an attentive analysis. The compliance of RoE for PSOs with international law stems from the consideration of four interconnected elements: the pledge of abidance by the mandating IO(s); the existence of peremptory norms of general international law; the existence of customary international law; and the existence of treaty law obligations.

The first component concerns primarily the legal personality of IOs. This attribute resides in the constitutive treaties of the organizations,⁷¹ where the functions are codified, showing the *sui generis* aptitude to operate in the international sphere.⁷² In the specific case, two documents give the preliminary requirement of the legal personality of the AU. On one side, the Constitutive Act,⁷³ namely Arts. 3 and 4 that proclaim the objectives and principles of the IO. On the other side, the General Convention on the Privileges and Immunities of the Organization of African Unity,⁷⁴ where the Preamble and Art.I bolster the judicial personality and functional capacity of the organization by recognising the status of the IO in the territory of member States. The African Court on Human and Peoples' Rights (ACtHPR) has later confirmed the subsistence of the legal personality for the African Union in the case *Femi Falana v. The African Union*.⁷⁵

Once the prerequisite is clarified, the focus turns to the intent to act in accordance with international law (and IHL specifically). This resolution is expressed in the purposes and principles contained, once again, in the founding treaties and finds subsequent validation in the practice of the organization. The Constitutive Act indirectly pronounces the commitment of the AU to abide by International Human Rights Law (IHRL) and IHL in Art.3(e)(f)(h). Specific recognition of the respect for IHRL and IHL is given by Arts. 3 and 4 of the Protocol, treaty that creates the organ in charge of mandating peace operations in Africa.

Furthermore, APSA considers the compliance with international law a cardinal element to be eventually hinged into RoE. This can be seen with reference to the current African Union Mission in Somalia (AMISOM)⁷⁶ as well as in the plan for the consolidation of ASF.⁷⁷ In the first case, the Status of Mission Agreement (SOMA), which is the arrangement between the AU and the host State before deployment of AMISOM in 2007 contains specific references.⁷⁸ With regard to the preparation of the future deployment of the ASF, training manuals and model documents

71 Mujezinović Larsen, *The Human Rights Treaty Obligations of Peacekeepers*, pp.88-99; NATO Legal Deskbook, pp.74-76; Zwanenburg, pp.64-68.

72 Klabbers, p.85; Porretto and Vité, p.18; Purdā, p.892.

73 2158 UNTS 37733. Udombana, pp.81-83.

74 1000 UNTS 14688.

75 *Femi Falana v. The African Union*, no.001/2011, Judgment, ACtHPR 2012, §68.

76 PSC/MIN/1(CCXXXV)(15.10.2010), p.2, par.7.

77 PSC, Draft Maputo Strategic Work Plan (2016-2020), Section 23.

78 AU and the Transitional Federal Government of the Somali Republic, Status of Mission Agreement (SOMA) between the Transitional Federal Government of the Somali Republic and the African Union on the African Union Mission in Somalia (AMISOM) (06.03.2007) (AMISOM SOMA), p.5, par.9(a).

offer several indicators confirming the obligation to respect international law and IHL above all.⁷⁹

With reference to the second facet, both States and IOs have to conform to peremptory norms. The starting point is the acknowledgment of the compliance by States with such rules, codified in Art.53 Vienna Convention on the Law of Treaties (VCLT). Subsequently, the genesis of IOs, namely treaties concluded between States, and the recognition of the special status of peremptory norms with regard to treaties concluded by IOs crystallised in Art.53 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations (1986 Vienna Convention), lead to the conclusion that the AU is bound by *jus cogens*.

On the third element, and with specific regards to IHL, its respect is to be determined on the exclusive basis of the facts on the ground, independently from the parties involved.⁸⁰ The consequence, whenever the circumstances are definable as armed conflict, is the applicability of IHL to “[e]ach party to the conflict”,⁸¹ on the basis of the determination of the customary rule. It means that, if a peace mission becomes involved in a situation that amounts to armed conflict, the correspondent body of customary law is activated.⁸²

Lastly, with regard to treaty law obligations, the explicit phrasing of founding treaties and operational documents assists in the clarification of which IHRL and IHL treaties have to be taken as paramount reference for the formation of RoE. This argument is also functional for the clarification of the reasoning presented by the ACtHPR;⁸³ although anchored to the subject matter of the dispute, the decision keeps the opening clause to the *de facto* adherence to international treaty law by the AU.⁸⁴

79 AU, Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee, 2003, p.9, par.2.19; AU and EUEA, Aide Memoire, p.49; AU and EUEA, NJIWA Exercise Manual, p.4-5, par.8(a).

80 Ferraro, pp. 573-574 and 600.

81 ICRC, Rule 139, p. 495. The commentary to the rule does not mention IOs, but the commentary to Rule 142, in the same Chapter of Rule 139 on the compliance with IHL, says: “[i]ncreasing use of international peacekeeping and peace-enforcement troops has given rise to a particular concern that such forces be trained in the application of international humanitarian law before being deployed” (p. 503). Also Ferraro, p. 588.

82 Bialke, pp. 36-37; Engdahl, p. 519; Glick, pp. 78-79; Grenfell, p. 647.

83 Femi Falana v. The African Union, no. 001/2011, Judgment, ACtHPR 2012, §69.

84 AU and EUEA, NJIWA Exercise Manual, p.3F-12 par.33, p. 3F-16 par. 50(c) and p.3FI-1 par.5; p.6-3.

2.3. RoE and command and control in AU PSOs

In the scheme of AU, RoE are described as “directions to operational commanders, which delineate the parameters within which force may be used by designated African Union military personnel during the AU peacekeeping operation”,⁸⁵ representing “the sole authority for the use of force in the accomplishment of ... mandate”.⁸⁶ The first thing to be noticed is that the African organization aligns with the general understanding of RoE as instruments for the regulation of the UoF. Furthermore, the specification from the AU training manual, “[w]here issued as prohibitions, they are orders not to take specific actions. Where issued as permissions, they provide the authority for commanders to take certain specific actions if they are judged necessary to achieve the aim of the mission”,⁸⁷ shows that the AU’s understanding of RoE is that of lawful commands. In the spectrum of conceptions of RoE, this approach reflects the narrow definition, which regards RoE as express authorisations or prohibitions.⁸⁸

RoE, as binding rules for the AU, represent an example of the decision-making process of the very organization in consultation with the TCCs,⁸⁹ but are released as AU orders that cannot be altered autonomously by national commanders. This is confirmed by the training manual in the directive to the FC, where RoE are presented as the “sole authority for the use of force in the accomplishment of ... mandate”.⁹⁰ Yet in the same document there is a potentially misleading passage: on the observance of international law by the peace supporters, it is established that IHL applies only to missions under AU command and control.⁹¹ Focusing on the issue of command and control, it can be arguably said that the phrase aims at distinguishing ‘robust’ PSOs, where elements of the command and control are allocated to the AU, from operations where the IO simply approves the mandate and the command and control is placed under one State or a group of States, the ‘coalition of the willing’.⁹² The clarification of this passage and the acknowledgment of the nexus between RoE and command and control prompt the scrutiny of the attributability of conducts in PSOs.

85 AU and EUEA, NJIWA Exercise Manual, p.6-1.

86 *Idem*, p.3F-12. NATO defines RoE as “Directives to military forces, including individuals, that define the circumstances, conditions, degree, and manner in which force, or actions which might be construed as provocative, may be applied” (NATO, Glossary of Terms and Definitions, p.109); the UN define RoE as “directions to operational commanders, which delineate the parameters within which force may be used by the military component of the peace-keeping operation while executing its mandated tasks” (UN, Infantry Battalion Manual, p.50). The EU defines RoE as “Directives to military commanders and forces (including individuals) that define the circumstances, conditions, degree, and manner in which force, or other actions which might be construed as provocative, may, or may not, be applied” (EUMC, p.108).

87 *Idem*, p.6-1.

88 IHL, p.1. Cooper, p.195.

89 The participation of troops belonging to different countries brings in the issue of ‘national caveats’. See IHL, p.2, par.5); Gill, *Characterization and Legal Basis for Peace Operations*, p.159; Gill et al., p.124; Sheeran, p.372).

90 AU and EUEA, NJIWA Exercise Manual, p.3F-12, pars.31-32 and p.6-3, par.8(a)(2)(3)).

91 *Idem*, p.3F-12, par.33.

92 Gill, *Legal Aspects of the Transfer of Authority in UN Peace Operations*, p.39.

3. Attributability of Conducts in Peace Support Operations

3.1. Reference Parameter and Instruments

The participation of several actors in the creation, operationalisation and continuation of multinational ‘robust’ PSOs plays a determinant role in the assessment of the responsibility for internationally wrongful acts. To assess the responsibility, one of the requirements is the attributability of the conduct to the State(s) or the IO(s), as established by the ‘Articles on the Responsibility of States for Internationally Wrongful Acts’ (ARS)⁹³ and the ‘Articles on the Responsibility of International Organizations’ (ARIO)⁹⁴ in the respective Arts. 2 and 4.

With regard to ARIO, the provision that comes into consideration when assessing PSOs is Art. 7. The rule regulates the conduct of a State’s organ “placed at the disposal” of the IO. The commentary to the provision clarifies the meaning of the phrase in the sense that the entity acts as an organ of the IO only to a certain extent, still partially operating as organ of the seconding State.⁹⁵ This is exactly the configuration presented by the ‘robust’ PSOs mandated by the AU, where the TCCs make their national contingents available to the continental organization without relinquishing the full command over their troops.

Once determined that Art.7 ARIO is the relevant provision, the proposed parameter of evaluation of attributability has to be examined. On the point, several decisions deserve attention. In 2007 the European Court of Human Rights (ECtHR) decides the cases *Behrami and Saramati*. Although ARIO are inserted among the relevant instruments for the decision, the Court resolves to build its own parameter for the attributability: the “ultimate authority and control”.⁹⁶

In the same year the House of Lords of the United Kingdom decides over the *Al-Jedda* case. The members of the Appellate Committee rely on the ECtHR judgement, but the conclusion of the majority follows the line set by the Draft ARIO.⁹⁷ The application related to the same case before the ECtHR leads the European jurisdiction in 2011 to consider not only the ‘ultimate authority’ standard, but also the ‘effective control’ parameter of ARIO, for the determination of attributability.⁹⁸

In 2011, the Dutch Court of Appeal in The Hague decides the case *Nuhanovic v. The Netherlands* and establishes the criterion furnished by the International Law Commission (ILC) articles as the prerequisite for the evaluation of attributability.⁹⁹ Moreover, the significance of this decision is due to the introduction of two major issues connected to the ‘effective control’ test: the preventive

93 UNGA, A/RES/56/83 (28.01.2002).

94 UNGA, A/RES/66/100 (27.02.2012).

95 ILC, p.20.

96 *Behrami v. France and Saramati v. France, Germany and Norway* [GC], no.71412/01 and no 78166/01, ECHR 2007, §§133-141.

97 *R (on the application of Al-Jedda) v. Secretary of State for Defence*, Opinions of the Lords of Appeal for Judgment, House of Lords of the United Kingdom, [2007] UKHL 58, §§5 and 24.

98 *Al-Jedda v. The United Kingdom* [GC], no.27021/08, ECHR 2011-IV, §84.

99 *Nuhanovic v. The Netherlands* [Civil Law Section], no.200.020.174/01, Ruling, Court of Appeal at The Hague 2011, §5.8.

theory, which is the capacity of the IO or the State to prevent the conduct; and the dual attribution, which is the application of the parameter to more than one party.¹⁰⁰ The Supreme Court of the Netherlands upholds the decision of the lower Court in 2013.¹⁰¹

Lastly, in 2014, the Dutch District Court in The Hague decides the case of the Mothers of Srebrenica through the full endorsement of the parameter set by Art.7 ARIO and accepted by the Supreme Court of The Netherlands. The argumentation of the Court defines ‘effective control’ as ‘factual control’ over the specific conduct of the contingents, to be determined on a case-by-case basis.¹⁰² The appeal decision confirms the line of reasoning of the lower judge on the declension of the ‘effective control’ as factual.¹⁰³

3.2. The ‘Effective Control’ Test

The ILC commentary on Art.7 draws the elements for the interpretation of the parameter, highlighting that the main field of application is that of multinational operations mandated by IOs.¹⁰⁴ It clarifies that, where IOs are involved, the control test operates with a different function compared to the one implied in the sphere of State responsibility: the parameter does not ascertain if a conduct is attributable or not; it points at the entity to which the conduct has to be attributed.¹⁰⁵ In addition, it specifies that the characteristic of effectiveness has to be regarded as the ‘factual control’ over the particular conduct;¹⁰⁶ this strengthens the aforementioned idea of vicinity linking the control with the conduct.

The case law of the last decade endorses with increasingly resoluteness the ‘effective control’ parameter by referring to the distribution of command and control. The Nuhanovic appeal judgement broaches the agreements on the transfer of command and control between IO and TCCs and then specifies that “the decisive criterion for attribution is not who exercised ‘command and control’, but who actually was in possession of ‘effective control’”;¹⁰⁷ and the Supreme Court ultimately confirms the parameter.¹⁰⁸ Later, the Mothers of Srebrenica judgements argue by referring also to general definitions and practice.¹⁰⁹

Despite the growing consensus, a certain prudence is still necessary, as recommended by some commentators.¹¹⁰ Forasmuch as the practice is scarce, the arguments presented by the latest

100 Idem, par.5.9.

101 The Netherlands v. Nuhanovic [First Chamber], no.12/03324, Judgment, The Supreme Court of the Netherlands 2013.

102 Mothers of Srebrenica v. The Netherlands and the United Nations, no.C/09/295247, Judgment, The Hague District Court 2014, §§4.33-4-34.

103 Mothers of Srebrenica v. The Netherlands, no.C/09/295247, Judgment, Court of Appeal at The Hague 2017, §12.1.

104 Reference already presented in 2004 by Special Rapporteur Gaja in its ‘Second report on responsibility of international organizations’ (UNGA, A/CN.4/541, Chapter III, in particular par.34).

105 ILC, p.21, par.5.

106 Idem, p.20, par.4.

107 Nuhanovic v. The Netherlands, §5.7.

108 The Netherlands v. Nuhanovic, §§3.9.1-3.9.5 and 3.11.3.

109 Mothers of Srebrenica v. The Netherlands and the United Nations, The Hague District Court 2014, §§4.36-4.42; Mothers of Srebrenica v. The Netherlands, Court of Appeal at The Hague 2017, §§2.20-2.21.

110 Bakker, pp.291-293, citing Crawford and Montejo.

judicial instances do not enquire painstakingly into the adequacy of the parameter but rather follow reflexively the orientation of the ILC commentary, the declarations of UN and AU that PKO are subsidiary organs of the respective organization are cryptic, it is unclear whether the rule of Art.7 has reached the status of customary international law. Nonetheless, the steps made in the direction of cementing the role of 'effective control' cannot be underestimated.

The arrangement of the authority between IO(s) and TCCs must then be deconstructed. The transfer of command is the first issue to be addressed, but it is not decisive per se; it has to be followed by the evaluation of the translation into practice of the authority, which is the concrete issuing of orders. As the latest decisions of the Dutch Courts indicate, the transfer of command and control takes place over the operational implementation of the mandate. This leads to the concepts of OPCOM and OPCON, recognised among scholars as the elements to be scrutinised for the purpose of international responsibility.¹¹¹ The ILC commentary to Art.7 ARIO explains that, in the application of the test of 'effective control', "operational control"¹¹² is the suitable parameter. Presented as the illustration of the factual characterisation of control, it is not specified whether the term is used in the technical sense of the military definition of OPCON; but this is not determinant. What is important is that the term used for defining the content of Art.7 ARIO is linked with the military concepts of OPCOM and OPCON.

The issuance of orders in the context of PSOs mandated by the IO is connected to OPCOM. Firstly, it has to be remembered that OPCOM contains OPCON at the outset. Secondly, OPCOM considers the issuance of tasks related to the coordination of the activities of the mission, whereas OPCON is more specifically pertinent to the accomplishment of the mission tasks that are emanation of the mandate. The fact that OPCOM encloses OPCON and that the latter can be retained or delegated by the former signifies that the assessment of who gives the orders depends on the distribution of the very OPCOM.

In consonance with and elaboration of the enquiry presented by the ILC, which is "who has effective control over the conduct in question",¹¹³ the consequent question to be answered is "which operational directive influences more closely the conduct". Some authors consider the key to be the assignment of tasks,¹¹⁴ which correctly points at the crucial factors. However, such a general reference to tasks is ambivalent because it can be reconnected with both OPCOM and OPCON, which are susceptible to overlap due to their constitution. Taking into account OPCOM, the term 'tasks' is associated with the general coordination of the contingents; hence the placement of the authority would be on a more strategic and organizational level. If an operational vicinity between control and conduct is established, the documents and the orders emanated at that level cannot be considered the closest link between the two components of the attribution. On the contrary, the notion of OPCON implicates a reading of 'tasks' that involves more specific operative functions. Thus, the interpretation of 'effective control' that closest ties control and

111 Mujezinović Larsen, Attribution of Conduct in Peace Operations: The 'Ultimate Authority and Control' Test, p.513, recalling several scholars.

112 ILC, p.23, par.10.

113 Idem, p.22, par.8.

114 Leck, p.360.

action refers to the directions for mission accomplishment. These directions can assume different forms and facets. Resuming the discourse on the preparation of the necessary documents for the operationalisation of the mission and recalling the definition of OPCON, the reasoning inevitably lands up at the instrument that regulates the UoF that the contingents are allowed to employ in order to accomplish the tasks: the RoE. As a result, RoE assume a determinant characterisation for the assessment of the effectiveness of the control.

RoE are instructions to be applied in every operative context because they regulate actions, being the UoF the dominant one, that always constitute part of the occurrences on the field; consequently, they embody the bulk of the mechanism of control. Beyond the problems that may arise in terms of interpretation of the RoE designations, it is clear that other courses of events outside the path of creation and application of these rules may take place, leading to different evaluations and conclusions. In any event, these hypotheses do not alter the underlying role of RoE.

In conclusion, the interpretation of the 'effective control' test has to start from the consideration of OPCOM, as the first factual expression of the control exercised over the PSOs. The part of OPCOM that can be delegated, OPCON, represents the most suitable link between authority and conduct because it concerns the imposition of orders, also in the form of prohibitions, about the realisation of the action. In the chain of operational directives given to the peace mission, RoE are the baseline illustration of the vicinity between authority and impugned conduct, which signifies that the appraisal of the attribution will necessarily have to look at the party/parties in charge for their creation and modification.

The criterion is applicable in the AU framework, where the concurrent participation of the IO and TCCs shapes the development and application of RoE. And the contribution of several entities opens to the consideration of dual/multiple attribution, considered by the ILC Special Rapporteur Gaja and recently developed by the case law of Dutch courts; but the analysis of the issue lies beyond the scope of the present text.

Conclusion

The AU 'robust' PSOs are conceived as tool of the political process for the resolution of the conflict. Formulated in this fashion, the issue of consent raises a quandary in terms of operationalisation of the mission, ascribable to the demand of balancing the guarantee of its legality with its speedy deployment. And the latter affects the protection of civilians, which represents a mandate within the mandate for these operations.

Apart from that dilemma, which possesses in fact a political nature, the viability of the mission's mandate is mainly governed by the operational instructions that regulate the UoF, the RoE. Their content shows that they determine the action of peace supporters in the most considerable manner in comparison with other instructions, being the executive directives for engagement. The characterisation of RoE arises from the operative authority over the PSOs, reason why they possess the status of command and control tool.

In the process of creation and revision of RoE, the AU distinctly presents the necessity of constant coordination on the matter, which is necessary to overcome the differences arising from national policies, military settings and legal obligations. From the moment of deployment of the PSO, the leadership of the AU becomes paramount to guarantee a uniform interpretation and application of the rules, as well as to circumvent the interference of instructions by national authorities to their national contingents. At any stage, the effort of the AU, in synergy with the TCCs, should reserve particular attention to RoE. This means that a continuous reassessment and adjustment on the basis of the situation on the ground is needed, given that these rules determine the accomplishment of the mission within the limitations imposed by international law.

The two fundamental features of RoE, linked to UoF and authority, open the way to the consideration of their role for the purpose of attribution of conduct in the context of the responsibility of TCCs and IOs. This has to be associated with the convergence in case law and doctrine toward the suitability of the 'effective control' test, which brings the authority as close as possible to the impugned action. The result, applicable in the AU internal assessment of responsibility after the possible occurrence of incidents to the mission's contingents, is the consideration of RoE as one of the underlying document to be analysed.

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Rethinking Ethiopia's Relations with the Arab League

Abdi Zenebe (PhD)

Abstract

By drawing upon concepts extracted from the IR school of neoliberal institutionalism and Regional Security Complex Theory (RSCT), this article argues that the Arab League (AL) could create a platform for Ethiopia to address its multiple political economy and security concerns with most of its neighbours. The article analyzed the primary data collected from the Ethiopian diplomatic circle and explored the potential areas of cooperation and challenges between Ethiopia and the AL. It finds out that there are multiple issues the AL discuss that concerns Ethiopia and the potential for future Ethiopian involvement is recognized; however, there is a fear from Ethiopian side that Egypt would not allow Ethiopia's membership in the AL. At a domestic level, the Ethiopian foreign policy tradition will thwart to encourage the Ethiopian aspiration to join the Arab League as an Observer member state.

Key Words

Regional Security Complex Theory; Ethiopia; Arab League

Introduction

This article examines the feasibility and advantages Ethiopia would gain by joining the League of Arab States (also called the Arab League) as an Observer member. It argues that there is a possibility Ethiopia's membership could allow the Arab League and Ethiopia to work together. The Arab League's proposal that comes in the form of the 'Arab Neighbouring Countries Policy'¹ provides an incentive for the Arab neighbours like Ethiopia to join the League. What is Ethiopia's position, if invited to join the League? And why Ethiopia needs to strive to join the Arab League? For long, successive Ethiopian governments have been blaming member/s of the League of Arab Nations (AL) for the constant destabilization of Ethiopia and current dismemberment of Ethiopia². Hence, the Ethiopian foreign policymaking establishment has remained suspicious of the AL and some of its member states.

1 The Arab Neighbourhood Policy (ANP) was proposed by the Arab League Secretary General, Amr Mousa, at the Sirte, Libya Arab League Summit (22nd AL Summit). The General Secretary's proposal includes Chad, Ethiopia, Ghana, Iran, Mali, Niger, Senegal, and Turkey. The proposal has not yet received a full approval by the AL states.

2 The Eritrean Liberation Front and the Eritrean People's Liberation Front used to enjoy considerable financial and technical support from several Arab states.

In parallel to this, some member states of the AL may view Ethiopia as an antagonist that allies itself against the interests of the region. That is why talking about the possibility of Ethiopia joining the League of Arab States requires providing argumentum and temperantiamat at two levels. At the first level, one must argue that Ethiopia needs to join the AL and present sufficient reasons to demand membership. Second, the Arab League or its members should consider Ethiopia's membership important. As it stands, however, the two entities are often at odds. This paper gives priority to the former puzzle and pursues a course that sees through the lenses of neoliberal institutionalism and RSCT a point of moderation that enables the two actors to work together.

The argument pursued in this article is extracted from primary data collected in Ethiopia from August 2017 to September 2018. The data is gathered mainly from prominent political leaders and diplomats. The author also visited the different Arab League member states embassies and the Office of the Arab League in Addis Ababa, Ethiopia.

The paper is divided into four parts. The first two parts focus on the background and theoretical perspective respectively. In the third part, the paper focuses on the possible reasons why Ethiopia should request a membership card. In the fourth part, the paper analyzes the challenges that might inhibit Ethiopia's aspiration to join the AL. In doing so, the paper concludes with the niche Ethiopia could play as an Observer state in the AL.

Background

Historically, Ethiopia has deep-rooted relations with the Arab World. Its culture is also predominantly influenced by religious and trade relations it had built with the Arab world for centuries. For instance, Christianity was introduced in Ethiopia by a Syrian clergyman named Abba Salama in the fourth-century AD. The Ethiopian Orthodox Church (EOC) has strong affiliations with the Coptic Church of Alexandria, Egypt. EOC Patriarchs were appointed by the Church of Alexandria for 1600 years³. It was in 1959 under Emperor Haile Selassie I, EOC began to anoint its own Patriarch. Islam was also introduced to Ethiopia as early as the seventh century AD. The First *Hijira*, the flight of early Muslims, was to Ethiopia. The Ethiopian King's hospitable treatment of the early Muslims cemented a strong relation between Ethiopia and several Arab League states. Due to the geographical proximity and these historical linkages, the Federal Democratic Republic of Ethiopia Foreign Affairs and National Security Policy and Strategy document state that “the impact of the Middle East on Ethiopia is more prominent than that of the African states”⁴.

Recently, several geopolitical developments across the Horn of Africa overtly challenge the positions Ethiopia has been enjoying for the last two decades. Ethiopia, with its strong ties with the US and as one of the reliable allies in the war against terrorism, had cordial relationships with most of the prominent Arab League states. Similarly, Ethiopia had the principal role in the region's

³ FDRE Ministry of Information. The Federal Democratic Republic of Ethiopia Foreign Affairs and National Security Policy and Strategy. Addis Ababa 2002: 66.

⁴ FDRE Ministry of Information. The Federal Democratic Republic of Ethiopia Foreign Affairs and National Security Policy and Strategy. Addis Ababa 2002: 66.

economic and institutions such as IGAD. However, this has been changing recently on several grounds. For instance, the strategy to isolate Eritrea is no longer viable because of the crisis in Yemen that has increased the geopolitical importance of Eritrea⁵, which is now hosting United Arab Emirates (UAE) military base and Israeli radio marina and military contingent. In addition, Eritrea's recent military takeover of the Red Sea island of Doumeria is worrisome to Ethiopia, because of its strategic and security significance to the newly built Ethio – Djibouti railway system. Similarly, the growing appetite by extra-regional actors to have a military presence in Djibouti has opened geo-economic alternatives to Djibouti by reducing its economic dependence on Ethiopia. Somalia, as well, has been attracting diverse actors that challenge the relative-free-raid that Ethiopia has been enjoying since 2006⁶. These are principally the outcomes of the Sino-US rivalry, the recent Saudi-Qatar fallout and the war in Yemen.

More importantly, the shifting global security and political pivot increased the importance of regional powers in the Horn of Africa and the Middle East. Today, the United States security priority is no longer the issue of terrorism or the Middle East region at large; it is rather the containment of China and the Asia Pacific region. This has paved a way for the Gulf States to increase their influence and role in the Horn of African region. The Gulf States are filling the vacuum left by the United States in the Horn of Africa. Beyond other issues, this is exemplified by the joint, Saudi Arabia and UAE role played in the process of consolidating the Ethiopia – Eritrea Treaty that was signed in Jeddah, Saudi Arabia, in September 2018⁷.

Similarly, the Obama administration attempted to restore Iran's diplomatic and political posture that posed a challenge to some of the Arab League states to concoct a more assertive foreign policy that brought rival Middle Eastern powers to the Horn of Africa. In particular, the fear that Iran's assertive foreign policy orientation and size will dominate the Str. of Hormuz brought greater attention towards the Red Sea. The Red Sea, today, hosts the largest Saudi Arabian Naval fleet. More importantly, the so-called Gulf Crisis, which puts Qatar and its neighbours such as Saudi Arabia, Bahrain, UAE and Egypt at odds, has been manifesting its dreadful side in the politics of the Horn. This led to Eritrea and Djibouti cutting ties with Qatar; Somalia to shun out UAE and Saudi Arabia; while the de facto state of Somaliland strengthen ties with the UAE-Saudi camp.

The Arab League states such as Saudi Arabia and UAE are pursuing a more self-reliant approach in their foreign relations. The dwindling oil reserves and the need to secure a steadier as well as geographically close source of food and economic outlet has made the Horn of Africa, besides other variables, a favoured destination for several AL states investment ventures. The UAE's blue economic expansion across the coasts of the Red Sea and Western Indian Ocean also is part of these activities. These developments brought heavy Arab League member states involvement in the Horn of Africa.

5 Currently, the newly appointed Prime Minister of Ethiopia, Abiy Ahmed, has initiated a diplomatic move to restore the relations between the two states.

6 Abdi Zenebe, "Somalia – Ethiopia Security Relations and the US Africa Command since 2006". PhD Dissertation (unpublished), 2017. Addis Ababa University.

7 The Jeddah Treaty of 19 September, 2018, was signed between Ethiopia and Eritrea after series of discussion held between the two states in Saudi Arabia and UAE. The leaders of the two Horn of African states received the highest awards given to them by King Salman bin Abdul-Aziz Al Saud of Saudi Arabia and King Mohammed of UAE respectively.

In this volatile sub-region that entertains often rapidly changing discourses; Ethiopia should develop clearly articulated grand strategy and proactive foreign policy orientation that is capable of addressing the strategic, security and political economic interests of its people. More importantly, Ethiopia should learn to quickly adjust its strategic priorities in accord to global politico-security shifts. In addition, Ethiopia seeks to extend platforms that would enable it project its influence. One of the institutions where Ethiopia needs to have a presence in this regard is in the Arab League.

Most of Ethiopia's neighbours are members of the Arab League, i.e. four out of its six neighbours. Language wise, in three of these neighbours, viz. Eritrea, Somalia and Djibouti, Arabic is not the dominant language. Ethiopia has historically rooted and intricate relations with these and other Arab League states. Currently, Ethiopian troops are serving in Somalia. More than 95% of Ethiopia's import – export goes across the Port of Djibouti. The two AL states, i.e. Kuwait and Saudi Arabia, are among the top five major sources of Ethiopia's import. According to 2017 WTEEx data, the AL states of Somalia (with USD 243.6 million), Saudi Arabia (with USD 206.2), United Arab Emirates (with USD 127.6 million), and Djibouti (with USD 96 million) are among the top ten Ethiopia's export destinations⁸.

Eritrea, up until very recently⁹, was locked with fifteen – years long security stalemate with Ethiopia. Sudan is part of the Nile Basin that is connected to Ethiopia in multiple ways. Egypt, which is member of the Arab League (AL) but not an immediate neighbour, is in a continued saga with Ethiopia over the Nile waters¹⁰. Saudi Arabia and UAE, which are also important members of the Arab League, are the sources of some of the largest foreign direct investment (FDI) in Ethiopia.

However, it is important to emphasize the point that Ethiopia has never requested to join the Arab League. According to the conversations I had with high ranking Ethiopian diplomats there was a desire and proposal, which was prepared at the Ethiopian Ministry of Foreign Affairs (MoFA) that encourages Ethiopia to become an observer member of the Organization of Islamic Cooperation (OIC)¹¹. The MoFA encouraged OIC membership because an estimated number of 40 million Ethiopians are Muslims and regional rivals, who have less number of Muslims such as Uganda, are members.

Here the article argues that Ethiopia has more than sufficient reasons to seek and request admission in the Arab League. The League discusses multiple issues that concerns Ethiopia. It raises issues connected to water security (including River Nile), maritime security in connection with the Red Sea and Gulf of Aden, economic and cyber security. The League creates a platform to voice the concerns of its members; hence, having access to such a platform is important for Ethiopia to expound its discourse to friends and foes alike. Although the League has been criticized in

8 Daniel Workman, "Ethiopia's Top Trading Partners". WTEEx. 4 March 2018 <http://www.worldstopexports.com/ethiopia-top-trading-partners/>.

9 The rapprochement in mid-2018 ended the security statement and the diplomatic break between Eritrea and Ethiopia.

10 Daniel Kindie, "Egypt and the Hydro-politics of Blue Nile River" *Northeast African Studies*. Vol. 6, no. 1-2, 1999: 141-169.

11 Personal correspondence with Ambassador Abdulkadir and Ambassador Shemsedin at Radisson Blue Hotel, Addis Ababa, Ethiopia. The IOC is the second largest intergovernmental organization next to the UN. It has 57 members and most of Ethiopia's neighbours are members of IOC. It aims to protect the interests of Muslims and Ethiopia has more than 30 million Muslims around 33% of the total population.

failing to resolve internal disputes and sever political and security issues that continued to affect its members it remains a major entity that bring most Arab states together. In addition, it is true that because of internal strives its muscles are weak vis-à-vis powerful states, but could do damage on states like Ethiopia at diplomatic, economic, political and security areas. Hence, Ethiopia should quest an Observer member status in the Arab League as a necessity that will bolster its diplomatic image and political standing in the broader region at large.

Neoliberal Institutionalism And Regional Security Complex Theory

The normative side of this article is drawn from the school of Liberalism. The liberalist views of international politics as an arena of “progress and purposive change”¹² and the aspiration to enhance “cooperation” between states to address political and security challenges used as an instrument to encourage Ethiopia’s increased involvement in the Arab League. Particularly, neoliberal institutionalism, which advocates international institutions capacity to serve as a platform to manage differences between states orderly¹³, is essential to appreciate the Ethiopian aspiration to join the Arab League. International institutions are venues for cooperation and they play a crucial role in the process of building trust by promoting “collective interest...among egoistic agents”¹⁴.

This article also borrows important understanding of security and security relations from Regional Security Complex Theory (RSCT). RSCT, as espoused by Barry Buzan and Ole Wæver, promotes the regional level of analysis as the essential mode for security analysis and rejects the dominant coverage given to the national and system level analysis in the contemporary international security landscape¹⁵. Particularly, the demise of the bi-polar Cold War World Order paved the way for the emergence political and security actors that have the capability to determine security and political outcomes at the regional level. Hence, the *region* in the Post-Cold War World Order is where intense security interaction is manifest¹⁶.

Unlike the dominant international relations theories during the Cold War period, RSCT expounds the meaning of security that is diverse and broad. By deciphering the gist of security into sectors, which includes economic, environmental and social, RSCT presents a more comprehensive understanding of the concept. In turn, the multifaceted fathom of security facilitated for an in-depth analysis of security relations between states and regions across varied sectors.

Based on these imperatives, the paper takes two essential discourse of analysis from RSCT. Firstly, while rendering due attention to the continued importance of the state the paper extends the understanding of security beyond the military realm to include economic, diplomatic, ideational and

12 Martin Griffiths, Steven C. Roach and M. Scott Solomon, *Fifty Key Thinkers in International Relations* (2nd edition). London: Routledge. 1999. Pp.65.

13 Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy*. Princeton: Princeton University Press. 1984.

14 Cornelia Navari, “Liberalism” in *Security Studies: Introduction*, edited by Paul D. Williams. New York: Routledge. 2008. Pp. 29-43, pp.39.

15 Barry Buzan, “Regional Security Complex Theory in the Post-Cold War World” in *Theories of New Regionalism*. ed. by F. Söderbaum, et.al. Palgrave Macmillan. 2003

16 Barry Buzan and Ole Wæver, *Regions and Powers: The Structure of International Security*. Cambridge: Cambridge University Press. 2003.

political issues¹⁷. The current discourse on security encompasses multidimensional understanding of security and the diversified sources of insecurity. This will help us comprehend the importance of economic, cultural and political issues that are given attention by the Arab League as having hefty place in the calculus of the Ethiopian national interest and security narratives. Secondly, by taking also the level of analysis injected by RSCT, which is regional level of analysis, and referential nature of security the paper analyzes and set the security concerns of Ethiopia in juxtaposition to the Horn sub – region and its immediate neighbours, i.e. the Middle East¹⁸. The consequences of the waning role of greater powers such as the United States in the Horn of Africa and the shifting global security pivot to the Asia Pacific region has enhanced the role of regional powers in the Horn – Middle East politico-security dynamics. This has enhanced the AL states such as Saudi Arabia, UAE and Qatar influence in the Horn of Africa.

The Arab League And Ethiopia: ‘Strange Bedfellows’

The founding objectives of the Arab League are more like the Organization of the African Unity (OAU). Both aim to oversee the end of colonialism and seek regional solidarity to fight against it. The AL and OAU (in 2002 transformed into AU) have played vital role in promoting economic integration in their respective regions. The Arab League also provides financial assistance to selected African Union peace operation such as the AU Mission in Darfur, where the Arab League provided USD 150 million. AL was established in 1945 followed by a proposal prepared by Egypt. Currently, the League has 22 member states and its permanent Headquarter is in Cairo, Egypt. As a regional political organization the primary stated goal of the Arab League is to uphold the interests of its member states and advance closer political, economic, cultural, and social relations. The League enjoys Observer Status in the African Union (AU), United Nations (UN) and Non-Aligned Movement. It has also observed several Association of South East Asian Nations (ASEAN) summits. Furthermore, the League is expanding its cooperation with the European Union (EU) as exemplified in the, February 24-25, 2019, First EU-AL Summit, which was held in the Egyptian resort city of Sharma el-Sheik.

The non-Arab states in the League include Comoros, Djibouti and Somalia¹⁹. It has also states that are given Observer status. These include Brazil, Eritrea, India, and Venezuela. The Council of the League of Arab States, which is the supreme political organ of the Arab League, decided on issues of membership requests and withdrawal²⁰.

At the bilateral level there appear a harmonious diplomatic relation between Ethiopia and several Arab states. Ethiopia, for instance, hosts more than fifteen Arab states’ embassies and the Arab League has a small office in Addis Ababa, Ethiopia²¹. It has strong socio-cultural ties with the Arab

17 Barry Buzan, *People, States, and Fear: The National Security Problem in International Relations*. Sussex: Wheatsheaf Books Ltd. 1983. See also Barry Buzan, Ole W ver and Jaap de Wilde, *Security: A Framework for Analysis*. Lynne Rienner. 1998.

18 Barry Buzan and Ole W ver, *Regions and Powers: The Structure of International Security*. Cambridge: Cambridge University Press. 2003.

19 The Arab League has suspended the Syrian Republic membership status since 2012.

20 Andreas Kettis, “EU- League of Arab States Relations: Prospect for closer parliamentary cooperation” Policy Briefing (European Parliament- Policy Department). DG EXPO/B/PolDep/Note/2013_114 PE491.494. May 2013.

21 I visited the Office of the Arab League in late August. It is a small office that has one focal person and his secretary.

world, including large Muslim population, estimated around 40 million. The Coptic Church of Alexandria and the Syrian Orthodox Church are the closest churches to the Ethiopian Orthodox Church. Many Ethiopians reside in the Arab world and the remittance they send back to Ethiopia has been an important part of the economy.

On the flip side, the Arab League has been a point of retreat to several state and non-state actors that have been projecting manifest or latent security impediments towards Ethiopia. By far it has been an institution that hosts the larger 'coalition' of anti-Ethiopian forces. According to commentators, one of the primary reasons Djibouti, Eritrea and Somalia joined the Arab League is to seek shelter from the 'Ethiopian pressure'. It is common to attain to the barrage of Arab League's diplomatic attack on Ethiopia whenever Ethiopia has economic, political and security problems with an Arab League member state. For instance, the Arab League warning read as, following the Ethio-Egypt discussion on the Nile, "Water security for Egypt is part and parcel of the Arab national security"²². Similarly, in connection to the Ethiopian military involvement in Somalia in 2006 as well the Arab League demanded expedite withdrawal of Ethiopian troops from Somalia²³.

If this has been the case, the question is: how Ethiopia should react and mitigate such and other projections from the Arab League? The first step as this paper argues is to join the League. Ethiopia could join the Arab League as an Observer status and that will give it space to express its concerns and extend its influence. At the same time, by joining the Arab League it challenges the uncontested political and diplomatic space its rivals have been enjoying for long. Ethiopia could draw lesson from existing Observer members such as India, Brazil and Venezuela. India's reason for joining the Arab League as an Observer is connected to its lingering security crisis with Pakistan, which is not an Arab League member state, but predominantly a Muslim state. India aspires to achieve a strategic purpose by having a seat at the League where its arch enemy has not.

Brazil joined the Arab League as an Observer member state in 2003. The main reason for Brazil is socio-cultural connection with the Arab world. Brazil has estimated number of 12 million people of Arab origin. Venezuela, which also joined the League as an Observer member, has large inhabitants of Arab descent. The Arab expatriate in Venezuela is estimated at around 1.6 million people. Moreover, the 2005 Arab League- South America (ASPA) target to enhance the relation between the two regions. Although economic diplomacy has been one of the dominant driving factor that contribute for recent cooperation between Latin America and Arab League states the US unilateral actions at a global stage have played vital role in consolidating the relationship between the two regions²⁴.

Why Ethiopia Should Request Observer Status?

22 This statement was given by Ahmed Aboul Gheir, the Secretary-General of the Arab League at the Fourth Arab Water Summit on November 12, 2017, at Cairo, Egypt.

23 Abdi I. Samatar .2007. "Ethiopian Invasion of Somalia, US Warlodrism and AU Shame" Review of African Political Economy, Vol.34, no.111.pp 155-165.p.155.

24 Alejandra Galindo Marines. 2018. 'Mexico and Brazil's Approach Towards the GCC Countries: An Assessment of Economic Diplomacy' Arab Center for Research and Policy Studies.p.4.

Currently, Ethiopia pursues economic diplomacy that aims to maximize political and economic gains and enhance its regional role. Economic diplomacy refers to “the use of political means as leverage in international negotiations, with the aim of enhancing national economic prosperity and the use of economic leverage to increase the political stability of the nation”²⁵. Accordingly,

Ethiopia’s potential interest to join the Arab League, as an Observer, should be treated as part of the broader strategy for the country’s strong posture in the region. It also provides a platform to thwart potential threats and further project its concerns as well as influences across the region.

Today, one of the most important strategic priorities for Ethiopia is to have a diversified and uninterrupted access to the sea. The losses of its former outlets are not only calculated as economic lose but also as strategic lose. Its aspiration to emerge as a regional power has been seriously challenged by its dependency on small states such as Djibouti for access to the sea²⁶. Ethiopia should pursue a grand strategy that incorporate medium and long term tactics that would strengthen its strategic assets. It should also treat its fresh water resources as strategic resource that could serve as instruments to achieve strategic goals.

In addition to these, there are several issues the Arab League discusses that concerns Ethiopia at a strategic level. The League raises economic, security, political and social issues that concerns Ethiopia, mainly, because of its geo-proximity and socio-cultural ties to the region.

Maritime security

Recently, the Arab League states are actively involved in two-ways that has increased their naval military activities in the Red Sea and Gulf of Aden, both of which has major security implications for Ethiopia. Firstly, the war in Yemen and the subsequent Arab League states heavy involvement has raised the level of tension across these waters²⁷. What is happening in the Red Sea and Gulf of Aden is a national security concern for Ethiopia though it has no outlet to the waters. The heavy military presence of several Arab League states across these waters threatens the Ethiopian national security interest. These waters are Ethiopia’s economic bloodlines. It’s more than 95% of import-export pass through these waters across Arab League member states. Ethiopia should be consulted and allowed to partake, if needed, in any security apparatus that might be established along these waters. Since Ethiopia is also building its navy in a refined form it needs to work in collaboration with the other actors in the Red Sea²⁸.

In line with these developments, Saudi Arabia’s nascent plan to emerge as a prime controller of the Red Sea, and to use its Red Sea fleet as an alternative route for its lucrative exports. Saudi Arabia is reducing dependence on the Strait of Hormuz and the possibility of Iranian blockade of the

25 Okano-Heijmams, Maaik, *Economic Diplomacy: Japan and the Balance of National Interests*, (Leiden: Martinus Nijhoff Publishers, 2013) 29-30.

26 Brendon J. Cannon and Ash Rossiter.2017 “Ethiopia, Berbera Port and the Shifting Balance of Power in the Horn of Africa” *Rising Powers Quarterly*, Vol.2, Issue 4. 7-21: 10.

27 The Horn of African states that are already involved in the Yemen War are Sudan (troop contributing state for Saudi led coalition), Djibouti (hosts Saudi troops), Eritrea (provided military base to the UAE’s air force contingent), and Somaliland (a de facto independent state rendered its water and air space to the coalition).

28 The Ethiopian Prime Minister, Abiy Ahmed, announced the Ethiopian government decision to re-establish the Ethiopian Navy in August 2018. It is broadcasted on the Ethiopian national television (etv) news segment.

Strait has been drawing Saudi more to the Red Sea area. Saudi is seeking to act as a hegemonic regional actor with implicit legitimacy.

Secondly, the League's members such as Djibouti, Eritrea, Somalia and Sudan are hosting extra-regional military bases, some of these extra-regional actors are rivals. These would allow the systematic control of the region including Ethiopia by foreign actors. It also brings issues that are not inherently of the region to dominate the politico-security agendas of the region. Ethiopia should pursue a strategy that would allow the region to have full control of its resources (strategic and otherwise) and mitigate the influence of alien military bases.

The safety and security of Bab al Mandeb Strait is a common top security concern for both the Ethiopian national security and the Arab League states such as those in the GCC and Egypt. Combating piracy and ensuring the safety of the internet Fiber Network and smooth flow of ships across the choke point requires a close coordination.

Development projects on trans-boundary waters

Ethiopia's trans-boundary rivers such as the River Nile and Wabe Shebelle physically connect the country to its Arab League member states neighbours. More often than not, water resources have been a source of tension between Ethiopia and its neighbours. The securitization of this natural resource by states in the Horn and Northeast Africa has created an intricate security conundrum with multiple and extended tentacles²⁹. Particularly, successive Egyptian governments' securitization policy and threatening rhetoric, often voiced through the Arab League, remained a daunting foreign policy challenge for the Ethiopian counterparts. The Federal Democratic Republic of Ethiopia Foreign Affairs and National Security Policy and Strategy posits that "As Egypt took the mantle of leadership of the Arab world, the subject of the Nile waters began to influence Ethiopia's relations with that region and still continues to do so"³⁰.

The Observer status within the Arab League would enable Ethiopia to present its aspiration to work with the Nile riparian state and fairly utilize the resource in a manner that would not harm the interest of the downstream states (both Arab League member states – Egypt and Sudan). It could also facilitate the opportunity to challenge the Egyptian version of the water security conundrum that persistently demonizes the Ethiopia aspiration and denounces Ethiopia's claims of the water.

The Arab League discusses the issue of water, i.e. trans-boundary waters, which concerns Ethiopia. Recently, the League forwarded a warning statement towards Ethiopia in support of Egypt. Ethiopia's freshwater reserves are important resources that have been serving more than economic purpose. The responsible utilization of these resources Ethiopia believes will reduce tension and there is a possibility of overcoming mistrust through cooperation. The Arab League is the only entity that brings almost all Arab states together and access to it enables Ethiopia to expound its arguments more closely.

29 El-Sayed, Mustapha Kamel and RashaSoheil Mansour, "Water Scarcity as a Non-traditional Threat to Security in the Middle East" *India Quarterly* 73(2), 2017: 227–240.

30 FDRE Ministry of Information. The Federal Democratic Republic of Ethiopia Foreign Affairs and National Security Policy and Strategy. Addis Ababa 2002 66.

Arabs investment in Ethiopia

Several contemporary political, economic, and security developments at regional and global levels has been bringing increased AL member states involvement to Ethiopia and the Horn of African at large. The pressure the changing global political economic environment has created on rentier economies such as numerous in the oil rich Arab states and the need to diversify the economic base coupled with the geographic proximity has made a Horn of African states such as Ethiopia a favoured destination. The AL states rivalry, security concerns and the desire to build a blue economy has recently enhanced the AL member states investment ventures in the Horn of Africa³¹.

Ethiopia's current foreign policy priority is built upon the principles of economic diplomacy. Its main objectives are - attract Foreign Direct Investment and ensure the transfer of technology³². The growing investment flow from the Arab world to Ethiopia in the form of FDI is a sign of a constructive engagement that needs to be encouraged. According to the Observatory of Economic Complexities report (2016), Arab League states such as Saudi Arabia, UAE and Kuwait are the top export destination of Ethiopia³³. The AL states are so far interested on investment connected mainly to food security and agro-industry. Saudi Arabia has purchased 124,000 hectares of land in Ethiopia³⁴. Arab League states such as the UAE are extensively engaged across Africa in the areas of infrastructural development and Ethiopia is interested to become an attractive destination. According to data from the Ethiopian Ministry of Foreign Affairs, in the 2012-2013 fiscal year alone The Ethiopian aspiration to become the major provider and source of food requires constant engagement across different platform. Arab League is one of the very important platforms to expand Ethiopia's connection to the Arab world.

More importantly, the Arab League member states and state sponsored companies such as UAE and DP World (DP) aggressive involvement in the construction and control of Ports across the Red Sea and Gulf of Aden has created strong ties between states in the Horn of Africa and the Middle East³⁵. DP World investment in port expansion at Berbera Port (Somaliland) and construction of port at Lamu (Kenya) are all the projected access points for Ethiopia's future import – export market. The P&O Ports (based in Dubai) is also set to upgrade the Bossasso Port (Puntland, Somalia). Ethiopia is already engaged in necessary infrastructure building process that would enable it connect to these ports easily³⁶.

31 Elana DeLozier, "Seeing Red: Trade and Threats Shaping Gulf-Horn Relations" Policy Analysis (Policy Watch 3079). The Washington Institute, 15 February 2019. <https://www.washingtoninstitute.org/policy-analysis/view/seeing-red-trade-and-threats-shaping-gulf-horn-relations>.

32 The FDRE Government Communication Affairs Office. Ethiopia, year book 2012-2-13. Addis Ababa: Branna Printing. Pp. 186-191.

33 Observatory of Economic Complexities shows in 2016 Ethiopia exports to Saudi Arabia was USD 287million, which makes Saudi Arabia the fourth top export destination for Ethiopian products. Kuwait on the other hand is one of the top import origins for Ethiopia with estimated USD 1billion.

34 Simon Allison and Joseph Dana, "Bridging the Red Sea: How to Build an Africa-GCC Partnership" *Emerge* 85, October 2017. Pp. 11.

35 Brendon J. Cannon and Ash Rossiter, "Ethiopia, Berbera Port and the Shifting Balance of Power in the Horn of Africa" *Rising Powers Quarterly*, Vol.2, Issue 4, 2017: 7- 29. See also Willem van den Berg and Jos Meester, "Ports & Power: the securitization of port politics" *Horn of African Bulletin*.

36 See Simon Allison and Joseph Dana, "Bridging the Red Sea: How to Build an Africa-GCC Partnership" *Emerge* 85, October 2017. DP World declared USD 422 million to upgrade the Port of Berbera (Somaliland), where Ethiopia has secured a bid to have a 19% share.

Ethiopian domestic workers in the Arab world

Ethiopia has historically rooted socio-economic relations with the Arab world. The Ethiopian geographical proximity to the Arab world has been one of the primary reasons for the presence of large number of Ethiopian citizens in the Arab world. Recently, however, the number of Ethiopians who seek employment opportunities in the Arab world has been growing exponentially. Studies conducted indicate that more than 60, 000 Ethiopians' have been migrating annually since 2008³⁷. In Kingdom of Saudi Arabia alone there are around half-a-million Ethiopians³⁸. The wellbeing of this large number of fellow citizens is a concern for Ethiopia. Most of the recent Ethiopian migrants are employed in the Gulf States as domestic workers. In addition, around 82% of the migrants are women. Changing domestic legal labour proceedings and human right issues in the Arab world affects large number of Ethiopians who reside in the Arab world. Besides working through the embassies and the state departments having a presence in the Arab League will help it to raise and discuss these issues with concerned Arab states.

In general, Observer status in the AL will bring several advantages to Ethiopia. It will enable the Horn of African state to have a venue to communicate its diplomatic, security, economic, social and political concern with the Arab world at large. In addition, Observer status will provide Ethiopia the opportunity to enhance its diplomatic sphere and present its views on contested issues that might threaten its national interest. Moreover, Ethiopia's increased involvement in the Arab world through institutions such as the Arab League will ease the tension between Ethiopia and many of its neighbours.

Challenges

The Ethiopian quest to join the League could face several challenges that can be divided into two, i.e. internal and external. The internal challenges that stymied a possible Ethiopia membership in the Arab League include political culture, weak institutional capacity and passive foreign policy posture. The Ethiopian foreign policy establishment that is keenly accustomed to portraying some of the Arab League member states as nemesis to the state of Ethiopia would find it difficult to transform its foreign policy orientation.

In a similar vein, some might see Ethiopian membership in the Arab League as a problematic to its own aspiration of strengthening the Ethiopian national identity. This is mainly because there is a fear that Ethiopia's membership in the Arab League will promote Arab identity that goes contrary or compete with what is perceived as the Ethiopian identity. On the contrary to this notion other commentators state that Ethiopia has historical ties that could enable her to move closer to the Arab World. The concept of 'identity', as Nikki Slocum and Luk Van Langenhove argued, is "...like other concepts – is used by actors toward various ends"³⁹. Identity, particularly

37 Bina Fernandez, "House Hold Help? Ethiopian Domestic Workers' Labour Migration to the Gulf Countries" *Asia and Pacific Migration Journal*, Vol.20, Nos.3-4, 2011.

38 Bilal Derso, "Labour agreement with Saudi crucial to Ethiopian employees: MOFA" *The Ethiopian Herald* 20 January, 2017. <http://www.ethpress.gov.et/herald/index.php/news/national-news/item/7385-labour-agreement-with-saudi-crucial-to-ethiopian-employees-mofa>.

39 Nikki Slocum and Luk Van Langenhove, "Identity and National Integration" in *Global Politics of Regionalism: Theory and Practice*, edited by Mary Farrell, Björn Hettne and Luk Van Langenhove. London: Pluto Press, 2005: 137-153. Pp 139.

to the Ethiopian involvement in the AL can be looked at from the perspective of strengthening the Ethiopian identity because the main aspiration for joining the League is to protect the Ethiopian interest. According to an Ethiopian foreign policy expert, ‘Ethiopia is in self-denial’ and ‘the Ethiopian government should present the face of Ethiopia that rhyme with the Arab World in its dealings with the Arab states’⁴⁰. A closer cooperation with the Arab World reduces tension and suspicion between Ethiopia and Arab League member states. More importantly, an observer status in the AL would not threaten the Ethiopian identity. The observer status does not require ratifying Arabic as a national language.

The other internal challenge is connected to weak institutional capacity and passive Ethiopian foreign policy practice. The Ethiopian Embassies and Foreign Affairs offices have been dormant in their duty of projecting and extending Ethiopia’s influence and connections. The foreign policymaking establishment has failed to produce a foreign policy orientation that goes inline and in response to the changing regional and global politico-security dynamics. Despite having strong influence on the national interest of the country, we rarely witness the Ethiopian voice on issues such as that concerns Ethiopian citizens living in the Arab World, securitization of the Red Sea, Gulf security crisis, or on Ethiopia’s communication to the broader Middle East on contentious trans-boundary water development projects⁴¹.

Likewise, there exists two possible external challenges. First, some Arab League states could refuse to accept Ethiopia’s bid to join the League as an Observer state. Drawing from the informal interviews with experts from the Ethiopian Ministry of Foreign Affairs, Ethiopian possible request to join the Arab League as an Observer member state could possibly encounter resistance from the government of Egypt. According to the expert, Egypt is one of the important members of the Arab League – ‘the Anchor state’ - and it uses the League to galvanize the Arab support to its claim over the River Nile. Ethiopia expects challenge from Egypt because it uses the Arab League to project its diplomatic and political influence over its aspiration to continue to dominate the Nile waters⁴². This is one of the most serious concerns for possible Ethiopia’s request to join the Arab League as an Observer state, because the League’s Charter detects consensus based decision making and unanimous support to the bidding state⁴³.

Despite the long and rich history the two entities share, they have limited understanding of one another. This makes up the second external challenge. The Arab League states have limited knowledge about Ethiopia and possibly vice versa. This has led to “plant the seeds of hatred and suspicion [between Ethiopia and the Arab world]”⁴⁴. The Federal Democratic Republic of Ethiopia Foreign Affairs and National Security Policy and Strategy elucidate that the Arab

40 Interview Foreign Policy Expert. August 22, 2018. Addis Ababa, Ethiopia.

41 Interview with three High Level Diplomats and extensive discussion I had with the research team at the MoFA attests to the luck of proactive engagement at the embassy level across the Middle East.

42 Interview with Mr. Temesgen Oumer, Director I of Middle East Affairs at the Ethiopian Ministry of Foreign Affairs. August 29, 2018, Addis Ababa, Ethiopia.

43 Wanli Chen and Jun Zhao, “The Arab League’s Decision-making System and Arab Integration” *Journal of Middle Eastern and Islamic Studies*, Vol. 3, Issue 2, 2009. Pp 59-66.

44 FDRE Ministry of Information. *The Federal Democratic Republic of Ethiopia Foreign Affairs and National Security Policy and Strategy*. Addis Ababa, 2002 66.

League member states ignorance about Ethiopia has led to the ensuing relationship between the two to be “plugged by suspicion, dislike and even contempt”⁴⁵. This makes the Ethiopian aspiration to join the Arab League more meaningful, because institutions have the potential to create an avenue whereby entities know each other more and resist prejudice that dominated the deleterious relations in between.

Conclusion

Despite having historically rich and intricate relations with states in the Middle East, Ethiopia has limited involvement with the institutions of the Arab World. Institutions such as the Arab League discuss political, economic, security and diplomatic issues that concerns Ethiopia. Issues such as maritime security, development projects on trans-boundary rivers, investment ventures, and domestic workers are, particularly at the center of Ethiopia-AL member states relations. More importantly, Ethiopia is a landlocked state that is dependent on the Arab League member states for its relations with the outside world. Ethiopia’s involvement in the Arab League as an Observer member will create a platform where Ethiopia could express its concerns directly and strengthen ties with its neighbours.

Beyond other political economic indicators, the quest for the Observer status will indicate Ethiopia’s foreign policy reorientation and readiness, to embrace and prioritize the region; unlike the periods of the past where the superpowers rivalry determined the relationship between states predominately.

Regional institutions such as the Arab League brings together the largest number of Arab states is an important network to enhance Ethiopia’s diplomatic, political, economic, and security interests. The Observer status would also help to build trust, cooperation on the economic front and global political arena as part of a lasting peace between Ethiopia and its surrounding world.

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