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2

SUMAR – CONTENTS – SOMMAIRE – INHALT

SPECIAL ISSUE
THEORY AND PRACTICE OF INTERNATIONAL RELATIONS IN AFRICA

THEORETICAL AND ANALYTICAL APPROACHES FROM SOUTH AFRICA

THEORETICAL AND ANALYTICAL APPROACHES FROM ROMANIA

VARIA

REVISITING INTERNATIONAL RELATIONS THEORY: DISCOURSES FROM AFRICA

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Abstract

African voices and experiences have been erased from the canon of mainstream IR theory, and even in well-intentioned accounts that take the power dynamics between the developed and underdeveloped world into account. This is a product of a worldview that sees the European experience of modernity as a template for what the world should look like. Denying the experiences of slavery, colonialism and imperialism as pivotal in understanding international relations, as well as refusing to acknowledge the philosophical and intellectual contributions of African thinkers, and the agency of African actors, is detrimental to our understanding of the international, and to IR. There is a new generation of young intellectuals, including women from the Global South, who are rewiring the African experience and offering new theoretical insights.

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Introduction

There are 195 states in the world today. Two of these are recognised as non-member observer states by the United Nations – the Holy See and the State of Palestine. If we break this down, 54 states are African, 48 are Middle Eastern and Asian, 44 are in Europe, 33 are Latin American or Caribbean, 14 exist in Oceania and 2 in Northern America. And yet mainstream International Relations (IR) theory is defined by the Anglo-American perspective, notwithstanding the fact that each of these regions has contributed to scholarship on international dynamics through the contributions of their philosophers and intellectuals. The Anglo-American bias has troubled scholars of IR for some time, since it skews global realities and excludes from scrutiny inequalities, disparities, marginalisations, and other forms of power relations in the international system, reducing them to footnotes within the constructed limits of IR[1].

This is not to say that geography should be the priority indicator of the seat of knowledge production – at least not anymore. The growing network of academics and theorists travelling the globe in the wake of globalisation, the expanded opportunities provided by the internet and online communication tools, as well as the growing importance of conference diplomacy and diaspora communities means that scholars from anywhere can produce knowledge while sitting in an office in Cambridge or Oxford in Great Britain. Tickner[2] argues that "many aspects of the inner workings of IR continue to be underexplored, including its 'geography,' that is, its placedness or situatedness… What role specific locations have in the making of scientific knowledge, how

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[1] Steve Smith, "The United States and the Discipline of International Relations: 'Hegemonic Country, Hegemonic Discipline'" in *Review of International Studies*, no. 2(4), 2002, pp. 67–86; Arlene B. Tickner, "Hearing Latin American Voices in International Relations Studies" in *International Studies Perspectives*, no. 4, 2003, pp. 325–350.

[2] Arlene B Tickner, "Core, Periphery and (Neo)imperialist International Relations" in *European Journal of International Relations*, no. 3(19), 2013, pp. 627-646.

local experience is transformed into shared generalization, and, vice versa, how local scholarship is influenced by global forces, are all questions that have only begun to be addressed." Mgonja and Makombe[3] support this view. According to them:

> "…knowledge produced in IR is a predominantly Eurocentric worldview which mystifies the ways in which states and international systems are anchored in political, social and economic relations. In fact, this worldview remains too parochial to accurately describe, explain and/or predict the behaviour of the world in its 'inclusive' manner."

Zondi[4] takes the argument even further, stating that international relations is in fact not 'international' at all, at least it is not global or universal, but rather it is sectional and regional and that this is central to the question of the relevance of IR theory in non-European, non-Western, contexts.

The question that arises is not so much where scholars are located geographically, as the assumptions that are made of the world, and of Africa and the lenses through which it is seen. This article highlights important debates raised in several seminal pieces in the literature that help us to tease out the core thinking behind why, what and how we can think of Africa in IR. It further examines selected trends and issues prevalent within the developing body of IR theory in Africa. In so doing it raises the question of what it means to study IR in a time of extensive global political, economic, social, cultural technological and environmental change and contradictions, a potentially and transformative moment in the study of the international or global. Exploring African conceptual contributions to IR in this context allows us to break free of exclusionary identities or limited, narrow, historical IR

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[3] Boniface E.S. Mgonja and Iddi A.M. Makombe, "Debating International Relations and its Relevance to the Third World" in *African Journal of Political Science and International Relations*, no. 1(3), 2009, pp. 27-37.

[4] Siphamandla Zondi, "Decolonising International Relations and Its Theory: A Critical Conceptual Meditation" in *Politikon*, no. 1(45), 2018, pp. 16-31.

constructs and rather explore all viewpoints and experiences with equal weighting, in a holistic way and with the understanding that diverse voices can and should contribute to IR discourses.

The contribution of African scholars to IR theory and debate

It is not our intention to provide an exhaustive account of African contributions to IR theory: this would require a much more detailed treatment. Instead, we hope to illustrate, not only that African scholarship has contributed to the discipline that is defined as IR, but that there are specific considerations which, if placed more centrally in the body of the discipline, could provide a deeper, more nuanced appreciation of the global. Smith[5] argues that it is "important to clarify what is meant by 'African' in IR scholarship and the related question of who can speak on behalf of Africa(ns)". Africa has incredible political, ethnic, and social diversity, and no one part or group can claim to speak for the lived experiences of all the others. The topic of 'who can speak for Africa' is an overarching one and full of complex issues including heritage, culture, indigeneity, roots and genetics[6]. There are some authors[7] who believe that a truly African scholar writes only on Pan-Africanism or from a Pan-Africanist perspective and is black.

And yet we know that there are many worthy accounts of IR in Africa that emanate from Western authors. Zartman[8] provides a rich account of the foreign relations between states in North and West Africa

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[5] Karen Smith, "Has Africa Got Anything to Say? African Contributions to the Theoretical Development of International Relations" in *The Round Table*, no. 402(98), 2009, pp. 269-284.

[6] And if you believe in reincarnation, the possibility of one human soul living multiple lives and experiencing multiple lifetimes, cultures and contexts can make the debate even more complicated.

[7] See the discussion in Isaac Odoom and Nathan Andrews, "What/who is Still Missing in International Relations Scholarship? Situating Africa as an Agent in IR Theorising" in *Third World Quarterly*, no. 1(38), 2017, pp. 42-60.

[8] William Zartman, *International Relations in the New Africa*, Englewood Cliffs, N.J: Prentice Hall Inc., 1966.

from 1956 -1965, coming to the conclusion that what drove the relationships were the goals of independence, unity and development. The realities confronting these states domestically, and the issues faced by other states in the region, drove decisions around alliances and cooperation, national security, and economic development. Tandon points out how the relations of dependency have been strengthened and reinforced in post-colonial Africa, pointing to the way in which post World War II international structures have favoured Western nations at the expense of the underdeveloped countries, and created an economic disequilibrium for Africa, particularly. Ian Taylor[9] has written of African international relations in contemporary times, arguing that South-South relations are a growing feature in Africa's international relations and that African political elites are conscious actors in how they engage in global processes and international institutions. And Carbone[10] reflects a body of IR scholarship in contemporary times that does not see or theorise Africa as a passive space, but a dynamic area where actors are engaged in multiple and complex interactions, between themselves and with the rest of the world.

Smith[11] contends that African contributions can include "insights or contributions by African scholars (working both within Africa and beyond); insights or contributions by non-African scholars working on Africa; insights gleaned from a close interpretation of African experiences."

Within the discipline of IR, Africa and its challenges are not ignored; but what African scholars may have to offer in the form of knowledge production is, and it this is distinction which we contend is unhealthy for the discipline. More charitably, it is not that Africa and the challenges it faces have been ignored by non-African scholars, but rather

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[9] Ian Taylor, *The International Relations of Sub-Saharan Africa*, N.Y, London: Continuum, 2010.
[10] Maurizio Carbone (ed.), *The European Union in Africa. Incoherent Policies, Asymmetrical Partnership, Declining Relevance?*, Manchester and New York: Manchester University Press, 2013.
[11] Karen Smith, *op. cit.*, p. 271.

that the fallback position is simply to assume how Western mainstream theory can be used by Africans to deal with these challenges. That is, this disregard or lack of awareness of the value that African theorists could provide contributes to the perception of a stagnant discipline that cannot explain the lived experiences of many people across the globe. Part of this stagnancy is African scholars themselves who may be limited by their beliefs in conforming to these entrenched perspectives[12]. Another challenge is that Africa has many life-threatening situations to resolve and so the perception exists that intellectual efforts would be better spent on policy solutions to these crises, as opposed to theoretical efforts to explain the world around us.

Nkiwane[13] contributes to the literature by drawing upon the salient arguments proffered by African scholars to prominent themes within international relations discourses, but not before pointedly remarking that 'a fact that is rarely mentioned in the literature is that colonialism and imperialism in Africa existed parallel to the development of the canon of IR'.[14] She invokes the work of prominent African studies scholars such as Mkandawire, Ake, Amin and Mamdani[15], all of whose analyses on the state, citizenship and identity in Africa provide important departure points for IR scholarship. She examines the simultaneous growth of both postcolonial debates and IR as a Western discipline. The decolonisation of the rest of the Africa continent, for example was a crucial driver of postcolonial pan-African solidarity, for example – a crucial factor in international relations. She also lays bare some of the assumptions of liberalism from the traditional Western perspectives which for a long while held that Africa had nothing to offer the democratic, liberal debate as the continent has offered

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[12] *Ibidem*, pp. 269-284.
[13] Tandeka C. Nkiwane, "Africa and International Relations: Regional Lessons for a Global Discourse" *in International Political Science Review*, no. 3(22), 2001, pp. 279–290.
[14] *Ibidem.*
[15] *Ibidem.*

numerous examples of non-starter states. Therefore, by implication, African scholars would have no experience to draw from in their writings about this enduring question within the discipline. Whether it is ignorance of African voices, or disinterest in what they may have to offer, what is clear is that 1.3 billion people in Africa have 1.3 billion lived political, economic and social experiences to share through study and interpretation and this is a gift to the intellectual world more narrowly and to the 'switched-on' world globally.

Nkiwane also provides a critique of mainstream liberalism- so embedded in the value system associated with Anglo-American IR - which refers to rights and responsibilities but historically has been selective in terms of whose rights mattered and who ought to take responsibility for the welfare of fellow human beings. This debate continues today but how much more enriched would this debate be if African scholars' conceptions of the rights debate were included in the discussion? For example, liberalism traditionally does not deal with the question or concept of 'racialized privilege' and its consequences for millions of people who may or may not have benefitted from colonialism and its legacies in Africa and around the world. By delving into this concept, and its related phenomena, and by embracing critical reflection, intricacies underpinning theoretical understandings could be revealed or more deeply explored in terms of how states deal with rights and responsibilities in respect of each other in the 21st century.

Another mainstream assumption of liberalism, for example, which Western IR has tended to universalise, is the democratic model which expounds that all citizens ought to have the right to select their own governments through routinely, free and fair elections. Graham[16] contends that there is ample literature to attest to the fact that forms of democratic practice already existed in Africa, and in ancient India and Mesopotamia, long before territories were colonised and therefore

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[16] Victoria Graham, *Pass or Fail? Assessing the Quality of Democracy in South Africa*, Brussels: P.I.E. Peter Lang, 2015, p. 47.

African 'consensual governance' as a theoretical contribution to the discipline ought to be recognised as a serious contribution to the body of knowledge on democratic governance as a liberal tenet. Others argue that ancient African communal governance, or variants thereof, can be reconstructed and applied in contemporary circumstances globally[17].

Within a decade of Nkiwane's article, Smith[18] writes in 2009 of how contributions from Africa can enrich our understanding of IR. Smith offers us four ways in which African stories can be utilised. The first pertains to the reinterpretation of old stories. In other words, a valid argument exists that suggests that there is nothing more to discover in IR theory and that scholars would simply be mimicking, localising or rehashing old stories in new ways. Smith's argument here is that there is nothing wrong with rehashing old stories and that this is the point of opening up the sphere of academic knowledge and influence. Re-interpretation is one way to do this. So is originality and imagination. Smith[19] contends that "…these potential contributions from the non-western world are worth inquiring into, and revision/adaptation of existing theory should not be excluded".

A second way is telling stories in a different language. By this Smith means that stories can be retold by localising the language, or the concepts, used. An African re-reading or reconstruction of terms could help general IR concepts 'fit' better in the context of Africa. Qobo and Nyathi[20] provide an analysis of the need for an Ubuntu paradigm in IR. Although in their view, the concept 'ubuntu', has been "used as a 'catch-all' term to characterise the norms and values that are inherent in many traditional African societies", they prefer to characterises ubuntu as

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[17] Claude Ake, "The Unique Case of African Democracy" in *International Affairs*, no. 2, vol. 69, 1993, pp. 239-244.

[18] Karen Smith, *op. cit.*, pp. 269-284.

[19] *Ibidem.*

[20] Mzukisi Qobo and Nceku Nyathi, "Ubuntu, Public Policy Ethics and Tensions in South Africa's Foreign Policy" in *South African Journal of International Affairs*, no. 4, vol. 23, 2016, pp. 421-436.

"those frames of knowledge that are primarily grounded in African realities, perspectives and cultural practices, but resonate with humanism in its universal sense". Thus, ubuntu in foreign policy could be offered as an alternate paradigm to neutralise the power politics at play between Global North, developed, and Global South, developing, countries. Of course, language can hold unpalatable connotations. It can be a value-laden and highly emotive identifier and the use of certain words can create controversy. Consider the fallout in African scholarly circles in response to Ali Mazrui's[21] use of the word 'self-colonisation', when he argued that African leaders ought to take responsibility for Africa's challenges. It is also necessary to consider how Francophone countries in Africa, and Anglophone countries, may still be experiencing indirect 'influence' in terms of their day-to-day language use tied to colonialism.

Smith's third option is to tell stories in IR with new main characters. In other words, non-state actors should be feature more prominently in IR, especially in light of the retreat of the state debate and African society offers an abundant wealth of data on national versus international politics. Chipaike and Knowledge[22] contend that African actors are not peripheral players in IR and have proven themselves to be active agents in global politics. This agency can be even more effective if African agents continue to harness the delicate relationship between state and non-state actors in their relations with non-African partners.

Smith's final option is to tell stories about existing characters but with a new plot. By this she means that it is worth exploring those African cases considered to be contrary to the norms of the IR discipline as examples for the discipline on how to understand Africa and the greater world. Her reference to West African regional integration is one such example. Ihedru (quoted in Smith) discusses how Africa appears to

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[21] Ali Mazrui, "Self-Colonization and the Search for Pax Africana: A Rejoinder" in *CODESRIA Bulletin*, no. 2, 1995, pp. 20-22.
[22] Ronald Chipaike and Matarutse H Knowledge, "The Question of African Agency in International Relations" in *Cogent Social Sciences*, no. 1(4), 2018, pp. 1-16.

be setting the trend through novel forms of regional integration such as the adoption of a formal mixed-actors coalition of states and civil society groups in the Economic Community of West African States (ECOWAS).

Zondi[23] and others who are increasingly committed to a 'decolonial turn' in IR contend that there are five key areas that ought to be investigated in order to diversify voices speaking in the field of IR. Zondi labels the first as the long-needed "methodical medications required as the first step in exploring the decolonisation of knowledge and IR as a discipline". The second deliberately asks who speaks and who does not speak in IR discourses. The third follows on from this point and induces scholars to reveal the historical and contextual circumstances feeding the 'classic' IR texts considered to be fundamental to the IR discipline and in turn highlight the presence of marginalised voices in this discussion. The fourth argument considers the practice of teaching IR to 21st century students and the need to revisit teaching philosophies in a mindful way, in order to ensure that what we teach reflects global realities and does not perpetuate closed or limited paradigms. Zondi's final note concerns asymmetric power relations in the IR academy. Justifying the case for a more Afrocentric approach in IR, Zondi cites as an example the fact that the European experience of integration is held up as the benchmark against how African integration should be seen and measured. The Afrocentricity he calls for in IR is driven by the search for an alternative lens. Nevertheless, he cautions that "this is not a case for valorisation of every thought, philosophy or theory with African origin, but a demand for recentering Africa by de-centering Europe in the study of Africa."[24]

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[23] Siphamandla Zondi, *op. cit.*, 2018, pp. 20-25.

[24] Siphamandla Zondi, "Decolonial Turn and the Case for an Afrocentric Analysis of African Integration", in Sabelo J. Ndlovu-Gatsheni, Siphamandla Zondi (eds.), *Decolonizing the University, Knowledge Systems and Disciplines in Africa*, Durham: Carolina Academic Press, 2016, pp. 239-259.

In the IR sub-discipline of diplomacy studies, Spies[25] challenges the notion that Western diplomacy is the civilised tool of foreign policymakers. She argues that Africa is the birthplace of diplomacy. Her evidence is inscribed clay tables dating back to antiquity which reflect Egypt's relations with its neighbours. She also refers to the rich and vibrant international relations existing on the continent in ancient Aksum (Horn of Africa) and elsewhere, including the "use of intermediaries, observance of ceremonial protocol, presentation of credentials, and respect of customary legal norms such as the sanctity of treaties and inviolability of envoys". The *Encyclopdedia of Diplomacy* is a useful review of diplomatic practices from the viewpoint of the marginalised South.

Coming full circle, Thakur, Davis and Vale[26] contribute to the literature by revisiting the origins of IR conventionally considered to be 1919 in the first Department of International Politics in Wales. This article systematically examines an alternate origins story of how central IR ideas such as the 'international'; sovereignty, empire, and Commonwealth were really born from the margins of the empire, Johannesburg, South Africa in particular. According to these authors, Johannesburg became a "laboratory of such ideas and their first implementation. These ideas were then circulated, moulded and formalised through networks of people and institutions across the British Empire". This refers to the formation of the Union of South Africa in 1910. The second Anglo-Boer War, prior to the union, had induced the four colonies of southern Africa to merge into a union, thereby dissolving their individual sovereignties. A group of young intellectuals committed to achieving imperial goals were important actors at the time and helped to extrapolate the South African experience to the global imperial arena. Among them were Lionel Curtis, Robert H Brand and Philp Kerr, all mentored by the former British High Commissioner to

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[25] Yolanda Spies, "African Diplomacy", in Gordon Martel (ed.), *The Encylcopedia of Diplomacy* <https://doi.org/10.1002/9781118885154.dipl0005> accessed on 11 November 2019.

[26] Vineet Thakur, Alexander Davis, Peter Vale, "Imperial Mission, 'Scientific' Method: An Alternative Account of the Origins of IR" in *Millennium: Journal of International Studies*, no. 1(46), 2017, p. 7.

South Africa (1897-1905), Lord Alfred Milner, and who became known as 'Milner's Kindergarten'. This article helps to reveal how "considering IR's pasts would tell us more about its conscious blinkers built through theory"[27].

Emerging issues and trends in International Relations Theory in Africa

African scholars teaching International Relations in Africa, have for some time been concerned that the framing of the discipline has not captured or reflected the African experience in international affairs. Yet to argue that the issues around which IR education is generally constituted - theories and assumptions of IR (such as realism, idealism and constructivism); the evolution of the global political economy; states and the inter-state system; foreign policy and diplomacy; international organisations; non-state actors in IR; and globalisation - are irrelevant in Africa, would be to deny their constitutive role in how the world is seen and sees. What African IR scholars have done, and continue to do is to locate the unique contribution and location of Africa in the global system and in the contemporary world, to explore the sub-regional dynamics in key geopolitical spaces (Southern Africa, West Africa, and East Africa), as well as to interrogate the challenges of conflict resolution and promoting development. This approach to the study of IR engages with the discipline in its ever-evolving state, whilst recognising that it offers an incomplete account.

There is a host of issues and themes deeply implicated in the study of Africa, the primary one being the state. Comparing the African experience of state formation, South African IR scholar Schoeman[28] has written:

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[27] *Ibidem*, p 23.

[28] Maxi Schoeman, "Africa's International Relations", in Patrick J McGowan, Scarlett Cornelissen, Philip Nel (eds.), *Power, Wealth and Global Equity: An International Relations Textbook for Africa*, Cape Town: Institute for Global Dialogue & UCT Press, 1999.

The Westphalian states of Europe developed over centuries to reflect compromises between the rulers and the ruled, and between rulers themselves. These states came to form units of production and units of meaning, thereby making social, cultural and economic sense. In contrast, African states were 'created', and statehood was imposed at independence regardless of logic or historical, social, economic and political conditions.

The slave trade, the 'Scramble for Africa' and the decades of colonialism that followed have had an enduring effect on the lived experiences of African, African descendants and the African diaspora. For Europe these developments have expedited global expansion in the nineteenth and first half of the twentieth century, a bloody period of inter-state conflict. For Africans, the experience of the same period was one of colonial conquest, land dispossession, nationalist movements and liberation struggles. But it would be wrong to ignore the exploitation of the working class that was taking place in Europe, the international solidarity that was established between trade union movements across the world, the growth of the non-aligned movement to resist the pressures of the bipolar confrontation between the US and the Soviet during the Cold War, and the solidarity that was shown by people of conscience who were involved in the international campaign to end apartheid in South Africa. When these experiences are introduced into the narrative, they provide new analytical lenses for understanding the international. The so-called World War I and World War II must be seen through the prism of what territory, statehood and citizenship mean for the persons who fought in the wars, and on whose lands the wars were fought; the Cold War, the collapse of the Berlin Wall, '9/11' and the 'War on Terror', – all these experiences were experienced as sources either of security for some and insecurity for others.

It is only a view of history, and of international relations that takes into account the broad sweep, that does justice to history, and can begin to build a robust theory and understanding of international relations.

In his critique of IR theory Grovogui[29] warned of a post-Cold War tendency to assume that Western hegemony had 'won' and that liberal democracy and capitalism were assuming their 'rightful' places, rendering irrelevant "theories of imperialism, dependency, uneven development and others that once sought to explore the political and institutional context of late-modern inequities between states, nations, classes and genders". Instead they had looked to cultures and civilizations as ways of explaining away the unevenness of modernity. The 'Asian Tigers' (Singapore, South Korea, Taiwan and Hong Kong) were therefore deemed as successful, whilst African states were pathologized and treated in the literature as 'failed', 'collapsed' and 'rogue' states. Grovogui warned against these subtle references to race as a basis for explaining state failure - pointing out that even established IR scholars are guilty of this false understanding – referring to it as a racialisation of IR theory. By this he means the "internalisation by international relations theory of the modern ontological discourse pertaining to civilizations, cultures and race"[30].

This ontological framework has penetrated the frame of international institutions like the World Bank and the International Monetary Fund, which portray Africa as incapable of operating like other continents. The basis of this racialisation of IR has been the claim that westernisation equates to humanisation, whilst erasing from its history, the violent nature and impact of colonisation, including the imposition of Western institutions as universally appropriate. The extolling of the virtues of white modernity has held the politically "chaotic European context of modernity as the proper place to look for useful insights for the future."[31]

So whilst the ideas of 'Hobbe, Locke, the Abbe de Saint Pierre, Rousseau, Jefferson, Madison, Kant and Wilson' are looked on favourably and have informed IR theory, he claims that there is a lack of interest in

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[29] S. Grovogui, "Come to Africa: A Hermeneutics of Race in International Theory" in *Alternatives*, no. 26, 2001, pp. 425-448.

[30] *Ibidem.*

[31] *Ibidem.*

theorising the black experience, or of properly narrating the experience of revolution and social change in society. Obviously, this is going to call for a new set of philosophers to account for and interpret the African experience in international relations. For example, Grovogui points to a 'whitening' of European history, using the example of De Gaulle's efforts to whiten the image of French troops after World War II, by confining African soldiers to barracks, away from Paris. This is but one example that many international scholars are guilty of perpetuating and is little different to the uninformed view that African-descended societies were without any order, legitimising the project of colonial conquest.

In current debates on the decolonisation of IR, the erasure of the contributions of political actors from places other than the Western world, is being challenged, along with the domination of Western epistemology and methodology. Intersectionality in IR offers a great opportunity to make the connections between race, class and gender. At a recent Millennium conference held at the London School of Economics and Political Sciences in October 2019, under the theme *Extraction, expropriation, erasure? Knowledge production in International Relations*[32], the listed topics are encouraging and also offer an indication of where thinking is going in IR discourses. Significant in the debates were the voices of women. Yolande Bouka[33] for example, criticises the prioritization of Western history in IR and argues that the erasure of non-western stories and experiences leaves the discipline the poorer for it. Sara Salem[34], through the lens of postcolonialism and feminist theory, uses memory studies to explore how our understandings of time and space impact on how we make sense of the

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[32] Kelly-Jo Bluen, Extraction, expropriation, erasure? Knowledge production in International Relations, 2019 <https://millenniumjournal.org/wp-content/uploads/2019/10/ conference_ programme_SPREADS_V5_compressed.pdf> accessed on 15 November 2019.

[33] Yolande Bouka, Department of Political Studies, 2019 <https://www.queensu.ca/ politics/people/faculty/yolande-bouka> accessed on 21 November 2019.

[34] Sara Salem, Department of Sociology, 2019 <http://www.lse.ac.uk/sociology/people/sara-salem> accessed on 21 November 2019.

world. And Olivia Rutazibwa[35] is exploring a decolonial critique of 'ethical foreign policy' of regional actors such as the European Union.

Of particular interest is the growing number of contributions dedicated to questions about the climate and environmental degradation. This African agency is especially important as the continent faces address challenges of food security, climate change consequences, and sustainability issues going forward. Less encouraging is the lack of attention directed at small states and the voice they have in IR[36]. Power politics must be acknowledged for what it looks like in every avenue of inter-state relation and this means that small states, and small island states, also have a role to play.

Emerging from discussions around increasing insecurities in the modern world due to the role and activities of human beings is the unstable geological epoch – the Anthropocene. Harrington[37] contends that IR has "largely failed to engage the Anthropocene challenge". This is an important and unique opportunity for IR scholars globally, as it offers an avenue of relatively underexplored study in IR. This reflects 'a clean slate' for voices from across the globe. There is no mainstream view, as yet, to limit how this topic should be navigated. Moreover, Harrington urges IR thinkers to "reconsider some of its core understandings – particularly the relationships between the normative categories of humanity, the international system of states based on sovereignty and non-interference, and the natural world. It must abandon its atomistic theories of the international and begin thinking much more deeply about ideas of human entanglements with the larger world within which we exist"[38].

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[35] Olivia Rutazibwa, University of Portsmouth, 2019 <https://www.port.ac.uk/about-us/structure-and-governance/our-people/our-staff/olivia-rutazibwa> accessed on 21 November 2019.

[36] Suzanne Graham, "Drivers of the Foreign Policies of Southern African Small States" in *Politikon* no. 1, 2017, pp. 133-156.

[37] Cameron Harrington, "The Ends of the World: International Relations and the Anthropocene" in *Millennium: Journal of International Studies*, no. 3(44), 2016, pp. 478–498.

[38] *Ibidem.*, p. 479.

African scholars cannot afford to be complacent about the massive geopolitical shifts taking place, in particular the return of Great Power politics, this time with new actors, like China in the mix. Here it is interesting to note, that contrary to much Western scholarship and foreign policy outlook that assesses China's role in Africa as essentially predatory, there is a more complex view on China's role in Africa in the literature coming out of Africa.

Superimposed on a landscape which still bears the scars of the past, it becomes urgent for scholars trying to understand Africa to equip themselves with the relevant knowledge and frameworks. That the role of emerging powers is receiving attention is to be welcomed. New trends are emerging and the implications of the role of middle powers is receiving attention in the literature. With the influence of traditional powers in international security, Call and de Coning[39] provide an excellent comparative account of the role of rising powers in peacebuilding. The fact that these include African countries such as South Africa, alongside countries like Brazil, India, Turkey and Indonesia, opens up new and underexplored pathways for the study of international relations.

Conclusion

The articles in this special edition of *Studia Europaea* reflect the thinking of IR scholars on contemporary problems and challenges that impact on Africa. The changing global political economy, the problematization of space (including the maritime domain) and citizenship, the role of non-state actors in international relations, the quest for peace and the implications of migration for identity and belonging, are some of the themes that the authors grapple with. The opening of the intellectual space for new theoretical framings of international relations in Africa, is significant and driven to a large extent by developments in academic institutions which are being challenged to think deeply about their

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[39] Charles T. Call and Cedric de Coning (eds.), *Rising Powers and Peacebuilding: Breaking the Mold?*, Palgrave MacMillan, 2017.

relevance. The contradictions in higher education – unaffordable fees; lack of adequate accommodation; alienating institutional cultures; poorer job prospects as economies go into decline – has raised questions about the role of academic institutions. Student movements have been at the forefront of challenging them for legitimising the trend of growing inequality, both within countries and globally. In South Africa, in March 2015, the student-led #Rhodes Must Fall movement that began at the University of Cape Town, rapidly grew into a nationwide campaign pitting protesting students against the state and university administrations as they demanded free higher education, job security for workers whose functions had been outsourced to save the institutions costs, changes in institutional culture, as well as curriculum transformation. Ndlovu-Gatsheni and Zondi[40] provide a space for a 'decolonial turn' in the discussion on the role of the university in Africa. Dismissing superficial initiatives in 'decolonising' the African university (name changes, changes of mission statements and so on) the authors in this edited volume decry the power relations entrenched in the coloniality of knowledge in African higher education institutions. The groundswell against the marketization of education in Africa and the domination of an ideological project perceived as subjugating African knowledge creation to Western knowledge production, finds expression in calls for curriculum change, and revisiting the canon.

Even before the student protests, in a precursor of the debates that came later Matthews[41] published a revealing study in 2011 which summarised the views of black and white, mostly South African, students through an online forum discussion debating the topic of Afrocentricity. The central preoccupation emerged as to whom can legitimately call themselves African. Suttner[42] also provides a sensitive view of this debate

[40] Ndlovu-Gatsheni, Zondi, *op. cit.*, 2016.

[41] Sally Matthews, "Becoming African: Debating Post-Apartheid White South African Identities" in *African Identities*, no.1(9), 2011, pp. 1–17.

[42] Raymond Suttner, *Recovering Democracy in South Africa*, Auckland Park: Jacana Media, 2015, p. 130.

in the South African context in his book *Recovering Democracy in South Africa*. He suggests that the word 'African' has two meanings: "we are all Africans in the sense of belonging in Africa, but only some can be Africans in the sense of their unique past experiences of oppression".

This in no way suggests that it is not possible to see the world through fresh eyes. At the same time, it should not prevent us from asking 'Whose Africa'… the Africa of the elites or the Africa of the poor; the Africa of states or the Africa of citizens, and who indeed are the citizens'?

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AFRICA'S EXTERNAL TRADE RELATIONS:
FROM DEPENDENCE TO AGENCY?

Garth le Pere[*]

Abstract

Africa's development and growth challenges will increasingly be shaped by Agenda 2063 and the African Continental Free Trade Area (CFTA) as new continental blueprints for integration. These challenging blueprints must also be situated in the role and shifting interests of Africa's external trade and development partners. This relates particularly to its historically-defined engagements with the European Union (EU) and the United States (US) which have only served to reinforce and underscore Africa's marginality and dependence. These engagements are rendered more complex with the entry of China and India onto the African geo-political landscape, especially whether these two countries provide an alternate regime for trade and development cooperation that give African countries greater decision-making agency, policy space, and strategic choice. Given these shifting vectors, this article will assess Africa's trade relations with two of its most important traditional partners, the EU and the US; and with two of its most important emerging partners, China and India. These analytical portraits have direct implications for Africa's future industrial development and economic growth and the extent to which it can collectively move away from a history of external dependence to determining its own destiny.

Keywords: Africa, economic growth, economic integration, trade relations, dependency, agency

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Introduction

Africa's growth and development challenges have multiplied and have become more challenging, especially regarding the urgent need to address the legacies of poverty, and underdevelopment. Since the era of independence in the 1960s, continental Africa continues to be marginalized as far as its location in the global power hierarchy is concerned such that global governance has become a metaphor for weak multilateralism and systemic exclusion.[1] However, against this gloomy backdrop, Africa can no longer be described as a 'hopeless continent'; its collective economy is on track to be worth $3 trillion by 2030 and 19 countries are expected to grow by more than 5 per cent in this period.[2]

In 2014, member states of the African Union (AU) adopted a 50-year plan called Agenda 2063 which represents a transformative vision and a policy framework to achieve "an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena".[3] Importantly in mid-2019, 54 out of 55 countries signed the African Continental Free Trade Agreement (CFTA) which is a critical component of Agenda 2063. The CFTA seeks to create a single market for goods and services and includes the unhindered movement of people, investment, and other production factors.[4] To date, there are 25 countries which have now ratified its various instruments, thus making Africa the largest free trade area in the world in terms of the number of participating members when the Agreement becomes operational in July 2020.

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[1] Garth le Pere and Francis Ikome, "The Future of Africa's Development and Global Governance", in Erik Lundsgaarde (ed.), *Africa Toward 2030: Challenges for Development Policy*, London: Palgrave Macmillan 2012, pp. 224-255.

[2] Ernst & Young, "Attractiveness Program Africa: Connectivity Revisited", May 2017 <www.ey-africa-attractiveness-report.pdf> accessed on 1 October 2019.

[3] Africa Union Commission, Agenda 2063: The Africa We Want, AUC: Addis Ababa, May 2014, p. 1.

[4] UN Economic Commission for Africa, African Union, and African Development Bank, Assessing Regional Integration in Africa: Next Steps for the African Continental Free Trade Area, UNECA, AU, AfDB: Addis Ababa, 2019, pp. 37-65.

These positive strides represent a promising structural evolution, while there has also been considerable progress with democratisation, political liberalisation, good governance, and popular electoral participation. That said, economic conditions are likely to remain difficult, particularly with reference to domestic sources of resource mobilisation, welfare distribution, capital flows, terms of trade, the political climate, and the regulatory environment.[5]

A major dilemma is that Africa has laboured under a planning and policy paradox: the more frameworks and programmes have been adopted, the more their outcomes and effectiveness have been dictated by the law of diminishing returns. Indeed, there is now a sobering admission that "post-independence plans yielded only modest results in terms of the overarching objective of structural transformation. The failure of plans was largely due to discontinuities in the planning process, stemming from political instability, institutional and bureaucratic weaknesses, poor plan design and implementation, and over-ambitious targets".[6]

Crucially, Africa's integration dynamics and challenges must be situated in the context of the conflicting roles and shifting interests of external trade and development partners. Such roles and interests will be critical for realising the goals and objectives of economic integration as embodied in Agenda 2063 and the CFTA. This relates particularly to the historically-defined engagements of the European Union (EU) and the United States (US) which have only served to reinforce and underscore Africa's marginality and dependence as forms of 'collective clientelism'.[7] The effects of the EU's Economic Partnership Agreements (EPAs) must be properly understood for their balkanising consequences in crafting country

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[5] Garth le Pere and Francis Ikome, *op. cit*.

[6] African Union and UN Economic Commission for Africa, Proceedings of the Eighth Annual Meeting of the AU Specialised Technical Committee on Finance, Monetary Affairs, Economic Planning and Integration, ECA Conference of African Ministers on Finance, Planning and Economic Development, 25-31 March 2015, Addis Ababa, p. 6.

[7] John Ravenhill, *Collective Clientelism: The Lomé Conventions and North-South Relations*, New York: Columbia University Press, 1985, pp. 86-115.

and regional configurations according to an EU template of interests; while the US's Africa Growth and Opportunity Act (AGOA) is based on a number of market access conditionalities which can be revoked on the basis of (real or perceived) poor political and economic performance by African countries. The external engagements are rendered more challenging with the entry of Brazil, Russia, India, China (the BRIC grouping) onto the African geo-political landscape. In the cases of China and India, there is contestation about the degree to which they represent an alternate regime for trade and development cooperation which empower African countries with greater agency and policy room to make their own choices and decisions. The challenge for the custodians of Agenda 2063 and the CFTA is to create a broadened policy and institutional environment among all stakeholders about what constitutes an Afro-centric integration process with a focus on those factors and capacities that could improve the competitive position of African countries with respect to innovation, skills development, and equitable labour market policies.[8]

There is a shift in the discourse about Africa's development, with emphasis now directed at the need for its countries, especially the 35 classified as LDCs, to undertake measures in policy and practice that would yield structural transformation in the letter and spirit of Agenda 2063 and the CFTA. What this means is giving life to new and productive activities and shifting from traditional rent-seeking and extractive sectors to more value-enhancing activities that are capable of engendering nascent forms of industrialisation based on Africa's comparative advantages in manufacturing, services, and agriculture. The imperative for structural transformation is driven by the realisation that resource extraction has

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[8] UN Economic Commission for Africa, African Union, and African Development Bank, Assessing Regional Integration in Africa: Bringing the Continental Free Trade Area About, Addis Ababa: UNECA, AU, AfDB, 2017, pp. 87-100.

reached a point of diminishing returns and may be limiting Africa's long-term growth and development prospects.[9]

Against this introductory overview, this article will provide analytical portraits that assess Africa's trade relations with two of its most important traditional partners, the EU and the US; and with two of its most important emerging partners, China and India.

Relations with the European Union

Africa's relations with Europe have been profoundly shaped and influenced by the legacy of colonialism whose central tenets continue to be found in a carefully choreographed political economy of domination, extraction, and dependency.[10] After the establishment of the European Economic Community in 1957, 18 African countries were incorporated into the Yaoundé Convention in 1963 whose governing feature was reciprocity in trade. This ambit was considerably broadened when the former colonial dependencies of Africa, the Caribbean, and the Pacific (ACP) were integrated into a more expansive and institutionalised trade and cooperation architecture in the form of the Lomé Convention in 1975. Abandoning the reciprocity principle, countries of the ACP were instead offered various forms of trade preferences and development assistance which were further codified in the Cotonou Agreement through a WTO waiver after the expiry of the Lomé Convention in 2000.[11]

The lack of enthusiasm among an expanded EU-28 for a continuation of the preferential trade and aid regimes together with the lapse of the WTO waiver at the end of 2007 inaugurated a transformation back to reciprocity in the form of the EPAs, albeit asymmetric in timing and

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[9] UN Economic Commission for Africa, Economic Report on Africa 2017: Urbanization and Industrialization for Africa's Transformation, Addis Ababa: UNECA, 2017, pp. 15-30.

[10] John Ravenhill, *op. cit.*, pp. 14-20.

[11] Kaye Whiteman, "The Rise and Fall of *Eurafrique:* From the Berlin Conference of 1884-85 to the Tripoli Summit of 2010", in Adekeye Adebajo and Kaye Whiteman (eds.), *The EU and Africa: From Eurafrique to Afro-Europa*, New York: Columbia University Press, 2012, pp. 29-38.

content. Besides the negotiations and focus around goods trade, the EPAs also contain 'rendezvous' clauses for further discussion on services and trade-related rules for sustainable development, competition policy, investment, and intellectual property rights.

EPA's divide the continent into regional blocs for purposes of negotiations composed of Central Africa, the East Africa Community, Eastern and Southern Africa, the Southern African Development Community, and West Africa. Based on their regional affiliation, countries agree to sign an 'interim' EPA as the first step towards locking all of them into certain configurations for purposes of concluding a final reciprocal trade arrangement. However, African LDCs receive customs free access to the EU market without the EPAs in terms of the "Everything But Arms" agreement. As such, they can export all products other than weapons into the EU without paying tariffs and hence, these countries do not face the consequences of not joining an EPA.[12]

This attempt by the EU to rationalise African regionalism in terms of its own template could prove antithetical to Agenda 2063 and the CFTA's integration agenda at a time when these initiatives need to find policy and operational traction. In this regard, the EPAs could prove to be a powerful anti-integrationist tendency and adversarial force since they "also risk diverting trade, complicating further the spaghetti bowl of trade arrangements, narrowing policy space, creating fiscal losses in countries that rely heavily on trade taxes, and eroding the existing fragile industrial base".[13]

It can thus be argued that EPAs have consequences and implications that would be an albatross around the neck of continental integration imperatives and here there are several relevant considerations. Firstly, there is the potential loss of tariff revenue that could reduce the

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[12] Mareike Meyn, "An Anatomy of the Economic Partnership Agreements", in Adekeye Adebajo and Kaye Whiteman, *op. cit.*, pp. 197-216.
[13] African Capacity Building Foundation, Capacity Imperatives for Regional Integration in Africa, Harare: ACBF, 2014, p. 43-44.

ability of African countries to provide much needed social and welfare services; in Africa the effects would be quite severe and detrimental since tariffs account for 7-10 per cent of fiscal revenue.[14] Secondly, EPAs entrench the power imbalance between the EU and African countries with even greater intensity. They overwhelmingly represent unabashed EU self-interest, with an excessive neo-mercantilist orientation that leans toward aggressive market access, on the one hand, and reprobate protectionism on the other. Moreover, the EU Commission is a bureaucratic juggernaut with a technical and strategic negotiating capacity that heavily burdened African negotiators can hardly match.[15]

And thirdly, EPAs as currently being implemented are not strategically and operationally aligned with regional groupings and continental programmes as embodied in Agenda 2063 to deliver long-term development, economic growth, and poverty reduction. South Africa's Trade Minister Rob Davies was thus led to remark: "Our overriding concern remains that the conclusion of the separate EPA's among different groupings of countries in Africa that do not correspond to existing regional arrangements will undermine Africa's wider integration efforts. If left unaddressed, such an outcome will haunt Africa's integration project for years to come".[16] In addition, the EU's emphasis on market liberalisation does not take enough account of African countries' lack of economic and trading capacity as well as its multiple supply-side challenges and deficits in infrastructure, development finance, and human capital. EPAs thus directly undermine the extent to which African countries and regions have the necessary flexibility over the timing, pace, sequencing, and product coverage for opening their markets to the EU.

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[14] South Centre, "Economic Partnership Agreements in Africa: A Benefit-Cost Analysis", Geneva: Analytical Note SC/TDP/AN/EPA/29, January 2012, p. 5.

[15] Mareike Meyn, *op. cit.*, pp. 210-211.

[16] Cited in Faizel Ismail, "The Changing Global Trade Architecture: Implications for Africa's Regional Integration and Development", *Journal of World Trade*, no. 51(1), 2017, p. 8.

While the EU as a bloc remains Africa's largest trading partner, its share of Africa's exports has declined from 47 per cent in 2000 to 36 per cent in 2016.[17] Total two-way trade has hardly shown dynamic and appreciable growth, increasing from €245 billion in 2007 to €298 billion in 2017. EU imports from Africa are dominated by mineral fuels, crude oil, and natural gas while its export basket consists of finished products such as machinery and vehicles, energy products, chemicals, manufactured goods, and processed food.

Cooperation at the continental level is framed by the Joint Africa-EU Strategy launched in Lisbon in 2007, with the last review taking place in 2015 which dealt with migration and asylum. In this scheme, financial aid features quite prominently such that from 2007 to 2018 the EU disbursed €210 billion in official development assistance (ODA), making Sub-Sahara Africa the highest recipient per region at 39 per cent. The EU is also the largest contributor to the AU Commission, providing 80 per cent of its budget and contributing €1.4 billion since 2004. African countries are also major beneficiaries of the European Development Fund (EDF) whose 11th tranche provides €30.5 billion for 2014-2020.[18]

The EDF underwrites the EU-Africa Infrastructure Trust Fund established in 2007. Since then 104 grants have been made to support 80 different projects in energy, transport, water and ICT valued at €655 million. There is also the EPA Development Programme for West Africa with a focus on poverty reduction, economic development, agriculture, and industry for which the EDF has set aside €6.5 billion for 2014-2020. This programme is built on five axes: promoting intra-regional trade and facilitating integration into global markets; developing trade-related national and regional infrastructure; adjustment to other trade-related

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[17] Brendan Vickers, *A Handbook on Regional Integration in Africa: Towards Agenda 2063*, London: Commonwealth Secretariat, 2017, p. 59.
[18] European Commission, Africa-EU Continental Cooperation <https://ec.europa.eu/europeaid/regions/africa/africa-eu-continental-cooperation> accessed on 10 October 2019.

needs; and implementation and monitoring.[19] Individual EU member states such as Belgium, France, Germany, Norway, Sweden, and the UK also provide significant bilateral support. For example, the UK support for Aid-for-Trade has increased from $497 million in 2011 to $790 million in 2015 with Kenya, Nigeria, and South Africa being the main recipients and accounting for 45 per cent of the UK's Africa exports.[20]

In summary, the prospects for consolidating a relationship based on equality, mutual benefit, and shared interests and common values as prescribed by the 2007 EU-Africa Joint Strategy will inevitably come up against a tension: there are the good intentions that underpin the EU's development assistance programme versus the naked self-interest and divisive calculus of its reciprocal trading regime. We should therefore be mindful of British historian EH Carr's famous formulation: "a harmony of interests thus serves as an ingenious moral device invoked, in perfect sincerity, by privileged groups in order to justify and maintain their dominant position".[21]

Relations with the United States

The centrepiece of US-Africa relations is the African Growth and Opportunity Act (AGOA) which was a major initiative by President Bill Clinton to enhance trade opportunities for eligible African countries as well as being a vehicle to improve their trading capacity. AGOA was adopted by the US Congress in May 2000 as a preferential trade regime dedicated to the 49 countries of Sub-Sahara Africa. It consists of roughly 6800 tariff lines, including those falling under the Generalised System of Preferences and since its enactment, has been renewed four times: in 2004, 2006, 2007, and 2012. The Act authorises the President to determine eligibility based on certain factors: establishing or making progress towards a market-based

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[19] *Ibidem.*
[20] Brendan Vickers, *op. cit.*, p. 63.
[21] Edward Hallett Carr, *The Twenty Years Crisis 1919-1939: An Introduction to the Study of International Relations*, New York: Palgrave, 2001, pp. 74-75.

economy that upholds the principles of private property and the rule of law; eliminating barriers to US trade and investment and not engaging in any activities that undermine US national security and foreign policy interests; having policies that combat bribery and corruption and protect worker's rights; and not engaging in any gross violations of internationally-recognised human rights or supporting acts of terrorism.[22] At last count, there were 39 countries from the Sub-Sahara region which were part of AGOA.

At its expiry at the end of September 2015, President Obama authorised its extension to 2025 by signing The Extension and Enhancement of AGOA Act which contains new and controversial provisions that could potentially erode the preferential regime in favour of a reciprocal trade agreement for which the EPAs probably serve as an instructive model.[23] In this regard there are three critical considerations.[24]

Firstly, the non-reciprocal and unilateral arrangement that is at the heart of AGOA is seen as an anachronism in the world of free and fair trade. Hence, to the extent that African countries will continue to enjoy preferences, this will come with a price tag. AGOA is seen as tantamount to a "give-away" programme that is detrimental to American manufacturers. In the case of South Africa, the lobby for poultry, beef, and pork products considers AGOA's renewal as an opportunity to press for better market access, particularly since South Africa is one of the main beneficiaries of a very diversified and high-end AGOA export basket made up of automobiles, automotive parts, and processed agriculture products. (The aggressive push to increase the export quota for bone-in chicken pieces to South Africa almost threatened the country's AGOA status. This is a very worrisome and insidious development for other African countries since

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[22] Mary Odongo, "The Africa Growth and Opportunity Act: Challenges and Opportunities", Occasional Paper 39, Nairobi Institute of Economic Affairs, November 2013.

[23] Faizel Ismail, "The AGOA Extension and Enhancement Act of 2015: The SA-AGOA Negotiations and the Future of AGOA" in *World Trade Review*, no. 16(3), 2017, p. 2.

[24] *Ibidem*, pp. 12-13.

such chicken pieces are essentially worthless wastage in a saturated American consumer market but is sold so cheaply that they could displace local production as already is the case in South Africa.[25]

Secondly and linked to this, is the problem of "structural attrition" whereby the preferential regime is used to gain enhanced access to African markets. Consequenctly, the 2015 Act provides support for any lobby or interest group which seeks to advance its economic interests in Africa but might come up against local trade or investment barriers. Such groups can then petition the President to either suspend or withdraw AGOA benefits of the concerned country. This is certainly a recipe for increasing tension rather than advancing cooperation.

And thirdly, the original letter and spirit of AGOA aimed to enrich relations through enhanced investment and support for developing Africa's industrial and export capacity. This could be undermined should the new Act is used as a mechanism for enhanced market access that could threaten any embryonic attempts at industrialisation. These three considerations taken together are thus the first shot across the bow in the US intention to negotiate reciprocal free trade arrangements with the countries of Sub-Sahara Africa.

This is hardly fanciful in the era of Trump whose "putting America first" ethos already heralds a turn to hard instrumentalism and mercantilism and for whom the preferences which African countries enjoy are viewed as anathema. Even though Trump has withdrawn the US from the Trans-Pacific Partnership (TPP), and BREXIT could affect the Trans-Atlantic Trade and Investment Partnership (T-TIP), these mega-regionals mean that two-thirds of world trade will be located in these new arrangements, with direct consequences for AGOA preference erosion into the US market.[26]

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[25] *Ibidem.*, pp. 8-12

[26] Simon Lester, "Trump's Trade Policy So Far: Too Many Trade Wars, Very Little Liberalization", Cato Institute, 27 August 2019.

Be that as it may, the extent to which AGOA countries have under-utilised their preferences is striking when it comes to attracting investment and taking advantage of the tariff lines to increase their productive capacity and export potential. The bulk of AGOA exports is oil which constituted 86 per cent of the total share of $90 billion in 2017. Such exports further originate in only seven countries (Angola, Chad, Congo, Gabon, Coté d'Ivoire, and Nigeria) while much of AGOA trade is concentrated in clothing and textiles. And besides South Africa which accounts for $3.1 billion of AGOA exports, only seven other countries have exports to the US of more than $100 million. This export profile is symptomatic of a lack of diversity and the persistent supply-side constraints that impede African countries' productive capacity and competitiveness.[27]

This wide under-utilisation of the tariff lines is something of a paradox and must been seen in the context of broad-based technical capacity building programmes provided by the US. In July 2005, President George W Bush introduced the African Growth and Competitiveness Initiative worth $200 million to boost the trading capacity of African countries. In 2011, the African Competitiveness and Trade Expansion programme was established with an annual budget of $30 million for the purpose of creating three AGOA trade hubs in Botswana, Ghana, and Kenya. The US expanded its trade and assistance ties under President Obama under the rubrics of the US-Africa Leaders' Summit and the US-Africa Business Forum in June 2014, followed by another round of summitry in September 2016. Both summits laid the groundwork for widening the remit of US-Africa trade, investment, and security cooperation.[28]

The Business Forum focused on strengthening trade and financial ties and boosting Africa's economic potential by mobilising $9 billion in trade and investment in support of African business and private sector

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[27] Faizel Ismail, *op. cit.*, pp. 13-15.
[28] Brock R Williams, AGOA: Background and Reauthorization, Congressional Research Service, CRS Report R 43173, 22 April 2015, pp. 12-13.

development. President Obama's "Power Africa" initiative of 2014 received strong bi-partisan support in the US Congress with the passage of the Electrify Africa Act passed in February 2016, which will make electricity available to 50 million people across the continent. There is also the USAID administered aid package of $12 billion annually that supports conflict prevention, agricultural productivity, climate resilience, and humanitarian relief. The bulk of these funds, however, are earmarked for the "President's Emergency Programme for AIDS Relief" across 15 focus countries.[29]

The net effect of the AGOA extension has been a positive development but this could be undercut if the 'flexibilities' embodied in the 2015 Act find traction among US interest and lobby groups.[30] Given the intensely protectionist policy environment in Washington, these groups feel greatly emboldened in advancing the goals and objectives of structural attrition.

Relations with China

As early as 1967 the Ghanaian scholar Emmanuel Hevi wrote that "few subjects are as complicated as China's Africa policy and the motives behind it…".[31] This observation still has profound relevance since debates persists about China's role and motives in Africa.

In this regard, Alden has developed a prism of three interesting perspectives through which this role and its motives can be understood.[32] The first views China as a development partner committed to a win-win formula of mutual gains through trade, investment, and development assistance, all of which have injected a new-found dynamism into Africa's growth prospects and geo-strategic relevance. In the second formulation,

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[29] *Ibidem*, pp. 14-19.
[30] Witney Schneidman, The African Growth and Opportunity Act: Looking Back, Looking Forward, Brookings: Africa Growth Initiative, June 2012, pp. 28-31.
[31] Emmanuel Hevi, *The Dragon's Embrace: The Chinese Communists and Africa*, London: Pall Mall Press, 1967, p. 2.
[32] Chris Alden, *China and Africa*, London: Zed Books, 2007, pp. 5-6.

China is an economic competitor whose national interests are concentrated on the extraction of Africa's resource abundance as a means of underwriting China's own modernisation and growth agenda. Here scant attention is paid to typical Western normative concerns such as good governance, human rights, environmental protection, and labour standards. In the third, China's is the embodiment of the new scramble for Africa and behaves no differently from other major powers like the EU and the US but whose ambition is to displace traditional Western spheres of influence under the rubric of South-South cooperation. This style of 'authoritarian capitalism' provides China with the long-term leverage and geo-strategic advantage that has the potential of re-shaping the political economy of Africa.

All these perspectives make sense when considering that China has been the primary consumer of African commodities, a major source of development finance and investment, and has de facto challenged Western spheres of influence. On the surface, China's feat in making a transition from a backward to a modern economy in just over three decades has made it an attractive model for other developing countries. Its ability to lift 680 million people out of poverty between 1981 and 2010, and to reduce extreme poverty from 84 percent in 1980 to 10 percent in 2017, is nothing short of extraordinary.[33] It is this achievement which raised hopes that, perhaps, stronger commercial engagement between China and Africa would re-ignite Africa's stalled momentum towards shared prosperity. More so since the Chinese leadership has been careful not to project a domineering image towards Africa: it has tempered its commercial engagement with an emphasis on notions of mutual respect and solidarity.

The Forum on China-Africa Cooperation (FOCAC) is the institutional expression of the relationship between the two although it is distorted since China crafts the agenda, sets priorities, and provides all the

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[33] Xiaolin Pei, "China's Pattern of Growth and Poverty Reduction" in *Arts and Humanities Open Access Journal*, no. 2(2), 2018, p. 93.

cooperation funding. However, since its establishment in 2000 and after five triennial summits, it is only recently that FOCAC is gaining real significance because historically, China has always preferred bilateral engagement (based on the 'One China Policy') in the pursuit of its commercial interests.[34] China made the most far-reaching and consequential commitments at the sixth FOCAC summit held in South Africa in December 2015. There President Xi Jinping announced a $60 billion package for financing ten major initiatives. This included $10 billion for a fund dedicated to building industrial capacity and investment in manufacturing, hi-tech, agriculture, energy and infrastructure. In addition, there was $5 billion for aid and interest free loans and $35 billion for export credits and preferential loans.

The FOCAC process has been underpinned by a surge of foreign direct investment from China into a diverse set of countries. Many countries have seen an expansion of infrastructure in roads, airports, telecoms, hospitals, and ports while trade linkages between China and Africa have deepened, thereby helping to create alternative markets for countries. However, the Chinese focus has been mainly on investment in commodities, particularly oil, gas and metals which accounted for two-thirds of Africa's exports to China by value in 2014 while there are very few countries where sustained manufacturing activities take place.[35]

By the end of 2013, Chinese foreign direct investment in Africa topped $26 billion, rising to $43 billion in 2017 in 76 projects.[36] This amply demonstrates the seriousness with which the Chinese regard Africa as a strategic arena for exercising their commercial diplomacy. Many African leaders thus view China as a dependable partner. However, much of

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[34] Garth le Pere, "The China-Africa Connection: An Ambiguous Legacy?" in Carla P. Freeman (ed.), *Handbook on China and Developing Countries*, Edward Elgar Publishing: Cheltenham, 2015, pp. 369-372.

[35] *Ibidem.*, p. 373.

[36] China-Africa Research Initiative, "China-Africa Foreign Direct Investment 2003-2017" Johns Hopkins School of Advanced International Studies <http://www.sais-cari.org/chinese-investment-in-africa> accessed on 10 October 2019.

Africa's exports to China comprise low value-added commodities, whereas African countries import relatively higher value-added and manufactured products from China, including capital and consumer goods. This relationship is also deficient in institutional components; and so far, has not focused on upgrading the capabilities of African partner countries.[37]

Notwithstanding the recent slow-down and recalibration of China's economy, Africa still retains its geo-political importance in China's strategic calculus. While commodity demand remains depressed, China still seeks to extract trade and commercial advantage from an African market of 1.2 billion consumers with fast changing consumer tastes and demands. Through the 'One China Policy', China has been able to prove its bona fides as a trusted development interlocutor by providing instrumental benefits such as grants, zero-interest loans, development finance and investment, and substantial debt relief. China has thus been guided by dynamics of 'state-led pragmatic nationalism' in Africa which is "ideologically agnostic, having nothing, or very little to do with either communist ideology or liberal ideals. It is firmly goal-fulfilling and national interest driven… The country's strategic behaviour is flexible in tactics, subtle in strategy, and avoids appearing confrontational".[38]

China overtook the US as Africa's single largest trading partner in 2009, with the value of trade rising from $10 billion in 2000 to top $210 billion in 2018 and with the goal of further increasing the value to $300 billion by 2020. From a low of 2.3 per cent in 1995, China now accounts for 24 per cent of Africa's total trade.[39]   However, much of the two-way trade has been skewed in China's favor. The only exceptions to this general rule have been resource-rich countries such as Angola, the Republic of Congo,

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[37] Garth le Pere, *op. cit.*, 2015, pp. 375-378.

[38] Suisheng Zhao, "China's Geo-strategic Thrust: Patterns of Engagement," in Garth le Pere (ed.), *China in Africa: Mercantilist Predator or Partner in Development?*, Institute for Global Dialogue: Midrand, South Africa, 2007, p. 39.

[39] China-Africa Research Initiative, "China-Africa Trade 2003-2018," Johns Hopkins School of Advanced International Studies <http://www.sais-cari.org/data-china-africa-trade> accessed on 10 October 2019.

the Democratic Republic of Congo, Nigeria, Equatorial Guinea, and Zambia which have sustained trade surpluses on the back of their bulk exports of raw materials.[40] African companies therefore face major operational hurdles related to their inability to locate themselves within Chinese value chains. This helps to explain why Africa's trade with China has hardly contributed to export diversification and economic transformation.

Consequently, Africa's dependence on China for its exports has not been entirely healthy. China's GDP grew at 6.6 percent in 2018, down from 9.5 percent in 2011, and is expected to experience further decline to 6.3 percent in 2019. Sectors such as manufacturing, construction, and real estate, which have in the past absorbed most of Africa's commodities, have witnessed a slump. Africa's business cycle has in the past two decades been tightly aligned to that of major emerging economies, especially China, and this coupling has proven to impede Africa's industrialization prospects. This dependence could have deleterious consequences for Africa's long-term prospects. China, as Ali Zafar notes, exerts an indirect effect on economic management in Africa, especially because it is a global price setter.[41]

China's competitive edge has been honed via key factors such as low unit-labour costs, a surfeit of subsidised credit, and an undervalued exchange rate. Moreover, its total factor productivity has been greatly enhanced by its accession to the WTO in 2001 and aggressive reform of its state-owned enterprises. The recent rise in China's labour costs and the appreciation of its currency provide African countries with the strategic opportunity to attract more investment from China as well as from developed countries As China rebalances its economy in favour of greater capital intensity, it is estimated that it will shed more than 85 million

[40] Paulo Drummond and Estelle Xue Lin, "Africa's Rising Exposure to China: How Large Are the Spill-Overs through Trade?" Washington DC: IMF Working Paper 13/250, November 2013, pp. 5-10.
[41] Ali Zafar, "The Growing Relationship Between China and Sub-Sahara Africa: Macro-Economic, Trade, and Aid Links," Washington DC: World Bank Research Observer, 22/1, 2007, p. 108.

manufacturing jobs.[42] Africa could therefore become the strategic locus for the 'offshoring' of these jobs provided it can respond to the relevant institutional and policy challenges that come with this opportunity.

On balance China's contribution to Africa has been positive, especially since it has increased growth and national incomes. This, however, comes up against an incontrovertible reality that China has not helped Africa move into patterns of sustained industrialization in order to generate broad-based growth and development. This move could take the form of incremental adjustments when it comes to institution-building and stimulating shifts within product spaces, as a basis for integration into the value chains. So far, this relationship has rather fostered different forms of dependence which have accentuated Africa's static comparative advantage in commodities.

An important contribution that China can make to the diversification of economic activity is the outsourcing and relocation of its labour-intensive industries as well as low-skilled jobs to Africa, while developing more capital-intensive, high-tech industries within China. Furthermore, institutional upgrading needs to feature as an important component of this relationship. With more galvanized institutions, there is greater opportunity for African countries to increase their supply capacity and thereby broaden their production base.[43]

Relations with India

India and Africa share a multidimensional and historical relationship that has been greatly facilitated by geographical proximity and an easily navigable Indian Ocean both of which have had a direct bearing

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[42] Lynn Noah, "Slowdown in Manufacturing Sector Forces China to Shift its Focus", Market Realist, 1 March 2016 <https://marketrealist.com/2016/03/slowdown-manufacturing-sector-forces-china-shift-focus> accessed on 11 October 2019.

[43] Mzukisi Qobo and Garth le Pere, "The Role of China in Africa's Industrialization: The Challenge of Building Global Value Chains" in *Journal of Contemporary China*, no. 27(110), 2018, pp. 208-223.

on trade, the movement of peoples, and cultural exchanges.[44] During African countries' struggle for independence, India was a strong partisan of their cause. In the recent past, this relationship has experienced major changes with a greater focus on capacity building, development cooperation, and trade, commercial, and technological initiatives.[45] India's relations with Africa take place across several registers: pan-African, regional, and bilateral and through an extensive range of diplomatic and political mechanisms.

These include the India-Africa Forum Summits, the India-REC meetings, the annual India-Africa Trade Ministers meeting, and regular meetings of joint working groups, inter-governmental commissions, and the India-Africa Business Conclave. There is also the 'Pan-African e-Network' which supports tele-education, tele-medicine, e-governance, e-commerce and meteorological service across 53 countries while other multilateral interactions take place at the Indian Ocean Rim Association for Regional Cooperation.[46]

The flagship of growing Indo-Africa ties is the India-Africa Forum Summits which have convened at regular intervals since 2008. The first Summit took place in Delhi in April 2008 and crafted the conceptual framework for political and economic dialogue and cooperation. There was a strong focus on financing development with the extension of a $5.4 billion line of credit and $500 million in grants for 2008-2013. Very importantly, the Summit offered Africa's LDCs a duty-free preference scheme. A further credit line of $300 million was made available for regional infrastructure

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[44] Ajay Kumar Dubey, "India-Africa Relations: Historical Goodwill and a Vision for the Future" in Ajay Kumar Dubey and Aparajita Biswas (eds.), *India and Africa's Partnership: A Vision for a New Future*, Springer Press, 2016, pp. 11-39.

[45] Ruchita Beri, "Evolving India-Africa Relations: Continuity and Change", South African Institute of International Affairs: Occasional Paper 76, February 2011.

[46] Rani D Mullen and Kashyap Arora, "India's Reinvigorated Relationship with Africa", New Delhi: Centre for Policy Research and Indian Development Cooperation Research, December 2016, pp. 10-15.

projects and there was increased support for technical training and scholarships through a special "Aid to Africa" budget.[47]

The second Summit was held in Addis Ababa in May 2011 and provided an opportunity to review progress made since the first Summit. The Indian government made available a further line of credit of $5 billion and grants worth $700 million. The grants were specifically targeted at establishing collaborative mechanisms in the fields of agriculture, rural development, food processing, soil and water testing, ICT, and vocational training. The largest Summit took place in New Delhi in October 2015, attended by 41 African Heads of State and hosted by Prime Minister Modi for the first time. The Summit examined global issues such as food security, trading regimes, climate change, and terrorism. The Indian government made more concrete commitments for concessional credit lines worth $10 billion and new grants worth $600 million. The grant package included $100 million for an India-Africa Development Fund for Infrastructure and $10 million for an India-Africa Health Fund.[48]

In trade, there has been a seventeen-fold increase between 2000 and 2014 from $4.5 billion to $78 billion but dropping to $60 billion in 2017 due to decreased commodity prices. India is Africa's fourth largest trading partner, accounting for 6.5 per cent of the continent's total trade. There is expected to be a surge in trade over the next five years, driven mainly by India's growing energy needs and increasing Indian imports of minerals and fuels from Africa as well as coal, natural gas and uranium. India's exports consist of agricultural products, automobiles and machinery, pharmaceuticals, electronics, and communications materials. As far as investment goes, India is now the fifth largest investor in Africa valued at $18 billion in 2017 and its companies are active in a range of sectors

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[47] Rumbidzai F. Masawi, "India-Africa Relations and Challenges of Sub-Sahara Africa" in *International Journal on Green Growth and Development*, no. 3(1), 2017, pp. 31-32.

[48] *Ibidem.*, pp. 34-36.

including telecommunications, mining, steel, automobiles, energy, healthcare, agribusiness, ICT, and pharmaceuticals.[49]

In broad terms, India follows the Chinese cooperation paradigm of non-conditionality, no policy prescriptions, mutual benefits and gains, and respect for the sovereignty of African countries.[50] This is exemplified through robust state-to-state engagement, responsiveness to African demands and needs, and a consultative and collaborative idiom. Many African countries (mostly Anglophone) have benefited from India's low-cost technical training and study programmes. There are five areas that hold great promise for future expansion: infrastructure, financial cooperation, small business growth, energy resource development, and technical assistance.

Conclusion

The time is certainly auspicious for the collective energies and creativity of African people to be harnessed by adding productive value to the continent's diverse and often incongruent trading relationships. The challenge for the continent and its leadership is to better manage the historical dependencies on the EU and the US by creating more policy and operational space for independent choice and action. In this regard, relations with China and India certainly offer a more progressive template of engagement. However, these external engagements require a calculus of strategic balancing which would assist with realizing the vision of Agenda 2063 and the letter and spirit of the CFTA as veritable charters of putting the entire continent on improved growth and development trajectories over the next five decades. Agenda 2063 and the CFTA thus represent a fresh paradigm of hope and inspiration against a litany of failed experiments and effete grand schemes in Africa's development orthodoxy.

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[49] African Export-Import Bank and the Export-Import Bank of India, An Analysis of Africa and India's Trade and Investment: Deepening South-South Collaboration, Cairo: Afreximbank and Exim Bank, 2018, pp. 23-25.

[50] Ruchita Beri, *op. cit.*

Hence, Africa's agency and its interface with its external partners could take several forms. These include building Africa's private sector confidence in those economic processes and allocative mechanisms that create incentives and opportunities that arise from the trading relationships; identifying effective and acceptable distributional payoffs in any industrialization process; and promoting mutual learning, problem solving, and compromises in dealing with the historical and atavistic obstacles to growth and development, including poverty, unemployment, and inequality.[51]

This reorientation thus provides a fertile opportunity for all trading partners to rethink how the confluence of ongoing economic and development challenges across Africa's very diverse political, economic, and cultural landscape could be incorporated into fresh conceptual appraisals, revised methodologies, and progressive policy discourses. It will demand a reimagining of how current trading regimes can improve the lives of 1.2 billion African citizens. For their part, there is a greater imperative for African countries to "walk on three legs" to improve the prospects for integration.[52] Firstly, this means expanding the size of markets, promoting economies of scale, production efficiencies, and competitiveness; secondly, collaborating more intensively through multi-level partnerships and synergies to build productive linkages and industrial capacity; and thirdly, developing affordable and effective services and infrastructure in order to lower transaction costs.

Agenda 2063 and the CFTA represent a hybrid frontier for integration that mixes state-led initiatives with the dynamics of the market and private sector, together with enhanced civil society participation and external stakeholder engagement. This could mark a new beginning for creative reflection about Africa's growth and development nexus and how

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[51] Mzukisi Qobo and Garth le Pere, *op. cit.*, pp. 219-220.

[52] João Samuel Caholo, "Accounting for Progress on Regional Integration: Evidence and Accountability", Proceedings of a Workshop in Lusaka, Zambia: Building Bridges Southern Africa, 23-24 November 2015.

the proverbial sow's ear of dependence can be turned into a silk purse of agency.

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REALPOLITIK IN THE AFRICA – ONE CHINA NEXUS, 2001-2008: THE CASES OF CHAD AND MALAWI

Bhaso Ndzendze[*]

Abstract

This paper investigates whether there was an opportunity cost for two African states (Chad and Malawi) in recognising the Republic of China (ROC) as the 'One China' over the People's Republic of China (PRC) in the period between 2001 and their respective year of switching, which in turn could explain the direction of the switches. In this paper, opportunity cost was operationalised as relative economic loss (as measured through export volumes to either China) incurred that could have otherwise been avoided or compensated for by recognising the PRC over the ROC. In the timeframe studied, after two years for Chad and after one year for Malawi, both countries saw exponentially increased export volumes to the PRC once they affected a switch in recognition from the ROC, since recognising the PRC is concomitant with entering politically-enhanced bilateral economic relations at the behest of the economically stronger PRC. This indeed indicates an opportunity cost, and pursuit of realpolitik by the African countries studied who have switched back-and-forth between the two Chinas based on the prospective gains to be made.

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Introduction

"Taiwan condemns the unreasonable, rude, and outrageous act of politicalhype carried out by the Nigerian government in complying with mainland China's political goals."[1] These words came directly from the Foreign Ministry of the Republic of China (ROC). Coming as they did, on 12 January 2017, they were in response to the Nigerian government's apparently sudden order that the ROC move its unofficial embassy, along with its trade mission, out of the capital city of Abuja. Further still, the West African state ordered the stunned Taiwanese "to scale down its trade mission—which manages consular affairs as well as events like trade delegations, explainers on Taiwan's fisheries or tech and telecom industries, and art competitions—and move the office to Lagos where it will have less visibility."[2] Thus, a trade mission which had been formed in Nigeria's capital in 1991 and which had acted as a support structure for Taiwanese investors and businesses who have been manufacturing in Nigeria was abruptly closed. This was widely interpreted as yet another sign of an observation made by Bräutigam, that "while China has frequently emphasized the principle of non-interference in internal affairs, the 'One China Policy' has remained the prominent exception to the rule. The absence of diplomatic ties with Taiwan is a precondition for any fruitful diplomatic relations with Beijing."[3] More extreme measures have also been taken, wherein "numerous historical examples have shown that diplomatic ties are cut off and economic aid is suspended if a country establishes diplomatic ties with Taiwan."[4]

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[1] Lilly Kuo, After Getting a $40 Billion Pledge from China, Nigeria Ordered Taiwan's Unofficial Embassy to Move Out in *Quartz*, January 12, 2017 <https://qz.com/africa/883767/after-a-visit-from-chinas-foreign-minister-nigeria-has-ordered-taiwans-unofficial-embassy-to-move-out-of-its-capital> accessed on 10 March 2019.

[2] *Ibidem.*

[3] Deborah Brautigam, *The Dragon's Gift: The Real Story of China in Africa*, Oxford: Oxford University Press, 2009, p. 22.

[4] T. Broich and A. Szirmai, "China's Economic Embrace of Africa. An International Comparative Perspective", 2014 <https://www.merit.unu.edu/wp-content/docs/25years/

Could this mixture of incentives and coercion explain Nigeria's apparently spontaneous decision to downgrade relations Taiwan? Perhaps. In 2016, ROC-Nigerian trade, mainly concentrated on natural gas and oil (from Nigeria), as well as industrial equipment and seafood from the ROC, amounted to a total of about US$800-million, while trade relations with the PRC amounted to US$6.46-billion for the same period – a ratio of 1: 8.[5] This showed greater economic entanglement with the mainland than the island. This is the case with other countries on the continent as more generally, for example, in the year 2000, the PRC formed the Forum on China-Africa Cooperation (FOCAC); an organisation in which African states have been able to reap considerable aid, investment and trade concessions from China[6] – but one from which, crucially, states which recognise the ROC are excluded.

Against this backdrop, the present paper sought to ask: could economics, particularly the comparative trade gains to be made from recognising either entity as the One China, be used to account for why Taiwan has seemingly lost in the 'diplomatic chess' and competition for recognition against the PRC in Africa? This paper investigated whether there was an opportunity cost for two African states, Chad and Malawi, in recognising the ROC as the 'One China' over the PRC in the period between 2001 and their respective year of switching, which in turn could explain the direction of the switches. In this paper, opportunity cost, through a time series of trade occurrence, was operationalised as relative economic loss (as measured through export volumes to either China) incurred that could have otherwise been avoided or compensated for by

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papers/China's%20Economic%20Embrace%20of%20Africa%20%20An%20International%20 Comparative%20 Perspective%20(Broich%20&%20Szirmai,%202014)%20Final.pdf> accessed on 11 March 2019.

[5] Kuo, *op. cit.*

[6] D. Monyae and G. Banda, "South Africa-China Relations at Twenty: Key Lessons for the Future" in *UJCI Africa-China Occasional Papers Series*, 2017 <http://confucius-institute.joburg/wp-content/uploads/2017/12/UJCI-Occasional-Paper-No-5.pdf> accessed on 11 March 2019.

recognising the PRC over the ROC. In the timeframe studied, after two years for Chad and after one year for Malawi, both countries saw exponentially increased export volumes to the PRC once they affected a switch in recognition from the ROC, since recognising the PRC is concomitant with entering politically-enhanced bilateral economic relations at the behest of the economically stronger China. This indeed indicates an opportunity cost. At the same time, however, there can also be said to be a bidirectional opportunity cost; without the One China problem, there would be, all other things being equal, no entities which would be highly motivated to dole out costly aid (at an opportunity cost) in the process of 'dollar diplomacy', especially since Taiwanese aid to its allies has been found in the paper to increase, at least *immediately*, after an ally has switched towards the PRC.

In other words, the enhanced trade concessions and aid-giving are a means to an end rather than ends in themselves – were the One China issue resolved, there would be marginally fewer motivations for their continuation outside of commercial aims. This was seen, for example, during the 2008-2015 'diplomatic truce,' during which the PRC and the ROC experienced a thaw in their relations and temporarily seemed to be approaching rapprochement, as indicated by the signing of the PRC-ROC Economic Cooperation Framework Agreement, and at the same time did not attempt to lure each other's allies with trade concessions and prospectively higher financial gains for so doing. In that sense, the opportunity cost is clearly there for both the PRC and the ROC *as well as* for African states as a result.

The second section of the paper will detail the methodology used to attain an answer to the paper's question. The third section will then delve into the specific case studies of Malawi and Chad, putting the methodological framework into application. The fourth section will consist of an analysis of the findings. Finally, the paper will conclude with emergent research questions arising from the findings.

Methodology

This paper is primarily aimed at gauging the extent to which two African states which had relations with the ROC did, in the process of doing so, incurred a loss in terms of trade access. Incumbent upon such a question is an assumption – that one of the two states has marginally more to offer than the other. It is thus worth elucidating whether that can be stated to be the case through a number of measurement tools.

Table 1. World Economic Forum Competitiveness Index Scores: ROC vs PRC 2006-2016.

Year	PRC			ROC		
	Ranking (/100 countries)	Score (/10)	Movement (+/-)	Ranking (/100 countries)	Score (/10)	Movement (+/-)
2006	#54	4.28	0.21	#13	5.41	-0.17
2007	#34	4.57	0.29	#14	5.25	-0.16
2008	#30	4.70	0.13	#17	5.22	-0.03
2009	#29	4.74	0.04	#12	5.20	-0.02
2010	#27	4.84	0.1	#13	5.21	0.01
2011	#26	4.90	0.6	#13	5.26	0.05
2012	#29	4.83	-0.07	#13	5.28	0.02
2013	#29	4.84	0.01	#12	5.29	0.01
2014	#28	4.89	0.05	#14	5.25	-0.04
2015	#28	4.89	0	#15	5.28	0.03
2016	#28	4.95	0.06	#14	5.28	0

Source: WEF Competitiveness Reports, 2006-2016. Available at:
https://www.weforum.org/reports (accessed on 11 March 2019). Calculations by author.

The first such tool is the World Economic Forum (WEF) Competitiveness Index scores, while the second is compared annualised GDP growth. The rationale in utilising these is because they are an objective indicator of the differences between the two states in comparative economic advantage terms. *Table 1* indicates the two states' scores in the WEF Competitiveness reports between 2006 and 2016, the period within

which these two African states made their respective switches. From the raw score figures, it would appear that the ROC has the edge, even if slightly, as shown in *Table 1*.

Figure 1. World Economic Forum Competitiveness Index Scores: ROC vs PRC, 2006-2016.
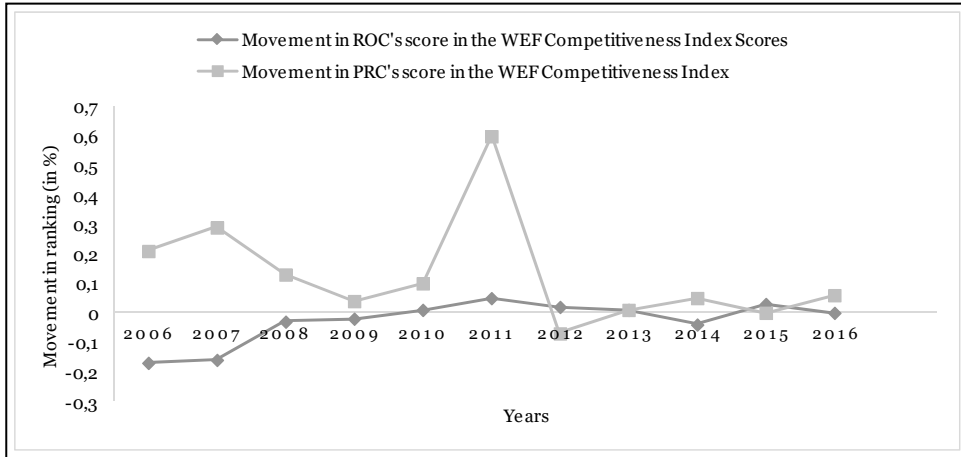
Source: WEF   Competitiveness   Reports   Library,   2006-2016.   Available   at: https://www.weforum.org/reports (accessed on 11 March 2019). Calculations by author.

But the value of stronger relations with the PRC (insofar as they are conditioned on recognising it over the ROC) are clearer when assessed through the prism of *marginal growth* as seen in *Figure 1*, which is a graphic representation of the compared marginal growth in WEF competitiveness index scores between the ROC and the PRC. Between 2006 and 2009, for example, the ROC's score declined, though increasingly less for each year, while that of the PRC grew, and saw a jump from 54th place to 29th place (a jump of 25 places in total). What is also clear is that the PRC's annual GDP growth, and thus its exporting and importing potentials, have been consistently higher than that of the ROC. Similarly, on annualised GDP *growth rates*, the PRC has registered higher increases than the ROC. The ROC peaked at close to 15% in 2010, after experiencing a -10% decline in 2009 (coinciding with the global economic recession at the time), has grown at 5% or below for the past five years, while the PRC peaked at 15% in 2007

and has experienced between 6% and 8% growth rates for the past five years.[7] Thus, insofar as African states would perform an opportunity cost analysis as to which China to recognise, the PRC is a more economically viable option.

Variables

In economic terms, 'opportunity cost' can be defined as the benefits accrued and forfeited simultaneously for choosing one course of action over another. Thus, it is a question of utilizing a finite resource (in this paper, the recognition of a maximum of One China) for maximal benefit (in this paper, the economic gains to be made from recognising One China over another). In this paper, opportunity cost is operationalised as follows: the relative size of trade with Taiwan vis-à-vis that of mainland China on a pre- vs post-PRC recognition for the two African countries who switched recognition from Taiwan to mainland China. Thus, the variables are operationalised as follows. The independent variable is operationalised as the adoption of an exclusive recognition of the PRC from a certain date. On the other hand, the dependent variable is operationalised as subsequent export volumes (as measured in US dollars, without adjustment for inflation) from the African country to the PRC. Since we are aiming to gauge whether there was any effect on this amount, the method of comparison being used here is that of a cross-case, before-after analysis, since there will be variance on the DV due to the change in the IV between the two cases studies.

Results

The following sections will in turn assess the findings using the research methodology designed in the preceding section for the two case studies.

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[7] China – Gross Domestic Product in Constant Prices Growth Rate, 2018 <https://knoema.com/atlas/China/Real-GDP-growth> accesed on 8 December 2018.

Chad

Chad and mainland China formed diplomatic relations in 1972, but these came to an end when in 1997 the Chadian government recognised the ROC.[8] Relations with the PRC were once again established in 2006. Acknowledging that the ROC would be eliminating relations with Chad, its Foreign Ministry spokesman, Michael Lu, accused the PRC "of using its status as a member of the U.N. Security Council, and its ability to influence events in neighbouring Sudan, to persuade Chad to break their formal relations."[9] This was in reference to the fact that Chad had already planned to cut its ties with the ROC if Beijing had agreed to discontinue its assistance to the rebels who stood as a threat to the Idris Deby regime in Chad. In a commentary loaded with a chilly realism, French and Polgreen judge that "Chad made the compromise for its own survival."[10] The PRC then pledged to support Chad "in its efforts to protect the sovereignty of the state and develop the national economy".[11]

PRC – Chad economic relations have grown since the formation of diplomatic relations. Oil investments in particular underline the economic ties, "and is seen as the outstanding marker of China's different approach in Chad compared with the French or US engagements, which *had regarded this investment as unprofitable*."[12] In a matter of a few years, "China has

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[8] *VOA News*, "China, Chad Re-Establish Diplomatic Relations, Upsetting Taiwan" 2009, <https://www.voanews.com/a/a1320060807voa11/328079.html> accessed on 11 March 2019.

[9] H. W. French and L. Polgreen, "China, Filling a Void, Drills for Riches in Chad" in *New York Times*, 13 August 2007, <http://www.nytimes.com/2007/08/13/world/africa/13chinaafrica.html> accessed on 11 March 2019.

[10] *Ibidem*, p. 1. As the same writers put it: "Regime survival compelled a tactical shift: recognising Beijing would bring myriad short- and longer-term advantages. President Déby stood to be empowered by aid, investment and military assistance from a permanent UN Security Council member. China was also the key international economic partner, political patron and important military ally of Sudan; its support could empower N'Djamena in its then proxy war with Khartoum".

[11] *Ibidem*, emphasis added.

[12] Dan Large and Shiuh-Shen Chien, "China Rising In Africa: Whither Taiwan?", paper presented at the Fifth Conference of the European Association of Taiwan Studies, Charles

developed into a major player, undertaking a distinctive departure from Chad's previous experience of international oil investment, including N'Djamena's previous troubled partnership with the World Bank over the Chad–Cameroon pipeline."[13]

Figure 2. ROC and PRC imports from Chad, 2001-2016.
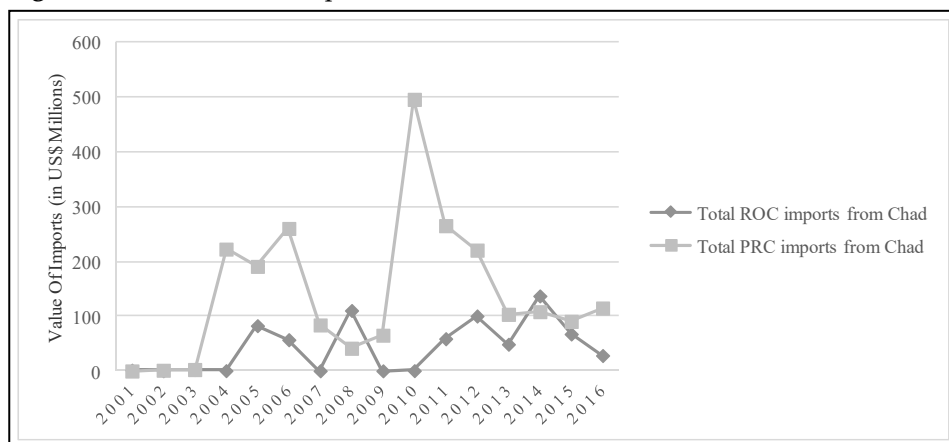
Sources: TradeMap, Taipei, Chinese's Imports from Chad, 2019[14] and TradeMap, China's Imports from Chad, 2019[15] (accessed 11 March 2019). Calculations by author.

The focal point of the 'petro-relations' between the PRC and Chad is the Rônier project, a 311 km pipeline that connects oilfields in eastern-central Chad to a purpose-built refinery in Djarmaya, about 50km north of the capital. Through the national oil company, Société des Hydrocarbures du Tchad, the Chadian government is a 40% shareholder of the N'Djamena Refinery Company, formed for the specific purposes of managing the

University of Prague, 18-20 April 2008, <https://www.soas.ac.uk/taiwanstudies/ eats/eats2008/file43256.pdf> accessed on 11 March 2019.

[13] R. Dittgen and D. Large, "Refining Relations: Chad's Growing Links with China", South African Institute of International Affairs, June 2012 <https://saiia.org.za/research/refining-relations-chads-growing-links-with-china> accessed on 9 March 2019.

[14] <https://www.trademap.org/Bilateral_TS.aspx?nvpm=1%7c490%7c%7c148%7c%7cTOTAL %7c%7c%7c2%7c1%7c1%7c1%7c2%7c1%7c1%7c1%7c1>

[15] <https://www.trademap.org/Bilateral_TS.aspx?nvpm=1%7c156%7c%7c148%7c%7cTOTAL %7c%7c%7c2%7c1%7c1%7c1%7c2%7c1%7c1%7c1%7c1>

refinery, while the remaining 60% is owned by the China National Petroleum Corporation International Chad (CNPCIC). The total cost of the project was US$1-billion, and began production on schedule in March of 2011, and the refinery was initiated not long afterwards in June.[16] In the commencement of production, "oilfield capacity amounted to 20 000 barrels a day, with a possible increase of up to 60 000 barrels."[17] Though falling short of this, by 2013 this figure had nonetheless grown and reached 40,000 barrels per day.[18]

Table 2. PRC *vs* ROC trade with Chad, 2012-2016 averaged.

	ROC	PRC
Total five-year movement in imports from Chad (in %)	-20	-13
Total five-year movement in exports to Chad (in %)	-28	-21
Total imports from Malawi in 2016	28,399	114,908
Total exports to Chad in 2016	213	93,572
Total share of Chad's exports (%)	0	7
Total share of Chad's imports (%)	0	14

Sources: TradeMap, Taipei, Chinese's Imports from Chad, 2019 and TradeMap, China's Imports from Chad, 2019 (accessed 11 March 2019). Calculations by author.

The PRC has pursued a path that is 'quite different' to the petroleum sector in Chad compared to previous western investors, a South African Institute of International Affairs report notes: "Western companies such as ExxonMobil and Chevron, as well as Malaysia's Petronas, have focused exclusively on extracting crude for export. With the Rônier project, China has located value-added refining processes within Chad itself."[19] Furthermore, some scholars have noted that on balance, there have been

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[16] Dittgen and Large, *op. cit.*

[17] *Ibidem.*

[18] *Ibidem.*

[19] J. Schellhase, "China's Chad Courtship" in *The Diplomat*, 26 June 2012, <https://thediplomat.com/2012/06/chinaschadcourtship> accessed on 10 March 2019.

some clear benefits to China's being in Chad[20], and the PRC has brought and completed several critical infrastructure projects – including railways, roads, and hospitals. In June of 2013, two PRC-funded projects, the China-Chad Friendship Hospital and a new parliament building were brought to completion and given over to Chad.[21] The PRC also agreed to construct a new international airport in Djarmaya: "This facility will be capable of accommodating around one million passengers a year, which will be connected to N'Djamena through a 40km highway, also funded and built by the Chinese."[22] On the main, therefore, it has been the PRC government, as opposed to purely private entities, which have led in this regard. But relations with the PRC have also seen an increase in non-state enterprises: "the Chinese government encourages more Chinese enterprises to come to and invest in Chad."[23] In the absence of the diplomatic relationship, these economic gains would not have accrued to Chad; a clear indicator of the opportunity cost hypothesised by the paper.

This has also been seen in the trade relations. After Chad affected a switch in recognition from Taiwan to mainland China, a development seemingly contrary to the hypothesis took place in that the PRC's imports of Chadian goods declined for three consecutive years in 2006 (the year of the switch), 2007 and 2008. However, it is noteworthy that two of these years coincided with a decrease in Taiwanese imports of Chadian goods. Thus, this could indicate that the country was generally exporting less from the rest of the world. In the face of trade taking some time (three years) to observe growth, Chad's opportunity cost may have therefore been limited

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[20] *Ibidem.*

[21] People's Republic of China, China and Chad, 2013 <http://www.fmprc.gov.cn/ mfa_eng/wjb_663304/zzjg_663340/fzs_663828/gjlb_663832/chad_663944> accessed on 10 March 2019.

[22] M. J. Azevedo and S. Decalo, *Historical Dictionary of Chad*, New York and London: Rowman and Littlefield, 2018.

[23] Embassy of the People's Republic of China, Chadian Prime Minister Albert Pahimi Padack Meets With Visiting Chinese State Councilor Yang Jiechi in N'djamena, Chad, 2016 <http://za.china-embassy.org/eng/zfgxss/zywx/t1361617.htm> accessed on 9 March 2019.

by the growth of Chinese investment discussed above. Further, with Chad, the notion of opportunity cost takes on an additional, near existential interface: "It used to be that when we had problems with our neighbour sending mercenaries to invade us that none of our complaints before the United Nations would pass, because China blocked them", Chadian president Deby has stated.[24] Nevertheless, after 2009, Chadian exports to the PRC grew exponentially to US\$65.367 and US\$495.797 in 2010. Proportionally, as described in *Table 2*, by 2016, China accounted for 7% of Chadian exports, whereas Taiwan accounted for less than 1%.

Malawi

The former British colony of Nyasaland, which had been amalgamated into a federation with North and South Rhodesia for a decade before, gained its independence in July 1964 as Malawi and in 1966 was reformed into a republic under President Hastings Banda. Before Malawi obtaining self-determination, Dr Banda had made it known that he "would recognise Beijing and support China's push for UN membership."[25] Upon independence, however, the Malawian president sought to avoid the One China problem, and thus extended both governments invitations to the Malawian independence celebrations. The PRC, which was 'unwilling to give tacit approval to a 'two China' situation refused the invitation,' did not attend, but Premier Zhou aiming 'to keep open lines of communication,' sent a letter of congratulation through telegraph.[26] Malawian-PRC relations incurred a major crisis when the PRC's ambassador to Tanzania "attempted to bribe Banda to recognise Beijing and end the 'two China' policy", which he declined.[27] Nevertheless,

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[24] French and Polgreen, *op. cit.*, p. 1.

[25] P. Short, *Banda*, London: Routledge & Kegan Paul, 1974, p. 206.

[26] I. Taylor, *China and Africa: Engagement and Compromise*, London and New York: Routledge, 2006, p. 24.

[27] "His Cabinet colleagues' eagerness to accept caused a major crisis in the government and resulted in a number of ministers resigning or being sacked." (Short, *op. cit.*)

President Banda was in favour of the PRC replacing the ROC in the UN in 1971; a position he had expressed as early as December 1964 in the United Nations General Assembly.[28]

A clear break in Malawi's relations with the PRC came upon Malawi "discovering that China was supplying ex-ministers with money and insurgency facilities in Tanzania"; as he would later phrase it, "what the Chinese want, I don't want. What the Chinese do not want, I want."[29] On July 12th of 1966, Malawi and the ROC finally formed diplomatic relations, in the process facilitating a 'mutual antagonism' between the PRC and Malawi.[30] Premier Zhou's celebrated tour on the African continent in 1965 was greeted with scorn by the virulently anti-communist Banda – stating that he was "less afraid of Queen Elizabeth II than Kublai Khan in Peking."[31] Two years later, he visited the ROC, subsequent to which "contacts with Taiwan increased, particularly in the agricultural field."[32]

Political developments changed the Malawian political interface – but did not immediately re-shape its foreign policy on the One China issue. In June of 1993 Malawi held a ROC-funded popular referendum, asking whether the country should be a multi-party democratic state. The people voted to the affirmative, and it being clear that Dr Banda's days in power were increasingly numbered, the PRC sent an invitation to democratic forces in Malawi to a 'goodwill visit.'[33] But this came to naught, as Malawi's new leader, Bakili Muluzi, maintained the course and paid a visit to Taipei in April of 1995, and supported its UN ambitions in October of 1996.[34] The ROC's chief diplomat, John Chang, paid a reciprocal visit to Malawi and met with the president of Malawi in January 1997, soon after South Africa's decision to discontinue relations with the ROC, and pledged a donation of

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[28] I. Taylor, *op.cit.*, p. 194.

[29] Quoted in Short, *op. cit.*, p. 237.

[30] *Ibidem.*

[31] Quoted in Taylor, *op.cit.*, p. 195.

[32] Taylor, *op.cit.*, p. 195.

[33] *Ibidem.*

[34] *Ibidem.*

some US$2-million for purposes of refurbishing barracks in Lilongwe.[35] But cracks soon showed up in the ROC-Malawi relationship. For example, Malawi was among two Taiwan-recognising African states to accept Beijing's 2000 invitation to attend the FOCAC summit as 'observers' – the other being Liberia, who soon also switched to recognising the PRC in 2003.[36] By the end of 2007, the small African country had already established diplomatic ties with the PRC, but Foreign Affairs Minister and future Malawian President, Joyce Banda, made the announcement in January of the following year.

Interestingly, the ROC made an opportunity cost argument for Malawi to maintain relations with it: Taipei "warned Malawi that China was up to no good, saying the shift in recognition would negatively affect Malawi's natural resources which Taiwan said China was angling for."[37] To what extent Malawi was better served by relations with the ROC over the PRC is the subject of the following sub-section.

The erstwhile president of Malawi, Bingu wa Mutharika, had paid a visit to the PRC shortly after establishing diplomatic relations, and upon return he told the country 'it would help turn Malawi from poverty to riches,'[38] thereby demonstrating a willingness to make a trade-off between the recognition of the ROC and that of the PRC which, at least as the preceding statement would suggest, had resulted in an opportunity cost.

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[35] Ibid, p. 14.

[36] *Ibidem.*

[37] R. Mweninguwe, "Malawi-China Diplomatic Ties: 10 Years On" in *The Diplomat*, 15 September 2017 <https://thediplomat.com/2017/09/malawichinadiplomaticties10yearson> accessed on 9 March 2019.

[38] *Ibidem.*

Figure 3. ROC and PRC imports from Malawi, 2001-2016
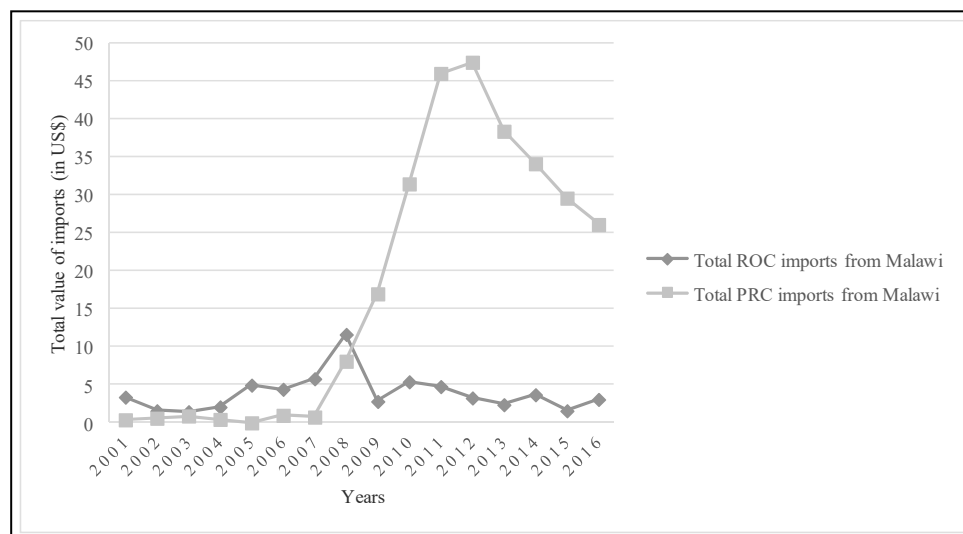
To interrogate the plausibility and manifestation of this potential mechanism, the section below will seek to conduct an opportunity cost analysis for Malawi in the Africa-One China nexus. *Figure 3* captures the total annualised Malawian exports to the ROC and the PRC respectively. What is distinct is that prior to 2008, ROC imports of Malawian goods outweighed those by the PRC – on average, by US$18.758-million per year. In the year 2008, PRC imports of Malawian goods reached an all-time high (US$8.111-million) and by the following year completely eclipsed those of ROC imports of Malawian goods.

The paper operationalised opportunity cost as an economic loss, as measured through relative/comparative trade volumes, incurred that could have otherwise been avoided or compensated for by recognising, the PRC

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[39] <https://www.trademap.org/Bilateral_TS.aspx?nvpm=1%7c490%7c%7c454%7c%7cTOTAL%7c%7c%7c2%7c1%7c1%7c1%7c2%7c1%7c1%7c1%7c1>

[40] <https://www.trademap.org/Bilateral_TS.aspx?nvpm=1%7c156%7c%7c454%7c%7cTOTAL%7c%7c%7c2%7c1%7c1%7c1%7c2%7c1%7c1%7c1%7c1>

over the ROC as the One China. The Malawian case study fulfils such a definition. There is a correlation between the commencement of formal diplomatic relations and (immediately) increased trade between Malawi and the PRC. Upon the formation of relations between the two states, PRC importation of Malawian goods increased to US$243.279-million per year compared to the ROC between 2009 and 2016; peaking at US$47-million in 2011.

The motive that prompted Malawi to abandon the ROC was trade. On the basis of official statistics in September of 2008, "just nine months after Malawi and China entered into a diplomatic relationship, trade between the two countries amounted to $59 million — a 120 percent increase compared to 2007."[41] The government of Malawi has stated that trade with the PRC had remained encouraging, although President Peter Mutharika for several times stated that his country had a long way to go in changing itself from being an importer nation to being an exporter "if we want to end [the cycle of] poverty."[42] But as we can deduce from the Figure 3, overall Malawian exports have increased since relations with the PRC commenced.

Table 3. PRC *vs* ROC trade with Malawi, 2012-2016 averaged.

	ROC	PRC
Total imports from Malawi in 2016	3,077	26,117
Total exports to Malawi in 2016	1,428	228,239
Total share of Malawi's exports (%)	0.32	3
Total share of Malawi's imports (%)	0,0005	19

Sources: TradeMap, Taipei, Chinese's Imports from Malaw, 2019[43] and TradeMap, China's Imports from Malawi, 2019[44] (accessed on 11 March 2019). Calculations by author.

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[41] *Ibidem.*

[42] *Ibidem.*

[43] <https://www.trademap.org/Bilateral_TS.aspx?nvpm=1%7c490%7c%7c454%7c%7cTOTAL%7c%7c%7c2%7c1%7c1%7c1%7c2%7c1%7c1%7c1%7c1>

[44] <https://www.trademap.org/Bilateral_TS.aspx?nvpm=1%7c156%7c%7c454%7c%7cTOTAL%7c%7c%7c2%7c1%7c1%7c1%7c2%7c1%7c1%7c1%7c1>

Finally, discernible from *Table 3*, which also incorporates the notion of marginal difference, on average, for the last five years (2012-2016), the PRC has, as of 2016, a 3% total share of Malawian exports, compared to the ROC's 0.32%, as well as 19% of the Malawian import market compared to the ROC's 0.0005%. This indicates another important variable to the opportunity cost paradigm; the PRC's own impetus. Indeed, it is not only Malawi which stands to benefit from relations with the PRC, but the PRC as well. Indeed, it is the foundational principle of game theory, around which this paper has framed the Africa-One China nexus, that policy decisions are formed on the basis of *interaction*. That is, when looking to situate the opportunity cost it, we ought to understand it in bi-directional terms.

Why does a recognition switch by an African state come with greater commercial closeness to (and benefits for) the PRC? In the simplest terms, it enables the PRC to have a more enhanced trade relationship with the country in question, and hence also enable it to make use of a wide array of politically-enhanced economical instruments. China's 'strategic partnership diplomacy,' for example, is renowned[45] and is based on there being formal relations with Beijing: "Most such accords are built upon existing 'friendly relationships', 'cooperative relationships', or 'partnerships'".[46] Indeed almost all the strategic partnership agreements (with the exception of those with Angola, Egypt, and Turkey) reviewed by Zhongping and Jing, "mention the 'One China' policy or Taiwan."[47] Two (those with India and Mongolia) make mention of Tibet and one (Mongolia) mentions Xinjiang.[48] And while Malawi had yet to be accorded 'strategic partner status', it has seen direct benefits that could otherwise not be obtained save by the formal opening of diplomatic relations with

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[45] F. Zhongping and H. Jing, "China's Strategic Partnership Diplomacy: Engaging with a Changing World" in *European Strategic Partnerships Observatory*, no. 8, 2014, p. 9.

[46] *Ibidem*.

[47] *Ibidem.*

[48] *Ibidem*.

Beijing, to the exclusion of Taipei. For example in the year 2016, Lilongwe and Beijing signed "an agreement for another round of project financing that will cost $1.79 billion in seven priority areas."[49] Particularly regarding Malawi, the PRC arguably has four pillars of interaction and assistance – these are "infrastructure development, agriculture and food security, health care and education, and human resources."[50]

The relationship is not without its problems, however. Far from it. The Malawian labour union federation, the Malawi Congress of Trade Unions (MCTU), has expressed dissatisfaction that "many items in the Chinese shops are cheap but not very durable. A lot of people now shop from the Chinese, who bring in many things in bulk. We are not happy as local traders".[51] The MCTU's leader at the time, Robert Mkwezalamba, also claimed that in their early years of arriving in Malawi, the PRC construction companies either compensated their labourers below the bare minimum wage or paid them in kind – "in the form of clothing, bicycles, maize flour and sugar", and have regularly avoided labour safety standards: "They were paying the Malawi workers just about $13 per month when the country's acceptable minimum wage is $20. Some Chinese factories were locking up the workers [in their workplace] overnight."[52]

But growth in the relationship has been considerable – almost from the commencement of the diplomatic relations. Though still largely outweighed by South Africa-Malawian trade, which has a 40% share of Malawi's US$3.2-billion total trade,[53] a 2010 review by the Malawian Ministry of Trade found that the total value of trade between the two countries had doubled compared to its 2007 levels, totalling US$100-million by that year.[54] Despite its complaints, the MCTU has also pronounced that they have seen how the construction companies "are transferring advanced

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[49] R. Mweninguwe, *op. cit.*, p. 1.

[50] *Ibidem.*

[51] Claire Ngozo, "China Puts Its Mark On Malawi" in *The Guardian*, 7 May 2011, p. 3.

[52] Mkwezalamba in Ngozo, *op. cit.*, p. 4.

[53] Ngozo, *op cit.*, p. 2.

[54] *Ibidem.*

skills to local staff."[55] The PRC's presence in Malawi has also seen continuous increases since late 2007. Crucially, a May 2008 bilateral memorandum of understanding (MoU) encapsulating a trade deal, as well as to the PRC's "committing to help in increasing the productive capacity of Malawi in tobacco, cotton, mining, forestry, fertiliser production and in processing hides and skins."[56] In the absence of Malawi recognising the PRC, this was an impossibility. This is some indication of an apparent opportunity cost for Malawi in having recognised the ROC.

Analysis

This section will now turn to discussing and synthesising the findings from the two case studies and highlight their various implications. Firstly, it will seek to explain the findings in the context of China and Taiwan's African foreign policies in comparative perspective to account for the differences seen in the results. Subsequently, the section will discuss the potentially 'bi-directional' nature of the opportunity cost so as to account for the diplomatic truce years and the effects of rapprochement for the two Chinas in terms of the incentive structure for African states.

The PRC, of all countries, even after its post-1978 reform and opening up period still places enormous political control over foreign commerce. The Taiwan question is still "a sensitive and easily politicised dynamic in African political relations with China."[57] Thus for PRC recognisers, "mere association with Taiwan can mean trouble."[58] Thus, it is true that there is no total lack of trade due to a lack of diplomatic relations. However, trade is a politically-lubricated process; the absence and presence as well as the differentiated levels of tariffs and quotas remain within the privy of governments. Further, trade between the PRC and those countries with which it has no diplomatic relations would be *relatively* higher than

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[55] *Ibidem.*

[56] *Ibidem.*

[57] Large and Chien, *op. cit.*, p. 8.

[58] *Ibidem.*

they currently are were it not for their retention of relations with the ROC. This is the essential argument of the opportunity cost. Particularly regarding Africa, Beijing's policy has been defined by a special focus. Africa not only makes up the major portion of Beijing's overseas development assistance (ODA), but the PRC's policy paper on its African foreign policy (2006) articulated on "Africa's strategic importance and stressed the interest to further such cooperation in the future", hence the continent is also traditionally the first region to be visited by a newly-installed PRC president.[59]

The PRC re-intensified its political ties with Africa at the beginning of the present millennium. Beginning in 2002 and concluding in 2006, some 90 African political parties had their delegations visit the PRC to meet with the CPC, which in turn sent some 78 delegations of its own to the continent within the same period. Most importantly, in addition to these acclimations, the two entities have seen meetings between high-level leaders, congresses and parliaments through FOCAC, formed in 2000. FOCAC has served as "an ambitious platform between the two sides to promote and improve economic growth and development through mutual understanding."[60] Since FOCAC's inception, the PRC's FDI in Africa has sharply increased from US$500-million to US$30-billion. By September 2015, China and African countries had signed loan agreements worth more than US$30 billion.[61]

For its own part, the ROC has cited Africa as an area "to develop further 'bilateral and multilateral relationships' based on 'economic reciprocity, cultural exchange, technological cooperation and humanitarian efforts'" however, "combining its own politics in Taiwan with any successful pursuit of these goals in the face of concerted Chinese

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[59] People's Republic of China (2006) "African Nations Without Diplomatic Ties with China Invited as Observers to Beijing Summit," 2006, <http://www.gov.cn/misc/200610/18/content_417123.htm> accessed on 27 November 2018.
[60] Monyae and Banda, *op. cit.*, p. 11.
[61] *Ibidem.*

engagement in Africa in which the DPP's cross-straits policy engagement has spurred Beijing's efforts to deny political space to Taiwan in Africa have proven difficult."[62] Indeed, in September of 2007, the ROC formed its own 'Africa Summit' in its capital 'that went largely unnoticed,' and the sharp distinction "between Taipei in September 2007 and Beijing in November 2006 symbolized the ascendancy of China and the terminal decline of Taiwan in Africa."[63]

This is further enhanced by intra-African conditions. Being, as they are, seen as risks by the broader global financier community, means that African states are comparatively more investable in only by entities with a perfect congruence of both political will (or motivation) and economic prowess – such an entity is the PRC. First, in terms of political will, the Taiwan question is somewhat central in Beijing; "manoeuvring against Taiwan—and ultimately 'recovering' it — provides one of the key contradictions in China's foreign policy objectives as it is an issue that appears to be able to trump other key policy goals."[64] Second, in terms of ability, there are numerous indicators. Pointedly, for example, the PRC acquired the rights to a number of oil zones in Chad from a Canadian enterprise "and has gone from big player to centre stage in Chad's affairs, confident that it can wring smart profits *from the most inhospitable conditions*"[65]: "The Canadians and the Americans are only interested in really big finds. Anything else they think is not worth their time. The Chinese have a different approach. They are happy with the smaller finds, just lots of them. They seem to have a different time frame, too. The [Chinese] plan to be here for a while", according to a Chadian mining engineer with the CNPC.[66] Against this background, an occasional paper

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[62] Large and Chien, *op. cit.*, pp. 7-8.
[63] *Ibidem;* see also Ian Taylor, "China's Response to the Ebola Virus Disease in West Africa" in *The Round Table*, no. (104)1, 2015, pp. 41-54.
[64] Congressional Research Service, *China's Foreign Policy and "Soft Power" in South America, Asia, and Africa*, Washington, D.C.: Congressional Research Service, 2008, p. 13.
[65] French and Polgreen, *op. cit.*, p. 1, emphasis added.
[66] *Ibidem,* p. 2.

published by the South African International for International Affairs claims that "Chad consistently ranks among the worst performers in international indices. For example, the country scored last on the World Bank's Ease of Doing Business Index"[67], and yet China – owing to the combination of motivation and economic prowess reviewed here – has massively invested in Chad.

Finally, the PRC's method of interaction with the continent is through the state-owned enterprises (SOEs), who are both malleable to the political aims from Beijing and are also increasingly wealthy enough to fulfil these. The ROC, on the other hand, launched privatisation programs in 1989, transforming many state-owned banks into private firms. The ROC's SOEs have thus proved to be "significantly constrained by the newly rising political forces resulting from Taiwan's democratisation".[68] Currently, there are only 17 ROC SOEs where ownership by the state is over 50%, including official agencies such as the Taiwan Central Bank. As a consequence, the PRC has outperformed the ROC in terms of FDI to developing countries, with the former ranking second only to the US, and the ROC ranking 20th in 2013-2014.[69] Taiwanese authorities exert some control over some SOEs that were privatized, including through directorship appointments. But in terms of size, these are far exceeded by the PRC's state-affiliated banks. As further back as the end of 2010, the China Development Bank had given some US$687.8-billion in loans, more than twice as much as the World Bank's US$153-billion, while ROC's biggest bank was *valued* at US$121.7-billion. The strain of economic aid on the ROC has even led a US State Department research testimony memo to urge the case that the US should "seek to counter PRC efforts to isolate Taiwan by making support for Taiwan's greater international participation

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[67] J. Schellhase, *op. cit.*, p. 5.

[68] V. Shih, Q. Zhang, and M. Liu, "Comparing the Performance of Chinese Banks: A Principal Component Approach" in *China Economic Review*, no. 18(1), 2007, pp. 15-34.

[69] Shih and Liu, *op. cit.*, p. 20.

a condition of U.S. assistance and economic interaction with other countries."[70]

Conclusion: Towards a bi-directional opportunity cost framework

This assessed whether there was an opportunity cost for Chad and Malawi, in recognising the ROC as the 'one China' over the PRC in the period between 2001 and their respective year of switching, which in turn could explain the direction of the switches. In the timeframe studied, after two years for Chad and after one year for Malawi, both countries saw exponentially increased export volumes to the PRC subsequent to a switch in relations from the ROC, since recognising the PRC proved simultaneous with entering into politically-enhanced bilateral economic relations with the economically stronger China. This indeed indicates an opportunity cost. At the same time, however, there can also be said to be a bidirectional opportunity cost.

During the diplomatic truce, the PRC and the ROC "opened landmark dialogue and signed 23 agreements linked to tourism, trade and investment"[71], including the monumental Economic Cooperation Framework Agreement.[72] Against the backdrop of the greatest probability of rapprochement, the two sides were under relatively less pressure to economically go out of their way to spend on aid for recognition from these African states. To that end, the Gambia, which by then recognised the ROC, received continually dwindling ODA from the ROC, and when it eliminated its relations as a result, it did not obtain immediate recognition by the PRC.[73] This is indicative of a bi-directional opportunity cost. In other words, while the African states experience an opportunity cost for

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[70] Congressional Research Service, *op. cit.*, p. 14.

[71] Ralph Jennings, "China Relations with The Gambia Raises Concerns in Taiwan", *VOA News*, March 23, 2016 <https://www.voanews.com/east-asia-pacific/china-relations-gambia-raises-concerns-taiwan>.

[72] *Taipei Times*, "Ma Promises More Aid to Burkina Faso", 10 April 2012, <http://www.taipeitimes.com/News/front/print/2012/04/10/2003529952>, 9 November 2019.

[73] *Ibidem*.

recognising the ROC over the PRC, it is also the case that the PRC and ROC, being forced to outspend one another in order to gain recognition from the African states, are also in a state of opportunity cost – these are funds which, at least hypothetically, could be used in other routes (for example as reserves, investment in other areas within the Chinese domestic economy, cross-strait investment, etc.). But because there is a motive to outspend Taiwan, these resources are being constantly used in Africa, a route they otherwise would not (as the diplomatic truce era effectively proved). But the notion of a bidirectional opportunity cost may perhaps also explain the most recent switches by the Gambia, São Tomé and Principe and Burkina Faso after the diplomatic truce was broken: the ROC may have deemed it a more beneficial course of action to focus on its domestic economy, which has been relatively stagnant. This, and numerous other questions, necessitate further research. Answers to this stand to reveal a substantial lot about the nature of Chinese foreign policy towards Africa. Moreover, the present paper has reframed it to be not only a question of the African diplomatic scene being 'up for grabs,' but (through the prism of realism as exercised through opportunity cost analyses) as indicative of African states' diplomatic agency.

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24. TradeMap (2019) 'China's imports from Malawi', [https://www.trademap.org/Bilateral_TS.aspx?nvpm=1%7c156%7c%7c454%7c%7cTOTAL %7c%7c%7c2%7c1%7c1%7c1%7c2%7c1%7c1%7c1%7c1].

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THE FAILURE OF PEACEBUILDING IN SOMALIA:
THE 'MYTH' OF THE NATION-STATE

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Abstract

There is a growing consensus in International Relations that the sovereign nation state, particularly in sub-Saharan Africa, is a 'myth' because of the several nations that can be found within one sovereign entity, made so by the Berlin conference of 1885 that partitioned Africa. Regardless of this consensus, international peacebuilding theory and practice is biased towards maintaining these sovereign arrangements. Through a decolonial lens, peacebuilding in Somalia is explored as an example of how these biases affect peace in a multiethnic, multiclan, and diverse society.

Keywords: Somalia, peacebuilding, liberal peacebuilding, decolonial peace, indigenous

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Introduction

The end of the Cold War brought about a drastic change in international relations and practice, as conflicts changed from interstate to intrastate.[1] The emergence of intrastate conflict became common predominantly in Africa and other parts of the global south. These conflicts also attracted interests and concerns from the international community, as peace interventions in Africa became part of the global agenda.

In the past few decades, critique of these peace interventions has emerged, while at the same time, a broader critique of the very knowledge systems that inform the global system emerged. This latter can be described as the 'decolonial turn'. The decolonial school of thinking argues that knowledge was colonized through epistemecides and appropriation of other ways of knowing which included the assumption that the only valid knowledge comes from Europe and North America. Power was colonized by usurping, and 'theft' of world history and its rearticulating through the prism of hellenocentrism, eurocentrism and westernization,[2] This is the colonial matrix of power that decolonial scholars such as Mignolo (2007), Grofoguel (2011) and Ndlovu-Gatsheni (2013) refer to.

With sovereign states in Sub-Saharan Africa in mind, increasingly more International Relations thinkers, including decolonial thinkers, agree that the idea of the sovereign nation state on the African continent is mythical.[3] This is because the concept of a sovereign nation state does not consider the several nations clustered together by the Berlin Conference of 1885 which led to the colonization of Africa after the imperial scramble for

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[1] Anaud Blin "Armed groups and intra-state conflicts: the dawn of a new era?" in International Review of the Red Cross, 2011, p, 293-294; Muzaffer Yilmaz "Intra-State Conflicts in The Post-Cold War Era" in *International Journal on World Peace*, no. 4(24), 2007, p 11.

[2] Sabelo Ndlovu-Gatsheni, *The Decolonial Mandela: Peace, Justice and the Politics of Life*, New York, Berghahn Books, 2016, p. 38.

[3] Pierre Englebert, *Africa: Unity, Sovereignty, and Sorrow*, Boulder, Lynne Rienner, 2007, pp. 62-63.

Africa.[4] This is an epistemological shortcoming that arguably influences the success of peacebuilding in Sub-Saharan Africa.

In many Sub-Saharan Africa states, peacebuilding is marred with a recurrence of conflicts, largely due to the disregard for this epistemological shortcoming (in this case, our particular interest is the definition of a sovereign nation state) by International Relations scholars, peacebuilders, and the international community in general. Approaches to peacebuilding usually centre on liberal peacebuilding processes that are aimed at holding democratic elections and building liberal democratic states. Decolonial scholars, on the other hand, suggest other approaches such as drawing on values shared by parties in conflict, allowing indigenous practices and knowledge systems to guide interventions, and transforming colonial legacies.[5]

This article considers the case of Somalia to better understand the implications of the epistemological shortcoming that contributed to the outbreak of the Civil War. Particularly, it explores the effects of the epistemic coloniality embedded in the concept of the sovereign nation state and its effects on Africa societies such as Somalia. Somalia is considered an ethnically homogenous society compared to other African countries.

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[4] Robert Jackson, "Negative Sovereignty in Sub-Saharan Africa" in *Review of International Studies*, 12(4), 1986, pp. 247-264; Ali Mazrui and Francis Wiafe-Amoako, *African Institutions: Challenges to Political, Social, and Economic Foundations of Africa's Development*, Lanham: Rowman & Littlefield, 2016; Abou Jeng, *Peacebuilding in the African Union: Law, Philosophy and Practice*, Cambridge, Cambridge University Press 2012, p, 3; Siphamandla Zondi, "African Union Approaches to Peacebuilding: Efforts at Shifting the Continent Towards Decolonial Peace" in *African Journal on Conflict Resolution*, no. 17(1), 2017, pp. 105-131.

[5] Abou Jeng, "Peacebuilding in the African Union", *loc. cit.*, p. 283; Jacqueline Nakaiza, "A Case for African-Promoted Peacebuilding Strategies with Specific Reference to AMISOM, the Juba Peace Process and IGAD's interventions in South Sudan" in *AfSol Journal*, no. 1(1), 2016, pp. 127-142; Guy Banim, "Conflicts in Africa: Peacebuilding, Conflict Prevention and Beyond – A Personal Perspective" in *European External Action Service*, 2017; Severine Autesserre, "Constructing Peace: Collective Understandings of Peace, Peacemaking, Peacekeeping, and Peacebuilding" in *Critique Internationale*, no. 51(2), 2011, pp. 153-167; Africa Union, "Peace and Stability" <https://au.int/en/auc/priorities/peace-and-stability> accessed on 12 June, 2019.

Despite this fact, conflicts between the various clans, marginalization and inequalities that followed independence in the 1960s as well as the merging of two former colonies of British Somalia (present day Somaliland) and Italian Somalia (present-day South-Central Somalia) culminated in the events that led to the outbreak of the Somalia Civil War that lasted for 22 years, between 1990 and 2013.[6] It can be observed that despite these effects, todays peacebuilding by the United Nations (UN), the African Union (AU) and other members of the international community, and peacebuilders in Somalia is focused on re-establishing Somalia as one sovereign entity.

This article proposes that in Somalia, liberal peacebuilding has dominated the peacebuilding process because of the epistemic coloniality of knowledge regarding the definition of the sovereign nation state. The sovereign nation state here refers to the diverse ethnic and cultural groups within the continent who were superimposed on each other into a legal and internationally recognized entity by the Berlin conference that partitioned Africa.[7]

The trend is for conflicts to end with little or no "milestone" changes in agreements, rather, governments are restructured within the same sovereign confinements, and liberal democracies are put in place to replace military dictatorships. This pattern is referred to as the liberal peacebuilding in this article. Somalia represents an example of this, as several clans and sub-clans have been left out of agreements and a federal government was put in place in 2013 to end the country's Civil War. The result is an opposition from clans which have now reconstituted as terrorist organizations, stagnating the peacebuilding progress of the country. It is uncertain whether the Somalia Federal Government (SFG) can retain its

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[6] Paul Camacho and Ibrahim Mohamed Abukar, "Somalia's Security the Reconstruction of the Somali National Army" in *Center for Policy Analysis & Research*, Mogadishu: Center for Policy Analysis and Research, 2017; Afyare Elmi and Abdullahi Barise, "The Somali Conflict: Root Causes, Obstacles, and Peace-Building Strategies" in *African Security Review*, no. 15(1), 2006, p. 33.

[7] P. Englebert, *op. cit.*, p. 245; A. Mazrui and F. Wiafe-Amoako, *op. cit*.

authority if the AU mission, which provides it with security, should withdraw from the country.[8]

Opposition to liberal peace by decolonial thinkers is based on arguments on the need for a decolonial peace that emphasizes unity, finding common ground, drawing on shared values, and transforming the sovereign state from its colonial legacy. But it can be argued that even these propositions perpetrate the liberal peace objectives, as they are all geared towards keeping respective sovereign nation states of Sub-Saharan Africa together[9], as opposed to addressing the "myth" of the sovereign nation state all together. The myth of the sovereign nation state here refers to the belief that sovereign states in Africa are not sovereign nation states, because, even though there are territorial borders and internationally recognized legitimate governments, the absence of a common language, ancestral decent, and common history makes them sovereign states and not sovereign nation states.[10]

Liberalism and the limitations of the notion of the 'state' for peacebuilding

The dominant approach to peacebuilding practice around the world today is that of liberal peacebuilding; perhaps this is partly because liberalism dominates international relations today. According to Meiser "we currently live in an international system structured by the liberal world order built after the Second World War (1939–1945)".[11] This conclusion is reached as a result of the fact that "international institutions,

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[8] Haldun Canci and Yerima Magudu, "Impact of the Global Arms Trade in Somalia (2000-2014): A Descriptive Analysis" in *International Journal on World Peace*, no. 4(32), 2015, pp. 35-62.

[9] G. Banim, *op. cit.*; S. Autesserre, *op. cit.*, pp. 153-167.

[10] Hugh Seton-Watson, *Nations and States: and Enquiry into the Origins of Nations and the Politics of Nationalism*, Boulder: Westview Press, 1977, p. 339.

[11] Jeffrey Meiser, "Introducing Liberalism in International Relations Theory", in Stephen McGlinchey, Walters Rosie and Scheinpflug Christian, eds., *International Relations Theory*, Bristol: E-International Relations Publishers, 2017, p. 23.

organizations and norms (expected behaviors) of this world order are built on the same foundations as domestic liberal institutions and norms (of specific state); the desire to restrain the violent power of states.

But the same liberal peace that has been able to stabilize societies in Europe and North America has not been very successful when applied to the African context. This can be tied to the fact that African, and specifically, Sub-Saharan African states such as Somalia, have different ontologies compared with European states. One common ground on this matter between various thinkers in International Relations is that the concept of a sovereign nation state fails to consider the diversity of cultures that exists within sovereign entities in Sub-Saharan Africa, and this accounts, in part, for the failure of the liberal peace approach to peacebuilding.[12] Peacebuilding in Sub-Saharan African often leads to silencing the guns,[13] but fails to achieve long lasting peace because due attention is not given to structural issues such as ethnicity, marginalization, and exclusivity.

Structural peacebuilding refers to that which is aimed at transforming society and underlying causes of conflict through dismantling, constructing and reconstructing concepts and structures. 'Structure' in this research is used following Martin and Lee (2015:713) and Haslanger's (2015:2) description of the term as "abstract organizations of reciprocally defined social categories that are seen as part of some social whole" and as "theoretical entities, postulated to do work in a social theory". Structures are also used in this study to identify and critique structural injustice nested in the colonial matrix of power that forms a central part of decolonial thinking.[14] It is also used to provide the context for human agency; and more importantly, it is used following Galtung's

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[12] Englebert, *op. cit.*, pp. 62-63; Mazrui, Wiafe-Amoako, *op. cit.*; Jackson, *op. cit.*.
[13] Zondi, *op. cit.*, 2017, p. 109.
[14] Walter Mignolo, "Delinking" in *Cultural Studies*, no. 21(2), 2007, pp. 449-514.

(1969) definition of structural violence as relating to the inegalitarian distribution of power and resources.

Englebart (2007), discusses the consequences of the notion of sovereignty in Sub-Saharan Africa. He discusses why despite the nature of Africa sovereign states, (the diversity and "failure" since the decolonization period), there seem to be a shortage of secession around the continent. To him, sovereignty in African states is given legal command by international recognition, therefore, because Africa state sovereignty is juridical, Africa state power is *de jure*. i.e. the state is defined by its legality rather than its effectiveness.[15] Legal command endures in African states, and this has been the reason for African states existence today despite the many issues encountered with regards to conflicts, economic and social development.[16] Legal command affords these states the capacity to control, dominate, extract, or dictate through the law.

Englebert (2007) suggests three solutions he assumes are utopian. The first is to remove the sovereignty of African states completely by derecognizing problematic sovereign states, but this idea is likely to result in chaos. A case in point is the Israel/Palestine conflict, in which the international community refused to recognize Palestine as a sovereign state leading to age long conflict between Israel and Palestine. A second recommendation suggests liberalizing the supply of sovereignty in Sub-Saharan Africa. This entails the international community giving support to states that perform well as sovereign states. Thirdly, Engelbert (2007:257) suggests diluting sovereignty by providing the various nations within current sovereign arrangements autonomy and reducing the powers of central governments. This is a promising, but problematic approach in terms of operationalization, as peacebuilding in countries like Nigeria, and the Democratic Republic of Congo has failed to properly implement

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[15] Englebert, *op. cit.*, pp. 62-63.

[16] *Ibidem*.

federalism and devolution of power, even though their constitutions suggests it.

Engelbert's suggestions can be faulted for still containing some biases towards sovereign nation states. He focuses on international legitimacy as the supplier of sovereignty, and therefore his suggestions are limited to international recognition and derecognition. This research, on a practical basis, is intended to transcend these constrains of sovereign arrangements, to develop ideas on how African indigenous nations can flourish without relying on sovereign arrangements for peace and development. This will be done by identifying how the meaning attributed to sovereign nation states practically affects the various warring clans in the case analysis of Somalia. This is in a bid to change the direction of peacebuilding initiatives regarding the sovereign bias.

The liberal peacebuilding framework and 'decolonial peace'

The most common and dominant approach to peacebuilding is the liberal peacebuilding framework. It is composed of the several key components including democratization, the rule of law, human rights, free and globalized markets, and neo-liberal development.[17] The critique has included its hypocrisy, double standards, lack of local legitimacy, lack of broad, local participation, insensitivity to local needs, its 'technical' approach, its state-centrism, its elite-focus, and its attempts to fit one framework to many contexts.[18] Included in this is Zondi's introduction of

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[17] Oliver Richmond, "The Problem of Peace: Understanding the 'Liberal Peace'" in *Conflict, Security & Development*, Routledge, 2006, p. 292.

[18] O. Richmond, A. Björkdahl, and S. Kappler, "The Emerging EU Peacebuilding Framework: Confirming or Transcending Liberal Peacebuilding?" in *Cambridge Review of International Affairs*, no. 24(3), 2011, pp. 449-460; D. Roberts, "Saving Liberal Peace from Itself" in *Peace Review: A Journal of Social Justice*, no. 24(1), 2013, pp. 366-373; S. Tadjbakhsh, *Rethinking the Liberal Peace: External Frameworks and Local Alternatives*, Routledge, 2011; Chandra L. Sriram, "Justice as Peace? Liberal Peacebuilding and Strategies of Transitional Justice", in *Global Society*, no. 21(4), 2007, pp. 579-591; I. Taylor, "What Fit for the Liberal Peace in Africa?" in *Global Society*, no. 21(4), 2007, pp. 553-566.

the term 'decolonial peace' which speaks to the failure of peacebuilding to date as it does not explicitly address the effects of colonial legacy on current conflicts.[19]

Richmond identifies three models in liberal peacebuilding that he argues contradict each other.[20] These models include the conservative model, the orthodox model, and the emancipatory model. The conservative model is "associated with top down approaches to peacebuilding and development, tending towards the coercive and often seen as an alien expression of hegemony and domination, sometimes using force, or through conditionality and dependency creation". An example of this is the AU approach to peace in Somalia which focuses on installing a central authority.[21]

The second model is the orthodox model which is concerned with including local needs and cultures in peacebuilding initiatives. This model is still dominated by a focus on transferring methodologies, objectives and norms of western liberal peacebuilders. The third model is emancipatory and is "concerned with a much closer relationship of custodianship and consent with local ownership. It tends to be very critical of the coerciveness conditionality and dependency that the conservative and orthodox models operate through".[22]

Following his above critique of epistemological issues that plague liberal peacebuilding, Richmond clearly describes a liberal peace understanding of peace as a peace that is "stable and consensual, but within a cosmopolitan framework of governance which is both a representation of the individual, the state and the global".[23] This complex position on peace needs to be clearly elucidated before we can begin to

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[19] Zondi, 2017, *op.cit.*

[20] O. Richmond, *op. cit.*, p. 300

[21] Zondi, 2017, *op. cit.*

[22] Richmond, *op. cit.*

[23] *Ibidem*, p. 307.

decide whether it has the potential to become ontologically stable and a positive epistemology.

Richmond's[24] description of peace falls short of a decolonial definition of the concept in that, although it accounts for diversity by recognizing that a cosmopolitan framework of governance is needed, practical operationalization of accepting diversity boils down to democratic elections and majority rule and thereby making it exclusionary to minority groups.[25] This partly leads to the epistemic bias of liberal peace approaches. It also presents an imperative to redefine the concept of peace in the context of current and historical realities of Sub-Saharan African states such as Somalia.

For this reason, Zondi emphasizes the need for a 'decolonial peace', a peace that "deals with the colonial continuities in the nature of the inherited state, with its underlying paradigm of war and violence, its colonizer model of the world and its colonial political economy".[26] He discusses the need for a decolonial peace that transcends colonial legacies and the inherited sovereign nation state, arguing that the AU's records show that interventions have been successful in ending violent conflicts, and restoring the authority of sovereign states, but have been unable to transform societies for lasting peace due to the neglect for transforming colonial legacies.

Zondi's approach can be faulted on the grounds that he suggests that a decolonial peace will entail building national unity, regional cohesion and continental integration.[27] These objectives bare striking resemblance to Richmond's description of peace within the context of liberal peacebuilding as a 'peace that is stable and consensual, but within a cosmopolitan framework of governance which is both a representation of

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[24] *Ibidem*

[25] Tony Leon, "The State of Liberal Democracy in Africa: Resurgence of Retreat" in *Centre for Global Liberty and Prosperity Institute*, no. 12, 2010, p. 8.

[26] Zondi, 2017, *op. cit.* p. 122.

[27] *Ibidem*

the individual, the state and the global'.[28] This approach is still derived from a western Eurocentric assumption of universality and hegemony. Moreover, operationalizing this approach becomes problematic when consideration is given to building national unity within a diverse society. As attempts at this often led to the weaker nations within sovereign arrangements being marginalized due to ethnicity (clan rivalry in the case of Somalia), tribalism, greed, and corruption.

In similar arguments, Autesserre notes that peace interventions typically fail to capture micro-level antagonisms that continues to fuel the insurgencies that destabilized communities during implementation of peace agreements.[29] She suggests emphasis should be placed on identifying bottom up approaches that capitalizes on shared values and can bring about unity between communities. Micro level antagonisms here refer to local agendas at the level of the individual, the family, the clan, the municipality, the community, the district, or the ethnic group that partly drive the continuation of violence during peace agreement implementation. Citing examples of countries in which this has been the reality, Autessere mentions Somalia, where clan tensions are seen as the main source of violence and have contributed to the failure of the numerous peace agreements negotiated since 1991.[30]

However, focusing on micro level antagonisms, or shared values, does not address the challenge of epistemic colonialities either. It simply attempts to ignore them and reinforces the universalizing agender of liberal peacebuilding approaches to merge cultures and societies that are different in a bid to save the inherited colonial sovereign states.

From a decolonial perspective, a more radical rethinking of global 'heterarchical' systems "of sexual, political, epistemic, economic, spiritual, linguistic and racial forms of domination and exploitation where the

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[28] Richmond, *op. cit.*, p. 300.

[29] Severine Autesserre, *The Trouble with the Congo: Local Violence and the Failure of International Peacebuilding*, Cambridge: Cambridge University Press, 2010, p. 8.

[30] *Ibidem*, p. 8.

racial/ethnic hierarchy of the European/non-European divide transversally reconfigures all of the other global power structures" is needed in order to challenge the problematic liberal paradigm.[31]

Decoloniality represents a line of thinking which argues that the history of the world has privileged western/European culture, knowledge and epistemology that is built on 'inferiorizing' these elements from other parts of the world.[32] This means that the world is built on the assumption that all other cultures, knowledge, and ways of generating knowledge are inferior to that of Europeans. This has consequences on ontologies, as it has resulted in the construction of today's realities. This has arguably led to the application of non-compatible epistemologies to the multiple ontological perspectives that exists, by making other knowledge claims inferior and consequently excluding them.

In this context, Zondi argues for a decolonial epistemology for Political Science, International Relations, and Diplomacy, three broad disciplines under which international peacebuilding is located, an epistemology different from the monoculture of Eurocentric scientific knowledge that tends to generalize and declare other epistemologies inferior.[33] This would ultimately result in what he refers to as 'epistemic disobedience'. Zondi suggests a decolonial '*meditation*' different from that of traditional International Relations methods, which are aimed at ending "fixation with conventions that hide more than reveal, that complicate rather than simplify, deceive rather than explain, and that create formulae rather than ways of liberating our ability to understand phenomena deeply and broadly".[34]

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[31] Ramon Grosfoguel, "Decolonizing Post-Colonial Studies and Paradigms of Political-Economy: Transmodernity, Decolonial Thinking, and Global Coloniality" in *Journal of Peripheral Cultural Production of the Luso-Hispanic World*, no. 1(1), 2011.

[32] *Ibidem*, p. 25; S. Ndlovu-Gatsheni, *op. cit.*, p. 38.

[33] Siphamandla Zondi, "Decolonising International Relations and Its Theory: A Critical Conceptual Meditation" in *Politikon*, no. 45(1), 2018, p. 19.

[34] *Ibidem*, p. 19.

The coloniality of knowledge, such as that of the concept of the sovereign nation state, ontologically results in the continued existence of colonial legacies in arrangements where there is domination by an ethnic majority, it is facilitated by the failure to transform colonial legacies that are embedded in transferred colonial administrations.

The sovereign nation state and peacebuilding in Somalia

Since the start of the Somalia Civil War, a plethora of studies suggest the best solution to the conflict, given the anarchic state of the country depends on the creation of a central authority to govern Somalia.[35] Since the breakdown of the Somalia society and the outbreak of the Somalia Civil War in 1991, several transitional governments had been established to guide the restoration of a central authority in Somalia with the help of the international community. There was a total of fourteen attempts at creating a functioning transitional government.[36] These transitional governments came under criticism for not being inclusive enough amongst other things. It was not until 2004, after the establishment of a Transitional Federal Charter, that a functioning and internationally recognized Transitional Federal Government (TFG) was established in neighboring Kenya.[37] The TFG was established to lay the foundations for a transition to a permanent Somalia Federal Government. This was achieved in 2013.

Since the successful transition from a Transitional Federal Government to a Federal Government in 2013 however, the SFG has faced

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[35] William Ligawa, Godfrey Okoth and Frank Matanga, "Nature of AU Mission in Somalia (AMISOM) in Relation to Peace Building Strategies in Somalia" in *Open Access Library Journal*, no. 4(10), 2017, p. 3.

[36] Hanson Stephanie and Kaplan Eben, "Somalia's Transitional Government," <https://www.cfr.org/backgrounder/somalias-transitional-government> accessed on 20 July, 2019.

[37] Abdihakim Ainte, "Somalia; Legitimacy of the Provisional Constitution" in Accord, no. 25, 2014, p. 60; Andrews Atta-Asamoah, "Long Walk to Restoration: Lessons from Somalia's Transition Process" in *Institute for Security Studies*, 2013 <https://www.files.ethz.ch/isn/166833/SitRep2013_9July-Asamoah.pdf> accessed on 2 August, 2019.

critical challenges from different militia including a certain organization known as Al-Shabaab.[38] Al-Shabaab has been classified as a terrorist organization by most European governments, noting that its fundamental objectives are aligned with the global terrorist group Al-Qaida.[39] Al-Shabaab members are composed of descendants from the various clans around Somalia who are disgruntled with political, social and economic injustices and inequalities that existed before and during the Somalia Civil War.[40] Moreover, the Somalia Civil War broke out as a result of these injustices that were exacerbated by Mohammed Siad Barre's authoritarian and military regime which lasted from October 1969 – January 1991.[41]

Peacebuilding in Somalia since 2013 has taken the form of a military operation supported by a political one. The African Union Mission in Somalia (AMISON) is the military operation that has been given the mandate to keep the peace in Somalia. It has been present since 2007 after the defeat of the Islamic Union of Courts (IUC) and the subsequent departure of Ethiopian military forces. The AMISON operation in Somalia is supported by the United Nation Assistant Mission in Somalia (UNSOM) which provides political support for the Somalia Federal Government (SFG) as well. Unilateral acting states such as the United State, and European Union countries also participate indirectly through financial assistance to peacebuilding NGOs in Somalia, and recently through the financial aid to the SFG as well.

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[38] Mohamed Haji Ingiris, "Building Peace from the Margins in Somalia: The Case for Political Settlement with Al-Shabaab" in *Contemporary Security Policy*, no. 39(4), 2018, p. 513.

[39] Matt Bryden, "Somalia Redux? Assessing the New Somalia Federal Government" in *Centre for Strategic and International Studies*, 2013, p. 12 <https://csis-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/publication/130819_Bryden_SomaliaRedux_WEB.pdf> accessed on 12 August, 2019; "Home Office" Country Policy and Information Note Somalia (South and Central): Fear of Al Shabaab <https://www.gov.uk/government/publications/somalia-country-policy-and-information-notes> accessed on 11 August, 2019.

[40] M. H. Ingiris, *op. cit.*, p. 518.

[41] Nina Fitzgerald, *Somalia Issues, History, and Bibliography*, Noah Science Publishers Inc, 2002, pp. 4-6; A. Elmi and A. Barise, *op. cit.*, p. 34.

The first Federal Government of Somalia was meant to carry on the state building project initiated by the international community, which was focused on steering the country towards democratization.[42] This required a constitutional review, the preparation of a constitutional referendum and the holding of general election scheduled for October 2016. Implementation of this transition lacked the political will from the ruling elites who seemed more interested in personal economic and political benefits than they were in establishing "effective, transparent and accountable government institutions or initiating a wider reconciliation process".[43] In this article we argue for the limitations of this kind of critique as it fails to acknowledge the underlying challenge of the very idea of the Somali nation state, blaming leaders when state building fails rather than the state building project itself.

For example, some scholars argue that the fact that there is no unified national vision amongst the political leaders of Somalia makes it very difficult for state building to occur.[44] In his observation, there are observable patterns of political clashes between the different governments that came into power since 2002. The IUC and the TFG leadership disagreed even though there were many IUC members who were nationalists. Turmoil between Abdullahi Yusuf and his second Prime Minister Nuur Hassan Hussein led to the demise of President Yusuf's TFG in 2008.[45] Similarly, during President Sharif Sh. Ahmed's tenure from 2009-2012, the Prime Minister Mohamed Abdullahi (Farmaajo) was forced to

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[42] Bertelsmann Stiftung's Transformation (BTI) Index, Country Report, Somalia, 2018, p. 3 <https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2018/pdf/BTI_2018_Somalia.pdf> accessed on 30 June, 2019.

[43] *Ibidem*, p. 3.

[44] Berouk Mesfin, "The Political Development of Somaliland and its Conflict with Puntland" in *Institute of Security Studies*, 2009, p. 4 <https://www.academia.edu/5723967/Post-Transition_Somalia_Ingredients_for_Peace-building> accessed on 5 August, 2019.

[45] Ahmed Mohamed, "Somali president quits" <https://www.reuters.com/article/us-somalia-president/somali-president-quits-idUSTRE4BS0TG200812292008> accessed on 3 September, 2019.

resign after the Kampala Accord was signed in June 2011, his resignation was met with angry protests across the Somali capital Mogadishu.[46] Moreover, between 2013 and 2017, fights between the executive and legislative continued and by 2015, the SFG admitted that universal elections were not possible, instead, there would be an indirect electoral process. The process would involve 14, 000 delegates selected by clan elders, who would elect 275 members of the Lower House of Parliament, and regional assemblies would nominate the Upper House.

There have been a variety of peace agreements and reconciliation conferences in Somalia aimed at bringing lasting peace. These peace agreements and conferences have failed for not being inclusive enough because politicians have used them as avenues to further personal interests.[47] Since the outbreak of the Civil War, reconciliation conferences have also become a goal in itself because prominent leaders develop out of these conferences and are seen primarily as representative of their clans. Others have used the conferences to create factions simply to generate support and increase the number of participants in peace conferences and thereby prolonging conferences. Some have simply participated as spoilers focused on blocking the ambitions of their rivals.[48]

Between 1994 and 2004, when the Transitional Federal Government of Somalia was formed, there were several agreements and reconciliation conferences which failed to be implemented. In October 2002, a reconciliation conference held in Eldoret, Kenya produced a ceasefire agreement signed by 24 faction leaders. The agreement stipulated the need to create a federal structure, reversing unitary structures established in previous agreements. Three hundred delegates were present during this

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[46] Voice of Africa News, "Somali PM Defies Kampala Accord, Refuses to Step Down" <https://www.voanews.com/africa/somali-pm-defies-kampala-accord-refuses-step-down2011> accessed on 25 August, 2019.

[47] Warsan Cismaan Saalax and Abdulaziz Ali Ibrahim 'Xildhiban', "Somali Peace Agreements Fueling Factionalism" in *Accord Conciliation Resources*, no. 21, 2010, p. 32.

[48] *Ibidem*.

process that eventually led to the agreement which brought on a Transitional Federal Charter and the selection of 275 members of parliament who in turn elected Abdullahi Yusuf as President of the TFG in October 2004.[49]

After the Somalia Transitional Federal Government was created, the international community, through the United Nations, the African Union, and unilateral acting member states provided the needed support in order to ensure that the transition took place and a Federal Government was installed in 2013. Peacebuilding since then has been focused on the establishment of a solid central government through regaining the monopoly on the use of force.[50]

What has been largely ignored in the peacebuilding landscape is the array of local peacebuilding initiatives which have proven successful in some regions of Somalia, including in the Puntland administration, and self-declared independent state Somaliland. Such peacebuilding has been described by some scholars as more successful in building durable peace than the more publicized and financed international peacebuilding activities.[51]

Background to the Somalia Civil War

Somalian society is made up of kinship formations based on a lineage type known as a clan. In the clan system, identities of individuals are defined by genealogies. This means that an individual is identified based on the ancestor she/he can be traced to.[52] The clan can act as a

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[49] W. C. Saalax and A.A. Ibrahim 'Xildhiban', *op. cit.*, p. 33.

[50] Stefan Brüne, "Baffled in Mogadishu? Europe, the USA and the International Community in Somalia" in *Friedrich Ebert Stiftung*, 2015, p. 1.

[51] Pat Johnson and Raghe Abdirahman, "How Somali-Led Peace Processes Work" in *Accord Conciliation Resources*, no. 21, 2010, p. 46; Ibrahim Ali Amber 'Oker', "Community Peace Processes in South Central Somalia", in *Accord Conciliation Resources*, no. 21, 2010, p. 55.

[52] Joakim Gundel, "Clans in Somalia" in *Australian Red Cross*, 2009, pp. 7-8.

corporate political unit and have territorial exclusiveness.[53] A unique feature of the Somali society is that clan members are identified by their common agnatic descent as opposed to identification by territorial locations. There are little religious or ethnic crises in Somalia, but clan clashes have resulted in some of the worse crises in the country.[54] Somalia society has experienced conflicts based on clan and sub-clan rivalry that lead to the marginalization of some clans even before the outbreak of the Somalia Civil War.[55]

The Somalia Civil War broke out as a result of the authoritarian rule of former president Muhamed Siad Barre inter alia. Barre ruled with an iron fist between 1969 and 1991, in a regime based on a monolithic totalitarian structure.[56] "The divide-and-rule tactics of the Barre regime pitted clans against each other and led to a competition for resources in an already resource-scarce environment".[57] Literature and collective memory of Somalis suggest that clans have always clashed over resources such as water, livestock, and grazing long before Somalia became a sovereign state.[58] These conflicts were however resolved using a Somali traditional legal system known as *Haar*, where traditional leaders where responsible for settling disputes. The emergence of the sovereign nation state however brought a different reality when large populations migrated to urban centers and the type of resources changed from livestock and water to other government resources including foreign aid.[59] This gave the political elites the incentive to control the state as a means to controlling the nations

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[53] *Ibidem*, p. 7.

[54] Abdullahi Adan, "Clan Politics in Somalia: Consequence of Culture or Colonial Legacy?" in *Somali Think Tank*, no. 12, 2015, p. 1.

[55] Belachew Gebrewold, *Anatomy of Violence: Understanding the System of Conflict and Violence in Africa*, Surrey, Ashgate Publishing Company, 2009.

[56] Ingiris, *op. cit.*,

[57] P. Camacho and I. M. Abukar, *op. cit.*, p. 7.

[58] Elmi, Barise, *op. cit.*, p. 33.

[59] *Ibidem*.

resources, leading to widespread corruption in the civil service, police, and other government institutions.

General Siad Barre's regime further exacerbated the issue, as he was fixated on controlling and consolidating his power to the benefit of members of his clan.[60] This became clear to all Somalis; opposition groups were outlawed, and no one could criticize the military leaders. As a result, several military officers, predominantly from the Majerteen clan attempted a coup against Barre. These events led to the beginning of the Somalia Civil War as other clans such as the Isaaq, Ogaden, Hawiye and Digil and Mirifle also started opposition groups in order to seize power.

The Somalia Civil War is an armed conflict that lasted 22 years, from 1991 to 2013. At the wake of the Civil War, the Somali Army and all other military forces disbanded, and personnel from these institutions reconstituted as clan militia and regional forces all battling to protect their respective interests.[61] During the same period, north eastern Somalia was not left out of the fighting, the entire country was divided, though Mogadishu was the main battlefield, farmlands were destroyed, and this resulted in starvation of Somalis. Somalia had remained in this state which has been described by Bertelsmann Stiftung's Transformation Index as the most protracted case of statelessness in the world.[62]

Militias which have been categorized as terrorist organizations were also formed along clan lines during the Civil War, amongst them include Al-Shabaab, Hizbul, Raas Kaambooni Anoole/al-Furqaan. A Transitional Federal Government (TFG) was formed in 2004, in neighboring Kenya, and entered Somalia in 2005. The TFG received heavy opposition from the Islamic Union of Courts (IUC). The IUC first appeared in north Mogadishu in 1994. Founded by Islamic clerics of the Abgal sub-clan of Hawiye, a clan

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[60] *Ibidem*, p. 35.

[61] N. Fitzgerald, *op. cit.*, pp. 4-6; B. Gebrewold, *op. cit.*

[62] "BTI", Country Report, p. 3.

described as the largest and currently most powerful clan in Somalia.[63] It was created to bring order to Somalia as a result of the absence of a central authority and the consequent anarchy that resulted from the outbreak of the Somalia Civil War.

The IUC consisted of several courts governed by Sharia laws. The violence that followed the arrival of the TFG to Mogadishu "dramatically underlines the benefits of the brief period of 'Islamist' authority in southern Somalia which already seems like a 'Golden Age'[64] within the period between 1994 and 2006 when it was defeated by the TFG. Regional actors attempted to unite the TFG and its opposition the IUC but talks led to a deadlock. With the assistance of Ethiopia, which believed that the IUC clamored for Jihad (Holy War), and the international community, the TFG defeated the IUC. The IUC's defeat in 2007 eventually led to the creation of Al-Shabaab. Al-Shabaab remains the strongest opposition to the SFG today.

Al-Shabaab

The stabilization of Somalia, including the defeat of Al-Shabaab is primarily a political problem.[65] This is because Al-Shabaab's strength lies in its ability to exploit its enemies' weaknesses. Between 2007 and 2009, Al-Shabaab exploited widespread outrage, and nationalist rejection of Ethiopia's occupation of southern Somalia. This boosted its membership and support from the Somali diaspora. Ethiopia and the former Democratic Republic of Somalia had been in conflict over the disputed Ethiopian region of Ogaden during the Cold War period in the Ogaden War offensive that occurred between July 1977 and March 1978.[66] The Ogaden region in Ethiopia is composed of a sizable Islamic and Somali ethnic group. Ethiopia

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[63] Cedric Barnes and Hassan Harun, "The Rise and Fall of Mogadishu's Islamic Courts" in *Journal of Eastern African Studies*, no. 1(2), 2007, pp. 151-160.
[64] *Ibidem*
[65] M. Bryden, *op. cit.*, p. 12.
[66] Gebru Tareke, "The Ethiopia-Somali War of 1977 Revisited" in *International Journal of African Historical Studies*, no. 33(3), 2000, p. 635.

feared an Islamic authority in Somalia could radicalize its sizeable Muslim population.[67] This warranted Ethiopia's involvement in the Somalia Civil War, and its resultant invasion of southern Somalia in support of the TFG which was able to defeat the IUC in 2006. After Ethiopia withdrew in 2009, Al-Shabaab lost its appeal, but was able to continue raising funds from its control of the southern economy. The organization raised hundreds of millions of dollars between 2009 and 2012.[68]

It can be observed that the United States, Ethiopia, and other unilaterally acting European and neighboring state's fear of Somalia becoming a Jihadist state and breeding ground for terrorists, as well as the consequent creation of Al-Shabaab from the defeated IUC was informed by negative perceptions formed about Islam. Ethiopia's invasion was too early because even though the IUC had managed to bring more peace within its six months of ruling southern Somalia, its introduction of harsh Islamic laws was bound to reduce its popularity in the eyes of many Somalis.[69] This is because the very nature of Somalia's society makes it improbably that the country would become united as a Jihadist nation.[70]

There are varying views concerning Al-Shabaab however, and while typical views from outside describe the organization as strictly a terrorist organization, a variety of sources provide a more complex dimension to the group.

The narrow view of Al-Shabaab is rooted in the fear of Islam which arguably developed as part of the colonial matrix of power described by Grosfoguel,[71] which created a spiritual hierarchy that privileges Christians over non-Christians and is operationalized, according to Cardinal, through

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[67] C. Barnes and H. Hassan, *op. cit.*, p. 155.

[68] Bryden, *op. cit.*, p. 12.

[69] Said Samatar "The Islamic Courts and Ethiopia's Intervention in Somali: Redemption or Adventurism?" Chatham House, 2007 <https://www.chathamhouse.org/sites/default/files/public/Research/Africa/250407samatar.pdf> accessed on 25 August, 2019

[70] *Ibidem.*

[71] R. Grosfoguel, *op. cit.*

a "*power to narrate*" that exists in the structure of the international sphere which gives hegemonic superiority to the European, modern, and liberal. As a result, the 'Other' as well as the 'Other's' fate is defined through these epistemic and historical narratives[72]

Even though terror attacks by Somali Jihadists have been relatively few, the Jihad community from Somalia is reported as a high-profile Jihad, as a result, the broad perception remains that Somalia is a Jihad country. This stereotype is backed up by the fact that Somalia has one of the largest Jihad organization in Africa (Al-Shabaab). The result of the prevalence of this perspective is a disregard for the main purpose for the formation, and predominance of the organization by majority of European scholars, states, and peacebuilders engaged in Somalia. This view also informs peace operations and why the focus has been on eliminating Al-Shabaab and creating a central government with the monopoly on the use of force, thereby neglecting a political solution outside the notion of a sovereign nation.[73]

Other views about Al-Shabaab see the organization differently.[74] Like the Taliban, Al-Shabaab was focused on bringing order to a war-torn and anarchic society through Islamic laws.[75] The feeling in war-torn southern Somalia is that "insecurity under Al-Shabaab is far better than security under the SFG because of the organization's ability to create

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[72] Pierre-Alexandre Cardinal, "Islam Between Modernity and Coloniality; An International Legal History of Iran from the Late Qajar Period to Pahlavism" in Faculty of Law, McGill University, Montreal, 2016, p. 6 <http://digitool.library.mcgill.ca/R/-?func=dbin-jump-full&current_base=GEN01&object_id=145363> accessed on 29 July, 2019; Grosfoguel, *op. cit.*, p. 11.

[73] W. Ligawa, G. Okoth and F. Matanga, *op. cit.*; S. Brüne, *op. cit.*, p. 1; Sarah Graveline, "AMISOM and Peace Support Operations: Lessons Learned", Institute for Defense Analyses, 2016 <https://www.ida.org/idamedia/Corporate/.../africawatch-November-9-2016-vol13.pdf> accessed on 21 June, 2019.

[74] Ingiris, *op. cit.*; Solomon Hussein, "Somalia's Al Shabaab: Clans vs Islamist nationalis" in *South African Journal of International Affairs*, no. 21(3), 2014, pp. 351-366; Andrew Harding, *The Mayor of Mogadishu: A story of Chaos and Redemption in the Ruins of Somalia*, London: Hurst, 2016.

[75] *Ibidem*, p. 167.

security, even in the areas controlled by the SFG".[76] Al-Shabaab uses the idea of Islamic nationalism to unite Somali clans by referring to the SFG as *daba dhilif* (meaning a government set up for a foreign purpose).[77] This perspective has gained some degree of traction among Somalis as Ingiris argues; the government authorities struggle on daily basis and are unable to shield themselves and civilians under their territories from Al-Shabaab's suicidal and ambush attacks.[78] The Somali President, like his predecessors, cannot freely leave the villa without heavy protection from foreign security forces. This has been argued to demonstrate to the Somali local population that the government derives its authority from external powers and not from the Somali public.[79]

Successful Local Peacebuilding

Since 1991, and in the absence of a central government, many successful reconciliation agreements have taken place at local and regional levels within Somalia.[80] These agreements have proven more sustainable than the better resourced and publicized national reconciliation conferences sponsored by the international community. From micro-level traditional peacebuilding and reconciliation between clans, and within small interclan communities in south-central Somalia, to remarkable peacebuilding in the Puntland administration and the seceded Somaliland region, traditional mechanisms have proven effective and credible in the eyes of many Somalis.

Although Southern Somalia has remained relatively unstable compared to northern parts like Puntland and Somaliland, there has been some considerable successes with regards to local peace processes which

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[76] Ingiris, *op. cit.*, p. 513.

[77] S. Hussein, *op. cit.*, p. 352.

[78] Ingiris, *op. cit.*, p. 525.

[79] *Ibidem*; Brüne, *op. cit.*, p. 1.

[80] Pat Johnson, and Raghe Abdirahman, "How Somali-Led Peace Processes Work" in *Accord Conciliation Resources*, no. 21, 2010, p. 46.

have proven effective in managing security in some parts of south-central Somalia.[81] However, hard-won local peace accords reached through traditional conflict resolution mechanisms in this region were always vulnerable to being undermined by armed factions, business leaders and other powerful local actors.

For example, earlier in the Somali Civil War, a 1993 Bardhere peace conference was initiated by elders of the Digil-Mirifle clan in Bay and Bakool regions, and the elders of the Marehan clan, in a bid to end fighting over pasture and water resources. These communities have continued to co-exist harmoniously and the Bardhere agreement has been referred to whenever conflicting matters arise between the communities.[82] Another example of successful micro level peacebuilding is that brought about by the conflict of territory in the 1990s over the village of Kulan Jareer, near Baidoa, and its surrounding grazing land. The land was traditionally shared by the Jiron and Hadame sub-clans of the Digil-Mirifle clan.[83] The clash between both groups ended in 1994, after traditional and religious leaders came together to support a reconciliation process to restore harmony. Between February 2006 to February 2007, a peace agreement between Sa'ad and Saleman sub-clans ended the protracted violent conflict between the two groups in Galgudud and South Mudug.[84]

Peacebuilding in the Puntland Administration

Puntland State was formed in 1998 and claims a wider territory than the historical "Northeast Regions".[85] It incorporates parts of Sool, Sanaag and Togdheer to the west, but its claims to these western territories are

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[81] I. A. Amber 'Oker', *op. cit.*, p. 51.

[82] *Ibidem*, p. 53.

[83] *Ibidem*, p. 54.

[84] *Ibidem*.

[85] Interpeace and the Puntland Development Research Center, "The Puntland Experience: A Bottom-up Approach to Peace and State Building, Peace Initiatives in Puntland 1991-2007", 2008, p. 22 <http://www.interpeace.org/images/pdf/the_search_for_peace_pdrc.pdf> accessed on 25 August, 2019.

contested by Somaliland. The Harti clans also inhabit areas of southern Somalia, notably in the Lower Juba region and Kismayo, the regional capital, where they migrated in the 19th century, as well as the adjacent area of Wardheer in eastern Ethiopia. According to the Puntland's Five-Year Development Plan, "Puntland's vision is a strong and secure Puntland State within the Somali Federal System, preserving its Islamic and cultural heritage, developing human resources, preserving the environment, and exploiting natural resources equitably and sustainably".[86]

A number of factors aided stabilization in the northeast region of Somalia known as Puntland, these factors include; the reversal of the brain drain to the south over the previous two decades since the start of the Civil War.[87] Many people who had fled to the northeast brought professional experiences with them, they were known as "Dowlad Ku Noo" meaning government dependents, because they were formally technocrats and military personal of the former Somali administration. Their experiences in governance helped in the evolution of local government structures in Puntland. Secondly, despite the conflicting factions, clan politics, and the booming unregulated economy, Puntland remained relatively calm.

Somaliland and Indigenous Peacebuilding

In all this, northern Somalia has developed differently after declaring its independence in 1991. This region has developed a modest capacity to govern and strive to reach democratization, but it has not been given international recognition.[88] Somaliland was the former British colonized part of Somalia which merged voluntarily with Italian colonized Somalia to form the Democratic Republic of Somalia in a union that led to

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[86] Ministry of Planning & International Cooperation, "Puntland Five-Year Development Plan. Puntland State of Somalia" <http://www.scribd.com/doc/3095184/PuntlandFiveYear-Development-Plan-20072011> accessed on 25 August, 2019.

[87] *Ibidem*, p. 23.

[88] B. Mesfin, *op. cit.*

Somaliland being excluded from governance.[89] According to Mesfin one reason for the breakdown of Somalia's society is that the civilian democracy of greater Somalia was poorly adapted to the clan-based nature of Somali politics and as a result, southern Somalia still remains comparatively unstable, and this provided the incentive for Somaliland to seek its independence.[90] In 1991, Somaliland emerged as an autonomous entity after unilaterally declaring its independence from the rest of Somalia. Over the years since its independence, Somaliland has managed to display a measure of peace and stability achieved through successive clan conferences that have been able to established relatively viable institutions which paved the path for reconstruction of an entity mainly employing local resources.[91] In all this local peacebuilding success, there has been little help from the international community in terms of financial assistance. "With the exception of some very limited logistical support for the Borama conference, the UN and other agencies did not provide support for (in fact opposed) many successful local level initiatives.".[92]

Some of the notable locally developed institutions that were significant for Somaliland's relatively peaceful transition include the participation of clan elders in politics through the council of elders called the *Guurti*, the Guurti participated in a political system established in 1993 known as the *Beel*, meaning clan or community. This was regarded as a fusion of traditional and western governance structures into a hybrid structure. Somaliland clan elders where chosen by "virtue of their personal attributes such as age, expertise in the political arts of compromise and

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[89] Ismail Ahmed, "The Heritage of War and State Collapse in Somalia and Somaliland: Local-level Effects, External Interventions and Reconstruction" in *Third World Quarterly*, no. 2(1), 1999, p. 116.
[90] Mesfin, *op. cit.*, p. 4.
[91] *Ibidem*, p. 1.
[92] I. Ahmed, *op. cit.*, p. 124.

persuasion, powers of oratory, skill as a poet, religious knowledge, piety, wealth, generosity, courage and reputations for fairness".[93]

There was also the entrenchment of the use of *Xeer*, a traditional and unwritten law of social conduct among the clans of Somaliland in accordance with their traditions and Islamic principles as the basis for law and order.

Despite this relatively successful indigenous peacebuilding, the international community has failed to recognize Somaliland as a sovereign state. The Africa Union fears recognizing Somaliland because recognition might result in the opening of a pandora's box of secessionist movements across the continent.[94] The "established premise for the international recognition of secessionist states is that they must first be recognized by regional bodies", and the African Union is the regional body that Somaliland considers.[95]   The Africa Union's fear of a backlash of secessionist across the continent can be linked to what Zondi[96] described as a lack of imagination, courage, and revolutionary consciousness by Africa political elites to transcend the concept of the sovereign nation state.

Conclusion

Peacebuilding in Somalia today is focused on restoring a central authority to a federal sovereign state of Somalia through creating a monopoly of the use of force.[97] For this to be successful, the SFG would need to first gain the trust of the various clans in Somalia and build a Somalia National Army and other law enforcement agencies that would be loyal to it. It also requires a strong national identity that supersedes that of

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[93] *Ibidem*, p. 123.

[94] David Shin, "Somaliland: The Little Country that Could" in *Centre for Strategic and International Studies*, no. 9, 2002, p. 6;   Fadal Filsan, "Challenges to Somaliland Independence" in *Social Research and Development Institute*, 2013, p. 43.

[95] *Ibidem*.

[96] Zondi, 2017, *op. cit.*, p. 109.

[97] "BTI Index" Country Report, Somalia.

the clan identity that defines Somali politics.[98] The SFG however faces difficult challenges in this regard, as the legitimacy of the government is in doubt by Somali citizens.[99] This is apparent in the fact that AMISON is the major security force standing in the way of militia forces from taking over Mogadishu.[100] The unrepresentative nature of peace agreements is one probable reason for this,[101] as it has led to the establishment of the Somalia Federal Government, which many Somalis, including the Islamic militia group Al-Shabaab believe is a government installed by foreigners with a foreign agenda.

The above can be epistemologically linked to a bias of peacebuilders towards maintaining sovereign arrangements. It can be observed that the epistemic bias towards maintaining sovereign arrangements by peacebuilders manifests practically in several ways; firstly, through stereotypes held about Somalia, fixation on establishing a central authority, the dominance of the 'victors' peace', the Africa Unions lack of imagination to identify solutions outside sovereign arrangements and Somalia nationalist approach for a united Somalia which is based on the concept of Westphalia sovereignty.

It is the position in this research that epistemologically, coloniality of knowledge and knowledge production led to the definition of "sovereignty" and subsequently that of the "sovereign nation state" following Europe's 30 years' war and the subsequent imperial conquest of the world and theft of world history.[102] The historical implications of these are manifold, as it led to formations of heterarchical structures described as the colonial matrix of power. In Sub-Saharan Africa, and specifically Somalia, several manifestations of epistemic colonialities on peacebuilding

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[98] Camacho, Abukar, *op. cit.* p. 7.

[99] Ingiris, *op. cit.*, p. 513; Hussein, *op. cit.*, p. 352.

[100] S. Graveline, *op. cit.*

[101] Saalax, Ibrahim 'Xildhiban', *op. cit.*, p. 32.

[102] Ndlovu-Gatsheni, *op. cit.*, p. 38.

can be observed. In this section this will be explained further in relations to the colonial matrix of power.

Colonialization did not start or end with colonial administration, it brought several heterarchical structures with it. He described them as *heterachies* because they "move us beyond closed hierarchies into a language of complexity, open systems, entanglement of multiple and heterogeneous hierarchies, structural levels, and structuring logics".[103]

Grosfoguel (2011) described fifteen different hierarchies, but for the sake of this study, those relevant and affecting peacebuilding in Somalia include, inter alia; epistemic hierarchies that privilege western knowledge over nonwestern knowledge, a global media hierarchy that privileges western media over others, and spiritual hierarchy that privileges Christians over non-Christians.[104]

Because of the colonial matrix of power, which privileges everything European, there is a neglect for indigenous methods and ideas to conflict resolution in Somalia. Neglecting indigenous methods and ideas for peacebuilding leaves a void, therefore giving room for a focus on modeling the liberal democratic system and replicating the central authority that exist in liberal democratic states. This is regardless of the ontological realities that are present in Sub-Saharan Africa, and specific to this research, Somalia. The kind of liberal democracy that is intended to be created is likely to lead to several side effects, as a result of its exclusionary methodology of objectivity and majority rule.[105]

Although liberal democracy is meant to be racially and ethnically inclusive, it works best in political units that are homogenous.[106] Liberal democracies in Africa are problematic because loyalties to ethnic groups (clans in Somalia's case), "have inhibited democratic consolidation and

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[103] Grosfoguel, *op. cit.*, p. 11.

[104] *Ibidem*, p. 10.

[105] T. Leon, *op. cit*.

[106] Jerry Muller, "The Enduring Power of Ethnic Nationalism" in *Foreign Affairs*, no. 87(501), 2008, p. 18.

political accommodation of minorities, as a result, politics of identity ends up trumping politics of interests"; interests becomes collective interests of one ethnic group against the other.[107] This makes it easy for political parties who enjoy overwhelming majority to change constitutional edifices that are meant to counter overconcentration of power and marginalization. The breakdown of Somalia in the first place came about because the Somalia clan-based politics could not adapt to democratization.[108] Long after the break down of Somalia's society in 1991, politics remains marred by a lack of unified national vision between Somali politicians and leaders observable in the clashes between the different governments that came into power since 2002.[109] There is also a large population of Somalis that are disgruntled, and more confident in Al-Shabaab and militia groups than they are in the SFG.[110]

In addition to challenges that accompanies liberal democracies, the heterarchical structure created by the colonial matrix of power leads to several implications for international aid and support. It results in artificially created central authorities that become attractive for individual material benefits and not for the good of society. The emergence of the sovereign nation state of Somalia brought a different reality when large populations migrated to urban centers as resources changed from livestock and water, to natural resources and foreign aid.[111] Foreign aid and concentration of political powers in the center gives political elites the incentive to control the state and this leads to corruption and mismanagement of funds.[112]

On the other hand, without international intervention, aid or assistance, Somaliland, different from South Central Somalia has been able

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[107] Leon, *op. cit.*, p. 9.
[108] Mesfin *op. cit.*, p. 4.
[109] *Ibidem*.
[110] Ingiris, *op. cit.*
[111]Elmi, Barise, *op. cit.*, p. 34.
[112]*Ibidem*; Tony, *op. cit.*, p. 11

to chart a path towards long term peace.[113] Even though it has not been given recognition by the international community, through indigenous administrative formations and contributions of local businessmen who have arguably minimum other interests besides developing their state, Somaliland has been described as relatively stable compared with South Central Somalia and other parts of Somalia as a whole. Puntland has also been able to develop local administrative structures that have proven effective. Somaliland and Puntland's successful peacebuilding leaves an imperative for further probing and research into the impact of international aid and interventions in conflicts because these two entities have achieved peacebuilding success with minimum international support, whereas, most of southern Somalia with all the international intervention and support has remained in a volatile state.[114]

Decolonial scholars suggest a decolonial peace that takes into account the colonial legacy and challenges the fixation on maintaining sovereign arrangements created by a history of colonialism and coloniality.[115] These scholars suggest a transformation of colonial legacies but fail to go further than suggesting this transformed colonial legacy.

This research argues that what is required in terms of transforming colonial legacies is a construction of a term different from the 'sovereign nation state' that can best describe what Sub-Saharan Africa's current realities are. Bearing in mind the diversity of Sub-Saharan Africa, and that sovereignty is given legality by the international community, a term that best describes current realities is a starting point to developing a decolonial system that transcends colonial legacies. Decolonization of knowledge would require us to take seriously the epistemic perspective/cosmologies/insights of critical thinkers from the Global South

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[113]Mesfin, *op. cit.*, p. 1; "BTI Index" Country Report, Somalia, p. 4.

[114] *Ibidem*; Bryden, *op. cit.*

[115] Zondi, 2017, *op. cit.*

from and with subalternized racial/ethnic/sexual spaces and bodies.[116] An approach like this has the potential to diversify peacebuilding approaches of international interveners from the status quo of establishing central authorities that are not representative irrespective of them being 'democratic'. Therefore, this research suggests a bottom up epistemic construction of a term to describe African societies as a starting point to decolonial peace in Somalia and Sub-Saharan Africa at large.

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[116] Grosfoguel, *op. cit.*, p. 29.

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GOVERNING AFRICA'S BLUE ECONOMY: THE PROTECTION AND UTILISATION OF THE CONTINENT'S BLUE SPACES

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Abstract

In Agenda 2063 the African Union (AU) prioritised the utilisation of the resources in oceans as the new frontier of its blue economy. Africa's "inland waterways" were added to the scope of the blue economy in the 2050 AIM Strategy. Most of Africa's marine ecosystems and large water spaces are shared by different countries which requires the transcendence of national interests, the harmonisation of national and regional policies and multi stakeholder participation in strong institutions guided by a legal framework. The protection, securitisation and sustainable utilisation of blue spaces are key pillars for the governance of the blue economy. The first part focuses on the contribution of Africa's blue spaces to the development of the continent, the growing challenges to these spaces in the twenty-first century and UNCLOS' legal zoning of oceans to manage their protection and utilisation. The second part focuses on the governance of Africa's blue economy and the security challenges to Africa's oceans. The last part focuses on the Benguela Current Large Marine Ecosystem (BCLME) and finds the Benguela Current Commission (BCC) to be legitimate, accountable and its

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policies adaptive and guided by human needs, ecosystem sustainability, and long-term economic growth.

Keywords: Africa's blue economy; transboundary water governance; Africa's maritime security; The Benguela Current Large Marine Ecosystem (BCLME)

Introduction

The Atlantic, Indian and Southern Oceans and the Mediterranean and Red Seas border Africa, while 38 of Africa's 54 states, some of which are island states, have direct access to these blue spaces. Africa's oceans and seas enable 90 per cent of the continent's trade with the rest of the world[1]. Africa's rivers cross over 64 per cent of the continent's land area and provide food and fresh water for approximately 77 per cent of the population[2] while the continent's lakes host an abundance of food resources, oil and minerals highly valued in the twenty-first century, such as gold, tin, tantalum and tungsten.[3] Yet, Africa's oceans and inland water spaces are challenged and under stress. The World Bank[4] indicates that "only 58 per cent of Africans have access to safe drinking water, less than 5 per cent of cultivated land is irrigated, and only 10 per cent of hydroelectricity potential is utilized". In 1996 the Food and Agriculture Organization (FAO) found that even though Africa's population doubled between 1961 and 1996, fish only contributed one-fifth of the protein

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[1]   UNECA,   Africa's   Blue   Economy.   A   Policy   Handbook,   2016 <https://www.uneca.org/sites/default/files/PublicationFiles/blue-eco-policy handbook_eng_1nov.pdf> accessed on 22 August 2019.

[2] WWF, Congo Basin, 2019 <https://www.worldwildlife.org/places/congo-basin> accessed on 13 September 2019.

[3] Joanne Lebert, Conflict-Prone Minerals in the Great Lakes Region of Africa, 2016 <https://www.africaportal.org/publications/conflict-prone-minerals-in-the-great-lakes-region-of-africa-2> accessed on 13 July 2019.

[4] The World Bank, Cooperation in International Waters in Africa (CIWA), 2019 http://pubdocs.worldbank.org/en/737321470169352774/pdf/CIWA04pager0low_1.pdf> accessed on 4 October 2019.

consumed by Africans.[5] These facts raise questions about the security of the ecosystems and resources of Africa's blue spaces and the access of ordinary Africans to them. Africa's current population of 1.3 billion is expected to double by 2050[6] which explains the focus on the economic security of the blue economy and the ability of Africans to protect and sustainably utilise the resources in their blue spaces.

The blue economy concept originated during the 1992 Earth Summit in Rio and became an item on the international agenda during the 2012 Rio+20 Summit in Brazil. The concept tends to be rather fluid and ambiguous, and there is no clarity on the scope of the blue economy which also involves the harnessing of international waters, the global commons.

The blue economy depends on the sustainable harnessing of the resources in blue spaces to enable economic growth and the fulfilment of human needs for food security and social equity.[7] The World Bank therefore explain the aim of the blue economy strategy as "to promote economic growth, social inclusion, and the preservation or improvement of livelihoods while at the same time ensuring the sustainability of the oceans and coastal areas".[8] Michelle Voyer *et al* found a growing trend towards the commodification and valuation of nature, the designation and delimitation of spatial boundaries in the oceans and increasing securitization of the world's oceans.

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[5] FAO, The State of World Fisheries and Aquaculture Contributing to Food Security and Nutrition for All, 2016 <http://www.fao.org/3/a-i5555e.pdf> accessed on 3 September 2019.

[6] UNDESA, Growing at a Slower Pace, World Population is Expected to Reach 9.7 Billion in 2050   and   Could   Peak   at   Nearly   11   Billion   Around   2100,   2019 <https://www.un.org/development/desa/en/news/population/world-population-prospects-2019.html> accessed on 22 September 2019.

[7] The World Bank, The Potential of the Blue Economy. Increasing Long-term Benefits of the Sustainable Use of Marine Resources for Small Island Developing States and Coastal Least Developed Countries, 2017, <www.worldbank.org> accessed on 12 July 2019.

[8] Michelle Voyer *et al*., "Shades of Blue: What Do Competing Interpretations of the Blue Economy Mean for Oceans Governance?" in *Journal OF Environmental Policy & Planning*, no. 5, 2018, pp. 595-616.

The first part of this article provides a broad overview of the unique contribution of Africa's large water spaces to the development of the African continent and its people. The second part explains the zonation of the world's oceans by the United Nations Convention on the Law of the Sea (UNCLOS) as a precondition for their protection and utilisation. The third part highlights continental and regional efforts to govern Africa's blue economy. The last part focus on the transboundary management of one of Africa's large marine ecosystems (LMEs), the resource-rich Benguela Current Large Marine Ecosystem (BLME) in Southern Africa, which is managed by the Benguela Current Commission (BCC), "the world's first fully institutionalised and operationalized intergovernmental, multi-sectoral LME commission."[9]

The contribution of Africa's blue spaces to the development of the continent and its people

For millennia the lives of ordinary Africans, citizens in small villages, cities, states and large empires, have been constructed around their spiritual and physical experiences of the oceans, rivers, and lakes around them. These water spaces fulfil multiple economic purposes, ranging from providing fresh water, food, raw materials, employment and entertainment to hosting precious minerals, such as gold Markus Balkenhol and Michiel Swinkels[10] also highlight oceans' less practical role, "…the sea's amorphous boundlessness speaks to cultural imaginations of freedom, adventure and rites of passage". Africa's surrounding oceans have since antiquity enabled the inhabitants to explore other continents and their inhabitants. Archaeological findings confirm the existence of

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[9] Taylor Henshaw, What Works in Water and Ocean Governance. Impact Stories from the UNDP Water and Ocean Governance Programme, 2018 <https://www.undp.org/content/dam/undp/library/Environment%20and%20Energy/Water%20and%20Ocean%20Governance/What_Works_in_Water_and_Ocean_Governance.pdf> accessed on 14 August 2019.

[10] Markus Balkenhol, Michiel Swinkels, "The Sea as an Eminently Human Affair" in *Etnofoor*, no. 1, 2015, pp. 7-11.

ancient transcontinental trade networks between Africa, and the civilisations at the border of the Mediterranean Sea, Atlantic and Indian Oceans. These trade routes brought wealth, but also slavery as they opened Africa for other's to trade with, conquer, enslave, and exploit.

A variety of products, such as crops, salt, sugar, amber, glass beads, animal skin, gold, ivory, and slaves were traded along these routes[11] thousands of years before Ibn Batutta left his Moroccan home early in the fourteenth century on his *rilha* (voyage) to the Middle East, Asia, Africa, and India[12] and even before Marco Polo, a Venetian merchant, journeyed across East Asia in the thirteenth century.[13] These trade networks introduced new crops into Africa thereby enriching the diets of inhabitants and transforming their agricultural activities. For example, barley, wheat, bananas, and spices came from Asia, and maize and cassava from the Americas.[14]

Africa's rivers played equally important roles in the lives of Africans. More than 5000 years ago the River Nile's gift to the inhabitants of the region, rich alluvial soil annually deposited during flooding, led to the rise of the powerful Egyptian Empire. Their cleverly designed irrigation systems ensured the utilisation of the Nile's water for the production of wheat, chickpeas, garlic, and papyrus.[15] The Egyptian Empire disintegrated after the invasion of Alexander the Great, leader of the Macedonian Empire

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[11]   Claire Cock-Starkey, 8 Trade Routes That Shaped World History, 2016. <http://mentalfloss.com/article/86338/8-trade-routes-shaped-world-history> accessed on 1 August 2019.

[12] Kris Hirst, "The Life and Travels of Ibn Battuta, World Explorer and Writer" in *The New York Times*, 28 sept. 2018 <https://www.thoughtco.com/ibn-battuta-biography-travels-4172920> accessed on 20 july 2019.

[13] Adrianne Daggert, "The Indian Ocean: A Maritime Trade Network History Nearly Forgot" in *Discover Magazine*, 2016 <http://discovermagazine.com/2016/nov/trading-places> accessed on 13 August 2019.

[14] John Parker, Richard Rathbone, *African History. A Very Short Introduction*, New York: Oxford University Press, 2007, p. 14.

[15] Joshua Mark, Carthage, *Ancient History Encyclopedia*, 2018 <https://www.ancient.eu/carthage> accessed on 11 August 2019.

in 332 B.C. but for long thereafter Egypt fulfilled its role as the breadbasket of the Roman Empire.[16] In the twenty-first century national interests motivate Egypt's claims to the Nile at the expense of the claims of other states, such as Ethiopia. The Nile Basin initiative (NBI) of 1999 failed to give the 10 riparian countries a fair share of the river. The Nile River Cooperative Framework was only signed by six riparian countries, Egypt and Sudan excluded. The conflicting demands of riparian states to the Nile only intensified when Ethiopia began to build the Grand Ethiopian Renaissance Dam (GERD) in 2011.[17]

In West Africa the elaborate network of lakes, streams, and marshes of the Niger River have for centuries fulfilled the food and trade needs of the powerful empires of Ghana, Mali, Songhai, and Kamen–Borno and the kingdoms of Yoruba and Benin[18]. Products, such as gold, silk, velvet, iron, ivory, slaves and animal skin filled the boats that crossed the Niger long before the Trans-Atlantic slave trade.[19] The arrival of the Portuguese in the middle of the fifteenth century brought Christianity, the Trans-Atlantic slave trade and the development of coastal ports, such as Axim in Ghana, Luanda in Angola and Lagos in Nigeria.[20] In the twenty-first century one third of West Africa's population live in the coastal areas which generate approximately 56 per cent of the region's GDP.[21] The Niger basin is shared

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[16] Oishimaya Sen Nag, Hellenistic Ancient Egypt (Argean and Ptolemaic Kingdoms), *World Atlas*, 2017 <https://www.worldatlas.com/articles/hellenistic-ancient-egypt-argean-and-ptolemaic-kingdoms.html> accessed on 10 August 2019.

[17] Salem Solomon, Mohamed Elshinnawi, Ethiopia Condemns Egyptian Proposal for Nile Water Usage, 2019 <https://www.voanews.com/africa/ethiopia-condemns-egyptian-proposal-nile-water-usage> accessed on 4 November 2019.

[18] Inger Andersen *et al.*, *The Niger River Basin: A Vision for Sustainable Management. Directions in Development*, Washington, DC: World Bank, 2005, p. 8.

[19] *David Conrad, Empires of medieval West Africa: Ghana, Mali, and Songhay*, New York: Facts on File, 2005, pp. 8, 11-13.

[20] Filipa Ribeiro da Silva, "The Slave Trade and the Development of the Atlantic Africa Port System, 1400s–1800s" in *The International Journal of Maritime History*, no.1, 2017, p. 142.

[21] Inger Andersen, *op. cit.*, pp. x-xi.

by more than 200 million people, but the transboundary management of this river basin remains an challenge after twenty years of negotiations.[22]

The Afro-Arabic Swahili Empire in East Africa occupied an area of more than 3000 km, from Mogadishu in the north to Mozambique in the south. This Empire has for centuries dominated the Indian Ocean trade network until the Portuguese explorer, Vasco da Gama, sailed around the southern tip of Africa in 1498. Shortly thereafter, in 1505, Portuguese ships attacked the Mombassa port and thereafter dominated the East African trade networks.[23] [24] Today the long shore of Lake Victoria, once a life support system for the powerful East African Buganda Kingdom, extends into five countries, Kenya, Tanzania, Uganda, Burundi, and Rwanda and serves the food, religious, cultural and recreational needs of more than 30 million people.[25] This lake also provides hydropower and irrigation for the riparian states. Pollution and the unsustainable utilisation of the resources in the wetlands and catchment areas of Lake Victoria endanger 76 per cent of its freshwater species.[26] Moreover, illegal industrial-scale sand mining in the wetlands of rivers and lakes in Uganda's Kulungu district also destroys habitats and causes flooding and soil erosion because this process "…requires stripping the soil bare, meaning the topography of the area (vegetation, animals, soil, and bedrock) are transported to different

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[22] The World Bank, *op. cit.*, 2019.

[23] Randall Pouwels, Chap Kusimba, "The Rise and Fall of Swahili States" in *The International Journal of African Historical Studies*, no.2, 2000, pp. 9-10, 156.

[24] Mark Cartwright, Swahili Coast, *Ancient History Encyclopedia*, 2019 <https://www.ancient.eu/Swahili_Coast/#:~:targetText=The%20Arrival%20of%20the%20Portuguese,the%20east%20coast%20of%20Africa> accessed on 16 October 2019.

[25] Daniel El-Noshokaty, "Big Lake, Big Problems. Is There Still Time to Secure the Water Resources Lake Victoria Provides?" in *Konrad Adenauer Stiftung International Reports* no. 3, 2017, p. 22.

[26] Catherine Sayer, Laura Máiz-Tomé, William Darwall, *Freshwater Biodiversity in the Lake Victoria Basin. Guidance for Species Conservation, Site Protection, Climate Resilience and Sustainable Livelihoods*, Cambridge: IUCN, 2018, p. 47.

areas".[27] Lake Tanganyika contains 17 per cent of the world's surface water but it was also labelled by the UNDP as the most "threatened Lake of 2017".[28]

The availability of fresh water and the discovery of gold in Southern Africa's Zambezi River led in the eleventh century to the rise of the Kingdom of Great Zimbabwe that settled between the Zambezi and Limpopo Rivers and dominated East African trade in cattle, pottery, gold and copper until drought led to its demise[29] In the twenty-first century 13 of the 15 Southern African river basins, such as the Limpopo, Zambezi and Cubango-Okavango, are shared by the members of the Southern African Development Community (SADC). For example, the Zambezi River basin is shared by approximately 40 million people who live in 8 riparian countries, Angola, Botswana, Malawi, Mozambique, Namibia, Tanzania, Zambia, and Zimbabwe. The transboundary management of these river basins remains a challenge. Furthermore, South Africa's extremely long coastline is not only crucial for the world's maritime trade, but also provides opportunities for the country's blue economy which can by 2033 contribute up to R177 billion to the country's GDP by creating a billion jobs[30] Current developments in offshore oil and gas exploration, aquaculture and marine tourism benefits South Africa's blue economy strategy.

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[27] Paul Tajuba, Uganda: How Sand Mining is Compromising Livelihoods Near Lake Victoria, *Daily Monitor* (Uganda), 2016 <https://www.business-humanrights.org/en/uganda-how-sand-mining-is-compromising-livelihoods-near-lake-victoria> accessed on 10 August 2019.

[28] UNDP, Lake Tanganyika, what the future holds, 2017 <https://stories.undp.org/lake-tanganyika-what-the-future-holds> accessed on 16 August 2019.

[29] Innocent Pikirayi, "Great Zimbabwe in Historical Archaeology: Reconceptualizing Decline, Abandonment, and Reoccupation of an Ancient Polity, A.D. 1450–1900" in *Historical Archaeology*, no.1, 2013, p. 26.

[30] Christian M. Rogerson, Jayne Rogerson, "Emergent Planning for South Africa's Blue Economy. Evidence from Coastal and Marine Tourism" in *Urbani Izziv*, Special Issue, 2019, p. 27.

The utilisation of the resources in Africa's oceans and seas have for centuries given foreigners with big ships and more resources preferential access to these waters. Sovereignty over the resources in the internal waters of Africa's littoral states remained problematic until the adoption of the United Nations Convention on the Law of the Sea (UNCLOS) in 1982. UNCLOS recognised the power of littoral states over their exclusive economic zones (EEZs) and as Barry Ryan explains, "Zones assign a function and ascribe a hierarchy of value to space".[31]

The 1982 United Nations Convention on the Law of the Sea (UNCLOS)

UNCLOS entered into force on 16 November 1994 and provides a legal framework for the spatial division, protection and utilisation of the world's oceans.[32] UNCLOS divides the world's oceans and seas in five maritime zones. Littoral states have the right to protect and utilise the first zone, the i*nternal waters* which borders them. These states also have unlimited jurisdiction in the second zone, the *territorial sea*, subject to the right of the 'innocent passage' of the ships of other states (Article 12). Littoral states also have the right to "prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea" in the third zone, *contiguous sea*, which only extends "24 nautical miles from the baselines…" (Article 33). Littoral states have sovereignty to explore, exploit, conserve and manage the living and non-living natural resources in the fourth zone, the *Exclusive Economic Zone* (EEZ), which is the 200 nautical mile zone between the territorial and high seas (Articles 56 to 75). UNCLOS thus gives Africa's littoral states a legal claim over their maritime resources which have for centuries been threatened by the illegal activities of criminal groups and foreign fishing

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[31] Barry Ryan, "The Disciplined Sea: A History of Maritime Security and Zonation" in *International Affairs*, no. 5, 2019, p. 1055.

[32] UNCLOS, 1982 <www.un.org/Depts/los/index.htm> accessed on 10 July 2019.

fleets. The EEZ has gained new importance in the twenty-first century as the site of the blue economy. The high seas and deep seabed form the fourth zone, *internal waters*, the "common heritage of mankind (Article 136), its exploitation is regulated by the 1994 *Agreement Relating to the Implementation of Part XI of the Convention on the Law* and the International Seabed Authority (ISA).

Illegal, unregulated and overfishing in African waters depletes fish stock and decreases the food security of local communities and the ability of littoral states' to sustainably manage their own marine resources. To regulate the harvesting of fish resources in the EEZs of littoral states and in the high seas, the UN adopted the Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement 1995.[33]

Governing Africa's blue economy

Africa's commitment to harness its blue economy as a vehicle for sustainable development is evident in Agenda 2063: The Africa We Want, The 2050 AIM Strategy, and The Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa. Article 1 of the African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter) includes oceans, inland water spaces, and underground water in the blue economy and states the core aim as the improvement of "social wellbeing".[34] The 2018 Sustainable Blue Economy Conference in Nairobi, Kenya, focused on the development of a blueprint for the implementation of Agenda 2063 goals and identified the protection and utilisation of

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[33] UNECA, *op. cit.*, p. 52.

[34] AU, African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter), 2016 <https://au.int/sites/default/files/treaties/37286-treaty-0060__lome_charter_e.pdf> accessed on 25 July 2019.

oceanic fisheries and aquaculture resources as key areas.[35] In 2019 the African Development Bank (ADB) announced its Blue Economy Flagship under the Feed Africa Strategy 2016-2025 and identified key aims as increasing "food and fish self-sufficiency" and integrating "inland and coastal resource management for climate-resilient economic development".[36]

The successful governance of Africa's blue economy requires the political will to share the management of transboundary water spaces and to commit to collective decision making guided by a legal agreement and a legitimate, accountable and efficient institutional framework. Policies must be "well-informed, precautionary, and adaptive; accountable and transparent".[37] The harmonisation of national, regional and continental policies and frameworks are vital for the governance of the blue economy.[38] The success of the blue economy strategy depends on the protection, securitisation and sustainable utilisation of Africa's water ecosystems. Protecting the sites of "extractive industries and practices"[39] involves the maintenance of their "diversity, productivity, resilience, core functions, and

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[35] AUDA-NEPAD, Development of the AUDA-NEPAD Blue Economy Programme, Messages from the stakeholders, 2019 <https://www.nepad.org> accessed on 4 September 2019.

[36] ADB, Blue Economy Flagship. A Briefing Note for Partnership. A Flagship under the Feed Africa Strategy 2016-2025, 2018, p. 6 <https://www.riob.org/sites/default/files/documents /AfDB%20Blue%20Economy%20Flagship%20_%20Briefing%20Note_November%202018.pdf > accessed on 4 September 2019.

[37] WWF, Principles for a Sustainable Blue Economy, 2015 <https://www.greengrowth knowledge.org/sites/default/files/downloads/resource/Principles%20for%20a%20Sustainabl e%20Blue%20Economy.pdf> accessed on 12 July 2019.

[38] Jonty Rawlings, Harmonisation of Transboundary Water Governance: Advance or Align?, One World. Africa Portal, 2019 <https://www.africaportal.org/features/harmonisation-transboundary-water-governance-advance-or-align> accessed on 3 October 2019.

[39] Timothy Walker, Securing a Sustainable Oceans Economy: South Africa's Approach. Pretoria. Institute of Security Studies, 2018, p. 6 <https://www.africaportal.org/ publications/securing-sustainable-oceans-economy-south-africas-approach> accessed on 3 October 2019.

intrinsic value".[40] Bueger and Edmunds explain maritime security as comprising four security domains.[41] This view is broadened by the blue economy because its scope includes "oceans, coasts, seas, rivers, lakes and groundwater, and associated resources".[42] National security refers to the sovereignty of littoral states over their EEZs and the ability of riparian states to ensure that they acquire a fair share of lakes and rivers. Efforts to protect the ecosystems of littoral states' EEZs and of large river basins contribute to environmental security, while economic security requires access to and the sustainable utilisation of the resources in the inland water spaces and marine environments. Enhancing the infrastructure of ports to improve maritime trade and the improvement of tourism infrastructure can increase economic growth. Human security exists when human needs, such as access to food are satisfied. Ultimately, social justice and social well-being are the key drivers of the blue economy. The fulfilment of Africa's blue economy expectations are therefore based on the economic potential of resources in the EEZs of littoral states and in freshwater inland lakes, river basins. The deep seabed, a common space with no national jurisdiction, hosts the majority of non-living resources and access to these resources requires the permission of the IMO. Nevertheless, challenges to the security of littoral states' maritime resources often originate on land.

The security of Africa's oceans

Piracy is one of the oldest illegal activities in the world's oceans but modern piracy in the Horn of Africa impacted profoundly on maritime security in the twenty-first century. Somalia, an extremely poor, destabilised country with a population very depended on the fish supplies in its coastal waters, has taken centre stage in the piracy activities that have taken place in the Horn of Africa since the 1980s. Living in a country with

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[40] WWF, *op. cit.*, 2015.
[41] Christian Bueger, Timothy Edmunds, "Beyond Seablindness. A New Agenda for Maritime Security Studies" in *International Affairs*, no. 6(93), pp. 1299-1300.
[42] UNECA, *op. cit.*, p. 2.

no central authority and with no coastguard to protect their fish against the illegal fishing activities of trawlers from Yemen, Taiwan, and South Korea, Somali fishermen[43] decided to attack these ships. The illegal dumping of nuclear waste in Somali waters, which is a contravention of Article 19 of UNCLOS, also strengthened their resolve. Pirate attacks on commercial ships passing the Horn of Africa have since 2000 intensified when, edged on by their successes and greed, the pirates adopted new equipment, such as speedboats and rocket-propelled grenades, and reached more targets faster and at further distances than before. Between 2006 and 2007 Somali pirate attacks increased by 134 per cent[44] and also spread along the East African coast, thus forcing South Africa, Tanzania, and Mozambique to sign a tripartite agreement to counteract the piracy threat[45]

UN Security Council Resolution 1851 of 2008 was the first of a series of resolutions which approved the deployment of international naval forces against the pirates. Meanwhile, twenty states from the Arabian Peninsula and Africa's Indian Ocean region, adopted the Code on the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden (The Djibouti Code).[46] This Code was supported by the IMO which focused on the protection of the shipping industry and the sovereignty of littoral states over the EEZs. The IMO failed to link maritime, environmental and human security[47] and thus ignored the

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[43] Abdi Samatar, Mark Lindberg, Basil Mahayni, "The Dialectics of Piracy in Somalia: The Rich Versus the Poor" in *Third World Quarterly*, no.8, 2011, pp. 1377-1379.

[44] Ermina Voccia, The Economic Consequences of Somali Piracy in the Mediterranean Region, 2015 <http://mediterraneanaffairs.com/the-economic-consequences-of-somali-piracy-inthe-mediterranean-region> accessed on 10 August 2019.

[45] Francis Kornegay, "South Africa and SADC in the Indian Ocean Maritime Security Equation" in *Journal of the Indian Ocean Region*, no. 1, 2012, pp. 71-89.

[46] IMO, The Djibouti Code of Conduct, 2017 <http://www.imo.org/en/OurWork /Security/PIU/Pages/Content-and-Evolution-of-the-Djibouti-Code-of-Conduct.aspx> accessed on 3 August 2019.

[47] Edwin Egede, Maritime Security: Implementing the AU's AIM Strategy, 2018 <https://www.africaportal.org/features/maritime-security-implementing-aus-aimstrategy> accessed on 20 August 2019.

humanitarian crisis in Somalia and the contribution of illegal fishing and the dumping of nuclear waste to piracy.

Ongoing illegal activities in the Gulf of Guinea motivated 25 Central and West African nations to sign the Yaoundé Declaration, a regional anti-piracy agreement, on 25 June 2013.[48] This Declaration views maritime security as a human security concern, and prioritises poverty eradication and the protection of the region's maritime environment.[49] For example, the Declaration highlights the protection of the rich biodiversity of the Guinea Current large Marine Ecosystem (GCLME) which sustains the populations of 16 African countries.[50] It also aims to create a "Coordination Centre on Maritime Safety and Security for Central and West Africa" and to implement a new "Code of Conduct Concerning the Prevention and Depression of Piracy, Armed Robbery Against Ships, and Illegal Maritime Activities in West and Central Africa".[51] This Code highlighted the need for a continental vision of human centered maritime security.

By adopting the 2050 AIM Strategy in January 2014, the AU agreed to a shared continental vision and strategy to guide appropriate responses to maritime insecurity.[52] This Strategy links maritime insecurity to "events on the land"[53] and adopts an inclusive, multidimensional approach to maritime security threats based on "the understanding of existing and potential threats to the adoption of a coordinated approach, a common plan

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[48] Ian Ralby, A Human Security Approach to Maritime Security in the Gulf of Guinea, 2016 <https://comparativejurist.org/2016/08/31/a-human-security-approach-to-maritimesecurity-in-the-gulf-of-guinea> accessed on 1 August 2019.

[49] European External Action Service, EU Maritime Security Factsheet: The Gulf of Guinea, 2018 <www.eeas.europa.eu> accessed on 14 August 2019.

[50] UNEP, Blue Economy Concept Paper, 2012 <https://sustainabledevelopment.un.org/content/documents/2978BEconcept.pdf> accessed on 1 July 2019.

[51] Wendy Zeldin, Africa: New Regional Anti-Piracy Agreement, *Global Legal Monitor*, Library of Congress, 2013 <http://www.loc.gov/law/foreign-news/article/africa-new-regional-anti-piracy-agreement> accessed on 12 August 2019.

[52] Edwin Egede, *op. cit*.

[53] Timothy Walker, *op. cit.*, p. 2.

and strategy".[54] This Strategy is ambitious and struggles to allocate resources and implement decisions. For example, the High-Level College of Champions and the Strategic Foresight Marine Task Force still needs to be established and the Combined Exclusive Maritime Zone of Africa (CEMZA) is also only in a planning phase. Nevertheless, the 2050 AIM Strategy confirms Africa's preference for an inclusive African approach to the causes of maritime security, the protection of maritime resources and human development needs.

In 2016 the AU adopted the African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter). This Charter linked maritime security with the blue economy.[55]   It focuses on maritime economic activities in the EEZs of littoral states, but also acknowledges the contribution of seas and oceans to Africa's socio economic development. The 2050 AIM Strategy motivated the revision of the Djibouti Code in 2017, signed at Jeddah, Saudi Arabia by fifteen states. The Jeddah Code broadens maritime security to include the security of resources and recognises the importance of oceans for the blue economy. The Jeddah Code also adopts a broad view of transnational organised crime by including "arms trafficking; trafficking in narcotics and psychotropic substances; illegal trade in wildlife; crude oil theft; human trafficking and smuggling; and illegal dumping of toxic waste".[56]

Maritime security and the protection of the biodiversity of ocean ecosystems are also important issues in the Southern African region where members of the SADC protect coastlines in both the Atlantic and Indian Oceans. The SADC adopted a draft maritime security strategy document in 2011 which was reviewed in July 2019 when 36 delegates representing 11 countries met in South Africa to finalise the draft SADC Integrated

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[54] AU, 2050 Africa's Integrated Maritime Strategy (2050 AIM Strategy), 2012 <https://wedocs.unep.org/bitstream/handle/20.500.11822/11151/2050_aims_srategy.pdf> accessed on 14 August 2019.

[55] AU, *op. cit.*, 2016, p. 2

[56] IMO, *op. cit.*

Maritime Security Strategy (IMSS).[57] The SADC also adopted a protocol and an Industrialization Strategy and Roadmap (2015-2063) which linked oceans to the blue economy.

Africa's Current Large Marine Ecosystems (CLMEs)

Current Large Marine Ecosystems (CLMEs) are approximately 200,000 km² long coastal upwelling ecosystems and include "coastal waters from river basins and estuaries to the seaward boundary of continental shelves and the outer margins of coastal currents".[58]Africa has five CCLMEs. The Somali CLME is in the western Indian Ocean and stretches from the Comoros Islands and Madagascar to the Horn of Africa. The Canary CLME flows off the coast of Northwest Africa while the Guinea CLME covers an area extending from Guinea-Bissau in the north to Gabon and Angola in the south. The warm Agulhas CLME flows in the southern Indian Ocean and borders the cold Benguela CLME.[59] The announcement in 2018 of the discovery of a new CLME, the Southwest Madagascar Coastal Current (SMACC) flowing south along the southwestern coast of Madagascar, indicates that Southern Africa is uniquely blessed with large current marine ecosystems[60] Nevertheless, Kenneth Sherman and Hashali Hamukuaya[61] explain that even though LMEs produce 80% of the world's annual marine fish catch, their overexploitation impacts negatively on the

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[57] Catherine Austin, *op. cit*.

[58] GEF, The Benguela Current, 2016 <https://www.thegef.org/news/benguela-current> accessed on 10 July 2019.

[59] Nnaemeka Chukwuone *et al.* "Valuing the Guinea Current Large Marine Ecosystem: Estimates of Direct Output Impact of Relevant Marine Activities" in *Ocean & Coastal Management*, no. 3-4, 2009, pp. 189-196.

[60] Juliano Ramanantsoa, *et al.*, Uncovering a New Current: The Southwest Madagascar Coastal Current, Geophysical Research Letters, 2018 <https://agupubs.onlinelibrary.wiley.com/doi/abs/10.1002/2017GL075900> accessed on 12 July 2019.

[61] Kenneth Sherman, Hashali Hamukuaya, "Sustainable Development of the World's Large Marine Ecosystems" in *Environmental Development*, no.1, 2016, p. 1.

development of LME resources which can potentially contribute $12 trillion annually to the global economy.

The Southern African region

Various blue economy opportunities, such as shipping, fisheries, the aquaculture industry, mining and marine tourism exist in the SADC region. The discovery of new non-living resources in the EEZs of Southern African littoral states adds to the demand for coordinated multi-stakeholder management. The SADC Industrialization Strategy and Roadmap (2015-2063), focuses on oceans as development spaces and instruments for sustainable growth in the region.[62] In 1995 the SADC adopted a Protocol on Shared Water Courses which was revised in 2000 to harmonise SADC goals with the Millennium Development Goals (MDGs). This Protocol guides the SADC 1999 Regional Strategic Action Plan (RSAP) on Integrated Water Resources Development and Management, which serves as a framework for the "sustainable, integrated and coordinated development, utilisation, protection and control of national and transboundary water resources in the region".[63] The RSAP follows an incremental approach and created 5 year plans, starting in 1999, to govern the water sources in the Southern African region. Yet, the equitable sharing of water spaces often remains an elusive ideal as is manifested in Kenya's dispute with Somalia over an oil and gas rich territory in the Indian Ocean, the longstanding border dispute between South Africa and Namibia involving the Orange River and the diamond rich waters of South Africa's northern Cape region and the dispute between Malawi and Tanzania over Lake Malawi.

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[62] Republic of South Africa, South Africa's Oceans Economy, Operation Phakisa, 2017, p. 5 <https://www.gov.za/sites/default/files/gcis_document/201706/saoceaneconomya.pdf> accessed on 1 July 2019.
[63] SADC, Regional Strategic Action Plan on Integrated Water Resources Development and Management Phase IV, RSAP IV, Gaborone, Botswana, 2016, p. 4

The Benguela Current Large Marine Ecosystem (BCLME)

Flowing for more than 3000 km north along the coasts of Angola, Namibia, and South Africa, the BCLME is located between the Atlantic, Indian and Southern Oceans and manifests a combination of unique characteristics which gives the BCLME the reputation of "one of the most productive ocean areas in the world"[64], "the current of plenty"[65] and "a liquid conveyor belt…" which "…ensures a prolific food production for marine animals and humans".[66] The ocean current maps shows the direction and location of the BCLME.

Map 1. *Ocean Currents[67]*

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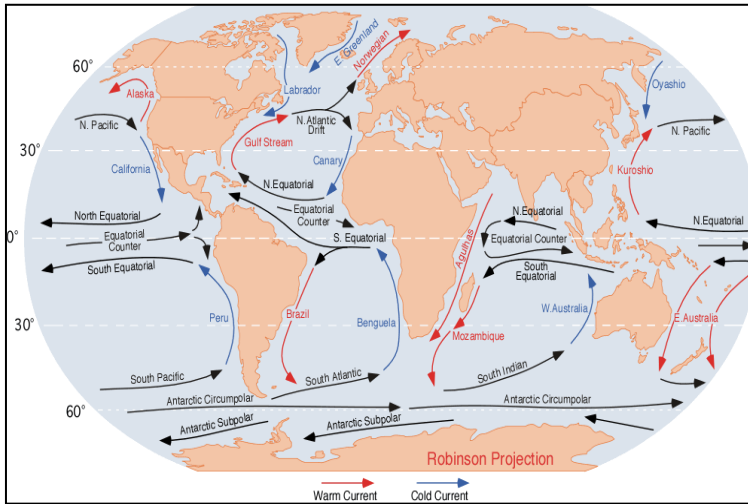
[64] Lynne Shannon and M. O'Toole, "Sustainability of the Benguela: Ex Africa semper aliquid novi" in Hempel, Gotthilf and Sherman, Kenneth (eds.), *Large Marine Ecosystems of the World: Trends in Exploitation, Protection, and Research*, Amsterdam: Elsevier Science, 2003.

[65] Sandy Davies *et al*,, Benguela Current Large Marine Ecosystem: State of the Marine Environment 2014, Namibia: Benguela Current Commission, 2015, p. 4.

[66] Hu Berry, The Benguela Current – A Vital Link in the Global Oceanic Chain, 2009 <http://www.travelnewsnamibia.com/news/stories/featured-stories/the-benguela-current-a-vital-link-in-the-global-oceanic-chain/> accessed on 1 July 2019.

[67] Physical Geography, Surface and Subsurface Ocean Currents: Ocean Current Map <http://www.physicalgeography.net> accessed on 8 November 2019.

The Benguela Current flows slowly, has open boundaries, an irregular coastline, and is bordered by two warm currents, the Angola Current in the north and the fast flowing Agulhas Current in the south. The slow speed of the Benguela creates an abundance of phytoplankton food for fish[68] The form of the coastline provides excellent fish breeding zones which contributes to a food chain of rich fish supplies and an abundance of fish predators, such as large seal colonies, penguins, barracuda, and cormorants.[69]

The three countries sharing the BCLME, Angola, Namibia and South Africa, are extremely diverse in terms of their historical background but they all have development challenges and derive socio-economic benefits from the BCLME. The mismanagement of this shared ecosystem resulted in the degradation of the ecosystem due to "unsustainable utilisation of living marine resources, marine pollution, disturbance and physical modification of coastal and marine habitats, invasive species, and climate change".[70] Nevertheless, the BCLME supports food security, tourism and recreation and provides employment opportunities while its oil and mineral resources contribute to economic growth in the three countries sharing its waters. Fish resources mostly benefit South Africa and Namibia while South Africa's Cape Town is known as one of the world's a leading coastal destination. Angola prosper from the oil reserves in the BCLME and plans to increase its oil production as announced in 2019 by President João Manuel Gonçalves Lourenço when he launched a new six-year oil

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[68] Jessica Burger *et al.*, Controls on New Production and Carbon Export in the Southern Benguela Upwelling System, Paper delivered at the 16th Southern African Marine Science Symposium, 4-7 July 2017 <www.samss2017.co.za> accessed on 12 July 2019.

[69] Mark Gibbons and Bonga Govuza, "The Nature of International Collaboration in the Benguela Upwelling Region, 2000–2016" in *South African Journal of Science*, no. 1-2, 2019, pp. 15-19.

[70] Sandy Davies, *op. cit.*, p. 15.

licencing strategy for oil production in the Namibe and the BCLME.[71] Namibia runs lucrative offshore diamond operations in the Lüderitz region and near the Orange River mouth. In 2018 Debmarine, a joint venture between the De Beers Group and the Namibian government, recovered approximately 1.4 million diamond carats form the BCLME. Phosphate deposits on the continental shelf stretching from Port Elizabeth to northern Namibia motivated the Sandpiper Project which has since 2013 been on hold pending the result of an environmental impact study[72] In September 2019 Namibian fishing companies appealed to the Namibian High Court to nullify the 2011 mining permit granted for this project.[73] South Africa also has alluvial mining in the Northern and Western Cape and offshore mining operations on its west coast.[74] The BCLME also enables the trade activities of the three countries through three harbours at Cape Town, Walvis Bay and Luanda   which put additional pressure on the ecosystem and its biodiversity. Taylor Henshaw[75] estimates the overall economic benefits derived from the BCLME as approximately US$ 270 billion.

Transboundary management of the BCLME

The Namibian government initiated the collective transboundary management of the BCLME by hosting a workshop on Fisheries Resource Dynamics in the Benguela Current Ecosystem. During this workshop two programs were created, the Benguela-Environment-Fisheries-Interaction

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[71] Bob Koigi, Angola Launches 10 Oil Blocks in the Namibe and Benguela Basins, 2019 <https://africabusinesscommunities.com/news/angola-launches-10-oil-blocks-in-the-namibe-and-benguela-basins/> accessed on 1 November 2019.

[72] Davies, *op. cit.*, pp. 9-10.

[73] Shem Oirere, Namibian Fishing Sector Protests Marine Mining Project, 2019 <https://www.seafoodsource.com/news/environment-sustainability/namibian-fishing-sector-protests-marine-mining-project> accessed on 1 November 2019.

[74]Davies, *op. cit.*, p. 10.

[75] Taylor Henshaw, *op. cit.*, p. 49.

and Training (BENEFIT) Program and the BCLME Program.[76] The UNDP, the Global Environment Facility (GEF), Norway, and the EU provided financial support. The three countries committed to equal representation of stakeholders in national and transboundary discussions. Public, private and commercial interests were represented in the workshops which focused on finding solutions to the challenges in the BCLME. These workshops assisted the Transboundary Diagnostic Analysis (TDA), established in 1999 to find solutions for threats to ecosystem sustainability and the utilisation of the BCLME and its resources. A Strategic Action Plan (SAP) was developed for the implementation of the policies of the TDA. The SAP focused on the utilisation of the living and non-living resources, pollution, and biological diversity. The SAPs are constantly updated and play a vital role in the harmonisation of national policies.[77]

In August 2008 an interim Benguela Current Commission (BCC) was established in Namibia and on 28 March 2013 the three governments signed the Convention on the Establishment of the Benguela Current Commission (BCC).[78] Hashali Hamukuaya, Executive Secretary of the BCC identified three main priorities as, "the minimisation of marine pollution", the "harmonisation of the policies, laws and regulations of the three countries related to industrial activities", and "the management of transboundary fishing activities".[79]He also praised the suitability of the ecosystem approach for the governance of the BCLME, which he described as "…aims to maintain ecosystem goods and services for sustainable use, while recognising that humans are an integral part of the process". The BCC strengthens transboundary cooperation based on a "science-based

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[76] Nicole Rohr, The Benguela Current Large Marine Ecosystem: A Social, Cultural, and Ecological Profile, Large Marine Ecosystems Program, 2008, p. 5.

[77] Henshaw, *op. cit.*, pp. 50-51.

[78] *Ibidem.*

[79] Benguela Current Convention, 2013, p. 3 <http://www.internationalwatersgovernance. com/uploads/1/3/5/2/13524076/benguela_convention_english.pdf> accessed on 16 August 2019.

understanding as a necessary precursor to political action".[80] Nevertheless, the degradation of the BCLME remains a challenge. Similar to other LMEs, the BCLME faces more pollution caused by human activities which result in "hazardous wastes from mine tailings, dredge spoils, deforestation of coastal mangroves, soil erosion, oil spills, marine debris, and invasive species".[81] Concerns remain about the ability of the BCC to protect this fragile ecosystem against the impact of global warming and the ever increasing demands to extend and increase oil and mining activities.

Conclusion

The intricate network of large water spaces in and around Africa have for centuries played important roles in the development of the continent and its people. However, in the twenty-first century many of Africa's magnificent blue spaces are more degraded, overexploited and weakened by human activities than ever before due to global warming, pollution, overpopulation, the flow of fertilisers and agrochemicals into rivers and lakes, and mining activities which destroy the habitat of ecosystems. The management of these water spaces has since antiquity been fragmented, neglected and often ignored, particularly in the case of transboundary spaces shared by millions of people in different countries. The issue is not the Africa's 'forgotten waters', but rather the 'forgotten management' of their ecosystems and resources.

As part of the blue economy strategy, the AU identified the utilisation of Africa's oceans, seas and inland spaces as new frontiers for long-term development and economic growth. The 2050 AIM Strategy

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[80] GEF, From Coast to Coast: Celebrating Twenty Years of Transboundary Management of Our Shared Oceans, 2015, p. 21 <https://www.thegef.org/sites/default/files/publications/From_Coast_to_Coast__Celebrating_20_years_of_Transboundary_Managemen t_of_our_Shared_Oceans_2.pdf> accessed on 20 July 2019.

[81] Hashali Hamukuaya et al., "Science to Governance in the Large Benguela Marine Ecosystem" in Kenneth Sherman, Sara Adams Stress, Sustainability and Development of Large Marine Ecosystems During Climate Change: Policy and Implementation, New York: UNDP, 2013, p. 131.

and the Lomé Charter linked the blue economy to the protection and security of blue resources, human needs and social development. However, the contradiction between the new demands on these ecosystems and their protection and security have profoundly negative consequences.

Nevertheless, efforts to govern the blue economy in Southern Africa indicate that strong legal and institutional frameworks can successfully contribute to the management of shared water spaces aimed at harmonising national and regional policies with continental frameworks. The BCC also shows remarkable efforts to collectively manage the BCLME, but the long-term success of the BCC depends on its ability to protect the BCLME against the consequences of overexploitation, such as extensive and uncoordinated oil exploration and mining of minerals. Ultimately, the blue economy depends on satisfying human needs and the conservation of blue ecosystems.

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THE INVISIBLE 'GIFT': THE CHIBOK BRAND AND BOKO HARAM

Sven Botha*

Abstract

Branding has become an essential activity in international relations as states require ways of distinguishing themselves from one another. A similar trend has emerged with non-state actors such as terrorist groups. Following the Chibok Kidnappings of April 2014, the 'Chibok Brand' emerged affording Boko Haram considerable international notoriety as the abduction of 276 schoolgirls by a non-state actor was unprecedented. Despite the success of the 'Chibok Brand', little research has been done to explain the dual usage of the 'Chibok Brand.' Hence, this paper seeks to explore the emergence and continued relevance of the 'Chibok Brand' using a combination of desktop research and Twitter analysis. The 'Chibok Brand' is explored from three different angles, namely: Boko Haram, the Nigerian government and the West. This paper finds that while the brand is still of relevance in the present time, it only remains so in relation to Boko Haram and the West. The absence of the reference to this brand by the Nigerian government suggests that it underestimates the value of the 'Chibok Brand' in sustaining Boko Haram, which could further impede counter-terrorism efforts.

Keywords: Boko Haram, Branding, Terrorism, Nigeria, Chibok Girls

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Introduction

In the immediate wake of 9\11 a group of American firefighters erected the American flag in what was left of the World Trade Centre. This event was a clear illustration of how a nation used its national brand to confront vicissitudes brought on by al-Qaeda.[1] As the Global War on Terror took shape and the menace of radical political Islam become commonplace, research has revealed that terrorist groups have undertaken their own initiatives of brand formation and brand management to set their ideological interpretations and methods apart from one another. This paper will add to this body of literature by investigating the continued relevance of the 'Chibok Brand' five years after the Chibok Abductions by Nigeria's Boko Haram in April 2014. Following this unfortunate event, mass outcry followed placing global pressure on the Nigerian government to employ swift action so as to ensure the safe return of all 276 kidnapped schoolgirls. This pressure stimulated the formation of the 'Chibok Brand.' By investigating the continued relevance of the so called 'Chibok Brand', it is not only argued that the Chibok Abductions have allowed Boko Haram to add a gender profile\dynamic to its brand, but it will further be argued that, unlike existing terrorist brands, the Chibok Brand is not in the control of Boko Haram and is instead subject to a tricycle of influence encompassing: Boko Haram, the international community and the Nigerian state. Following the introduction, the article will examine the use of branding in international relations before providing a brief historical account of Boko Haram and the Chibok Abductions. Prior to concluding, the three above-mentioned influencers will be applied to the Chibok Brand to achieve the two objectives of this paper. Finally, the conclusion will summarise the aim arguments and ponder some of the future implications for the future of Boko Haram and its interactions with the Nigerian state.

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[1] Tim Marshall, *A Flag Worth Dying For: The Power and Politics of National Symbols*, New York and London: Simon & Schuster, 2016, p. 1.

Branding and International Relations

The state

According to Matusitz a brand "is a symbol that differentiates one product or service from another. [A brand] serves to elicit a specific style or genre in the viewers' mind and is generally easily recognizable."[2] Borrowing from marketing literature, a brand exists for a verity of reasons with, among others, includes: ensuring customer loyalty, improved perception so as to say preferences with audiences, ease of communication and opportunities for expansion.[3] The characteristics and criteria mentioned above are all true of the modern-day state. From this perspective, states manufacture and maintain brands to ensure the loyalty of both their citizenry and transnational partners. It is imperative to note that the direction and shape a brand may take is not always up to the state from where the brand originates as a state's activities, cultures and histories are perceived differently by the various actors within the international system.[4] As a result, is often up to the brand's proliferators to correct the 'negative' perceptions by engaging with domestic and foreign publics. For example, following the dark era of Apartheid in South Africa, the New South Africa sought to rebrand itself through a cultural and political lens. From a cultural perspective, the government used music, sport and multiculturalism to reintroduce itself to the world. However, relying totally on normative elements is risky as music, cultures and sports are distributed by multiple actors that the government has little to no control over.[5] Hence, the New South Africa segued their normative re-branding approach with a more empirical one that was within its control, that of conflict resolution.[6]

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[2] Jonathan Matusitz, *Symbolism in Terrorism: Motivation, Communication and Behavior*, London: Rowman & Littlefield, 2015, p. 240.

[3] Kevin Lane Keller, "Building Strong Brands in a Modern Marketing Communication Environment" in *Journal of Marketing Communications*, no. 15(2-3), 2009, p. 140.

[4] Jeremy Youde, "Selling the State: State Branding as a Political Resource in South Africa" in *Place Branding and Public Diplomacy*, no. 5(2), 2009, p. 131.

[5] *Ibidem*, p. 133.

[6] *Ibidem*, p. 134.

From this perspective the New South Africa was able to harness its turbulent past coupled with its transition to democracy as a beacon of hope and guiding light for others to follow; a history of being able resolve adverse civil conflict was marketed as South Africa possessing insights and abilities rarely held by other states. Therefore, South Africa was able to present\offer an alternative to what was already on the market. South Africa's political branding paid off in some respects, particularly in relation to nuclear non-proliferation whereby South Africa was perceived as having a unique diplomatic edge not help by other nations due to the fact that the Republic voluntarily and verifiably dismantled its nuclear weapons programme. South Africa's brand further expanded in 2010 when the Republic joined the BRIC grouping. Being the only African country within the bloc gave Brand South Africa additional features such emerging as an African leader and\or voice for Africa on the global stage.

A brand is evident when the following three criteria are evident, namely: differentiation, credibility and authenticity. Differentiation refers to the ability to stands out and provide an alternative to what is already in existence.[7] Credibility refers to a brand's ability to install faith in its viewers; this is most notably achieved by the brand's proliferator living up to the promises and standards it has set for itself.[8] Lastly, authenticity refers to the establishment of a permeant campaign which ensures continues transformation even after the brand has achieved its ultimate goal[9]; from the perspective of political actors this means maintaining a process of engagement even after coming into power or establishing a new relationship.

The Non-State (Terrorist) Actor

While states have been a leading proliferator of brands and branding in international relations, terrorist groups have caught onto the

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[7] Jonathan Matusitz, *op. cit.*, pp. 241, 242.

[8] *Ibidem*, p. 242.

[9] *Ibidem*, pp. 242, 243.

trends of branding and brand management. Hezbollah is one such long-standing example. Hezbollah differentiates itself from other terrorist groups in four main ways, namely: being the first modern day Islamist terrorist group to deploy suicide bombers in the Middle East, delivery of a victims narrative that promises victory in the face of weak leadership, the usage of a militant logo and the existence of a firm geopolitical home in Lebanon by claiming to represent the Shi'ites. All of these activities are symbolic. From this perspective the use of a green flag with an AK47 coupled with the deployment of suicide bombers distinguishes Hezbollah from other Islamist groups as militant group committed to violence.[10] Similarly, making Israel look weak coupled with their geopolitical home distinguishes Hezbollah from other Islamist terrorist groups as it is the only group that has identified a foreign enemy that is detested by a legitimate actor of international relations, which in turn could give Hezbollah's actions greater legitimacy thereby making the group, and what it stands for, more credible to its audiencias.[11] Additionally, Hezbollah's Hassan Nasrallah uses the techniques of ethos and pathos to increase the group's credibility. For example, in 2006 during the Second Lebanese War Nasrallah employed ethos by emphasising that Hezbollah has successfully identified Israel's allies. In doing so Hezbollah is perceived to possess considerable capacity as it has the strength and bravery to physically confront not only Israel, but its allies too, thereby giving Hezbollah notoriety as an organisation that recognises both domestic and international threats facing the cause it claims it advocate for.[12] Now that the enemy has been successfully identified via ethos, Nasrallah proceed to pathos by manipulating its audiences. This was made considerably easy now that Israel has been identified as the enemy as Hezbollah managed to convey that Israel would never defeat the so-called Party of God. Now that

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[10] Jonathan Matusitz, "Brand Management in Terrorism: The Case of Hezbollah" in *Journal of Policing, Intelligence and Counter-Terrorism,* no. 13(1), 2018, p. 9.

[11] *Ibidem*, p. 11.

[12] *Ibidem*, p. 12

Hezbollah has been shown to be both different and credible, it solidified its authenticity by following through on its commitments and establishing a sense of permeance. From this perspective, in 1992 Hezbollah deployed two suicide bombers on a military base killing 241 Americans and 58 French troops.[13] The nationality of the troops is significant as both America and France are allies of Israel thus showing that Hezbollah can confront both domestic and international enemies. Hezbollah has ensured the permeance of its brand by establishing a political party and administrative wings that deliver key medical and educational services in addition to a militia. By doing so, Hezbollah has secured a favourable image with the greater Middle Eastern community even in times when direct conflict is not ongoing.

Boko Haram And Chibok: Essential Components[14]

Jamā'a Ahl al-sunnah li-da'wa wa al-jihād (JAS, Sunni Group for Preaching and Jihad) or Boko Haram started out as Muslim advocacy group for Nigeria's Muslim population by Mohamed Yusef. Yusef founded the group in response to the proliferation of Western values in Nigerian life and how these values supposedly resulted in poor governance as Abuja's Western-style governance structure and style was classed as illegitimate. The air of illegitimacy arose following a let down Yusef had suffered at the hands of the northern political elites. Yusef became increasingly popular as his preaching and teachings resulted in the emergence of a community that was self-reliant; it provided education, food, small business loans and helped to establish family networks by means of arranged marriages.[15] This communal structure bettered the quality of life of several northern

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[13] *Ibidem*.

[14] The history of Boko Haram is broad and contested. It is not within the scope of this paper to provide a comprehensive discussion the history of the group. Instead, the author will focus on the key points covering cause, gender and factionalism.

[15] Alexander Thurston, *Boko Haram: The History of an African Jihadist Movement*, Princeton: Princeton University Press, 2018, pp. 89, 90.

Nigerians. As a result, Yusef obtain considerable social, economic and political capital. This reality came to the attention of the northern politician, Ali Modue Sheriff, who sought to exploit Yusef's influence to prolong his political lifespan.[16] Yusef agreed to assist on condition that two conditions were met, namely: ensure that Boko Haram was represented in the Borno State Government and by fast-tracking the implementation of Sharia Law in Nigeria. Yusef followed through on his promise by publicly endorsing Sheriff; doing so gave Sheriff a new sense of legitimacy, which solidified his political fate. Upon taking up the governorship, Sheriff appointed Buji Fori, a key Boko Haram financer, to his cabinet.[17] Unfortunately, the second promise was not upheld. In retaliation, Yusef used his position on the Supreme Sharia Council of Nigeria to make the Nigeran government and governance system look illegitimate and weak.[18]

As a result, Boko Haram's legitimacy grew considerably within northern Nigeria. Yusef encouraged critical reactions to Nigerian government. As a result, many of Yusef's students physically confronted the Nigerian police and military which resulted in many skirmishes. It remains unclear if Yusef encouraged his students to physically confront Nigeria's institutions of security. However, an interview Yusef gave to the British Broadcasting Commission (BBC) in 2008 suggested that he was swayable. The BBC questioned Yusef on his view on arrest of his followers. In response Yusef stated[19]:

> *I will follow the due process and legitimate means prescribed by Allah to secure their release because we [Boko Haram] do not take illegal steps unless it becomes necessary. The people have misunderstood use as a set of people phorone to fighting. We are only aghast the government and not the people. Indeed if truly we*

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[16] *Ibidem*, 121.

[17] *Ibidem*, 126, 127.

[18] *Ibidem*, 127.

[19] Abulbasit Kassim, "BBC Hausa Service Interview with Muhammad Yusef" in Abulbasit Kassim and Michael Nwankpa (eds.), *The Boko Haram Reader*, Oxford: Oxford University Press, 2018, p. 75.

are prone to fighting, the opposition from the government is enough to spur us to start fighting.

The above statement suggests that Yusef would have taken Boko Haram down the path of insurgency had the government's response to Boko Haram continued to be hostile. Unfortunately, this remains a counter-factual foresight as Yusef met his end while in police custody. The death of their founding father at the hands of a so called 'illegitimate' government drove Boko Haram underground only to remerge in 2009 to declare a jihad against the Nigerian government. Since then Boko Haram has become responsible for the disappearance of 22, 000 people[20] and has undergone several transformations including operational expansion to include the wider West African region, formulating international linkages to leading players in the international jihadist movement, including of al-Qaeda and the Islamic State of Iraq and Syria (ISIS)[21] as well as introducing a unique gender dynamic which is would change the way terrorist groups brand themselves, this paper's central focus.

On the evening of the 14th of April 2014, a gang of Boko Haram members stormed the dormitories of Chibok Secondary School abducting a grand total of 276 schoolgirls. This unfortunate phenomenon resulted in the emergence of the Bring Back Our Girls Movement (BBOGM) both locally and internationally, which would serve as the foundations for the Chibok Brand, something we will return to below. A total of 57 schoolgirls escaped shortly after the abduction with an additional abductee joining the group

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[20] 22,000 missing in Nigeria because of Boko Haram, Red Cross Says, *South China Morning Post*, 12 September, 2019 <https://www.scmp.com/news/world/africa/article/3026965/ 22000-missing-nigeria-because-boko-haram-red-cross-says> accessed on 19 October 2019.

[21] Boko Haram currently consist of three major factions, namely: JAS which desires its intendance from international jihadi groups, Ansaru which has linked to al-Qaeda and ISWA which is linked to ISIS. For more information see: Jacob Zenn and Zacharias Pierri, "How Much Takfir is Too Much Takfir? The Evolution of Boko Haram's Factionalism" in *Journal of Deradicalization*, no. 11, 2017, pp. 281-308.

on the 17th of May 2016.[22] The Nigerian government in collaboration with civil society actors has managed to secure the release of 21 schoolgirls on the 12th of October 2016 with the help of the Swiss Government and the International Committee of the Red Cross while another abductee escaping on the 5th of November 2016. An additional group release of 82 schoolgirls occurred on the 6th of May 2017; this release was aided by Nigeria's Mustapha Zanna. At the time of this writing 112 of the Chibok schoolgirls still remain unaccounted for.[23]

While much of what constitutes the facilitation of Boko Haram's gender dynamic is often associated with the Chibok Adductions of 2014 and while this notion is understandable, given the unfortunate nature of the Chibok Abductions, it is imperative to note that Boko Haram has incorporated women into its ranks\operations during its formative years. Yusef's lecture series is proof of this as field research indicates that Yusef held separate lectures for men and women in which he would address gender-centric issues.[24] This shows that the issues of gender and gender inclusivity was already an issue prior to the emergence of the Chibok Brand.

The Three-Dimensional Chibok Brand

The Nigerian State

As has already been indicated above, the BBOGM served as the foundations for the emergence of the Chibok Brand. Following the abductions an Abuja based lawyer founded the BBOGM to emphasise the plight of the Chibok Girls. The BBOGM took on red and white as its theming colours; red stands for the danger the girls in while with Boko Haram as well as the passion the domestic and international communities

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[22] Abulbasit Kassim, "Massage about the Chibok Girls by Abubakar Shekau" in Kassim and Nwankpa, *op. cit.*, pp. 311-312.

[23] *Ibidem*, p.312.

[24] Hilary Matfess, *Women and the War on Boko Haram: Wives, Weapons and Witnesses*, London: Zeb Books, 2017, p. 57.

have in seeing them returned alive.[25] On the other hand, white symbolises innocence meaning that the girls had no part to play in Boko Haram conflict. Instead, they were acquiring education as a means to improve their quality of life.[26] The BBOGM adopts *humaniteeds* (humanity in English) as its core value which broken down into nine sub-core values (see Table 1).[27]

Despite the Nigerian government's best efforts to quell the BBOGM, it still remains active at present with daily solidarity gathering at the Unity Foundation from 17h00-18h00 in Abuja as well as solidarity gatherings at Falomo Roundabout every Saturday and 64 Adewae Adenuga Street every second Saturday of the month, both in Lagos.[28]

Letter of core value corresponding with sub-core value	Meaning of sub-core value
H	Hope
U	Unity
M	Motivation
A	Affability
N	Nationalism
I	Integrity
T	Transparency
E	Empathy
E	Equality
D	Discipline
S	Sacrifice

Table 1. The core values of the Bring Back Our Girls Movement

The International Community

The BBOGM took the international community by storm by becoming a hashtag on Twitter. The popularity of the BBOGM hashtag grew so rapidly that 2.3 million tweets using the hashtag had been posted

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[25] Bring Back Our Girls, 2019 <https://bringbackourgirls.ng> accessed on 2 October 2019.

[26] *Ibidem.*

[27] *Ibidem.*

[28] *Ibidem.*

by the 11th of May 2014.[29] This ardent proliferation was in part assisted by prominent figures such as: Michele Obama, Malala Yousafzai, Sa'ad Abubaker III of Sokoto and 'Abd al-'Aziz Al al-Shaykh of Saudi Arabia whose global profiles elevated the campaign. This potency emanated from across the word, key contributors included: Nigeria, the United States of America, the United Kingdom, Israel, France[30] and South Africa. South Africa's participation was particularly interesting. The African National Congress (ANC) via the ANC Women's League planned and coordinated a number of events that included: the Social Solidary Patrician, lighting of 230 candles to ignite the Flame of Hope outside of the Nigerian High Commission in Pretoria on the 19th of May 2014, a Moment of Silicane on the 21st of May 2014, staging mass protests from the 21st to the 23rd of May 2014 as well as placing an emphasis on the plights of the abducted schoolgirls on Africa Day and Children's Day.[31] Meanwhile, in the United States of America, Becky and Paul Gadzama, a Nigeran couple from Yobe State, founded a non-governmental organisations called Education Must Continue Initiative, an organisations that plays host to several young Boko Haram victims in the United States of America thereby offering them a place of safety to recover and continue their education. The Gadzama would also go on to play a critical role bring some of the Chibok Girls to Abuja at the request of a United States delegation led by Republican Senator Christopher H. Smith so that the Americans could obtain first-hand accounts of life with Boko Haram.[32] These interactions would later result in some of the girls addressing the American Congress and addressing charity

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[29] Matt Collins, #BringBackOurGirls: The Power of a Social Media Campaign in *The Guardian*, 2014 <https://www.theguardian.com/voluntary-sector-network/2014/may/09/bringbackourgirls-power-of-social-media> accessed on 29 September 2019.

[30] Adekalu S. Olutokunbo *et al.*, "Bring Back Our Girls Social Mobilization: Implications for Cross-Cultural Research" in *Journal of Education and Practice*, no. 6(6), 2015, pp. 65-66.

[31] ANCWL: Statement by ANC Women's League on the #BRINGBACKOURGIRLS Programme of Action, Polity 19.05.2014, <https://www.polity.org.za/article/ancwl-statement-by-the-anc-womens-league-on-the-bringbackourgirls-programme-of-action-19052014-2014-05-19> accessed on 11 October 2019.

[32] Helon Habila, *The Chibok Girls*, London: Penguin Books, 2016, pp. 100-101.

events, often wearing sunglasses so as to make it harder for Boko Haram and Boko Haram sympathisers to know their identity.[33] This international activity angered the Nigerian authorities as some noted that the Chibok Girls were being taken overseas by Emanuel Ogebe to raise money and awareness without being allowed to continue with their education.[34] This prompted Nigeria's Ministry of Women Affairs and Social Development to revoke Ogebe's pilferages of guardianship and transfer them to the ministry.[35] In addition to playing host to an awareness campaign, the Americans furthered their support of the Chibok Girls by granting 21 of them scholarship to attend the American University in Nigeria.[36] The 21 Chibok Girls turn scholars were given military protection so as to safeguard them from Boko Haram and unwanted scrutiny.[37]

Using Twitter Binder the author determined the present-day popularity of the BringBackOurGirls hashtag. A six day analysis (15th-20th of October 2019) revealed that the hashtag was used by 343 Twitter users with each of them having an average following of 4, 190,18 followers. This highlights the continued and on-going reliance of the campaign thus highlighting how the Chibok Abductions have become a brand, even five years after the phenomenon.

Boko Haram

The international hype surrounding the Chibok Girls did not go unnoticed by Boko Haram with group releasing videos on the 5th and 12th of May 2014 to take advantage of the international media attention it was receiving. In fact, the group now had an ideal platform to take advantage of the situation to prolong its public relevance as a terrorist group; it achieved

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[33] *Ibidem*.

[34] A Stage Battle is Going on Over the Girls who Escaped Boko Haram and Came to the U.S., *Time*, 2016 <https://time.com/4378328/boko-haram-chibok-us-bring-back-our-girls> accessed on 11 October 2019.

[35] *Ibidem*.

[36] Vesna Markovic, Interview, 10 July 2019.

[37] *Ibidem*.

this a gendered angle from four different ways. Firstly, as mentioned above, Boko Haram is a fractured terrorist group with conflicting loyalties. Following the Chibok Abductions, it was speculated that Boko Haram's various factions were collectively responsible for the abductions.[38] However, with emergence of ISWA on the 3rd of August 2016 allowed Boko Haram to adopt gendered differentiation making it clear that JAS was responsible for the abductions. From this perspective, it is imperative to note how JAS and ISWA have differing views on the role of women and young girls in war. While JAS deems it permissible to use female suicide bombers, ISWA deems it impermissible which made a gender a key reason as to why this factional schism exists.[39] The treatment of women and girls even extends to how they join Boko Haram. On the 19th of February 2018 110 schoolgirls were kidnapped from Dapchi, Yobe State, Nigeria; suspicion immodestly darted to Boko Haram. However, what fascinated many about this abduction was the raid release of the Dapchi Girls in comparison to the Chibok Girls given that the former was released only a month after their abductions. It is believed that ISWA abducted the Dapchi Girls with the hope of recreating the hype experienced with the Chibok Girls. Shortly after the abductions discord emerged within ISWA over how the faction would be perceived both within and outside of Nigeria.[40] Fearing public backlash, the group released all the girls on condition that they convert to Islam. Therefore, it the acts of differentiation and credibility are evident as ISWA wanted to ensure that it portrayed an image of 'respect' for the female gender as well as been seen as a proliferator and custodian of what it constitutes to be 'true' Islam.

Secondly, Boko Haram has deployed women and young girls in conflict. Boko Haram deployed its first female suicide bombers in June

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[38] Jacob Zenn, "Boko Haram and the Kidnapping of the Chibok Schoolgirls" *in Counter-Terrorism Centre Sentential*, no. 7(5), 2014, p. 5.

[39] Elizabeth Pearson, "Wilayat Shahadat: Boko Haram, the Islamic State, and the Question of the Female Suicide Bomber" in Jacob Zenn (ed.), *Boko Haram Beyond the Headlines: Analyses of Africa's Enduring Insurgency*, New York: The United States Military Academy, 2018, p. 33.

[40] Jasmine Opperman, Interview, 24 June 2019.

2014. Since then 53% of all suicide bombings associated with Boko Harm between 2011 and 2018 where undertaken by a woman or a girl.[41] Some would argue that this occurrence is due to the fact that the female gender is expandable, however, this argument is rendered moot when one considers that Boko Haram is the first modern day jihadist terrorist group to use female dominant suicide squads[42], which have been found to less effective in heightening the death toll than individual suicide bombers[43]; this suggests that Boko Haram, and JAS in particular, is more concerned with showcasing the female gender as opposed to killing enemies. Thirdly, Boko Haram has acquired extensive funds in return for releasing hostages. The group received 3 million and 5 million Euros for the release of the Chibok and Dapchi Girls respectively.[44] The nexus between schoolgirls and high ransom payments suggests that female abductees have an added brand-like quality given that increasing the value of a product is a purpose of a brand.[45]

Thirdly, Boko Haram authenticated its Chibok Brand by staying true to its preference for female hostages overtime. Following the Chibok Abductions, Boko Haram attacked a village in the Kanuri Homelands; a female saviour noted that: "we all know what Boko Haram does to the men it captures. They shoot them dead. They just kidnap us women."[46] Another mass abduction occurred in the town of Demask, Nigeria where an estimated 500 people were kidnapped. It remains unclear how many of the abductees were female as the Nigerian government tried to cover up this

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[41] Vesna Markovic, "Suicide Squad: Boko Haram's use of the female suicide bomber" in *Women and Criminal Justice*, no.29, 2019, p. 12.

[42] Jessica Davis, Interview, 17 June 2019.

[43] Jason Warner, Ellen Chapin, Hilary Matfess, "Suicide Squads: The Logic of Linked Suicide Bombings" in *Security Studies*, no. 28(1), 2018, p. 24.

[44] Jessica Davis, *op. cit.*.

[45] Kevin Lane Keller, *op. cit.*, p. 140.

[46] Wofgang Bauer, *Stolen Girls: Survivors of Boko Haram Tell Their Story*, New York: The New Press, 2016, p. 88.

event.[47] In February 2018, in addition to the Dapchi Abductions, an addition 10 women\girls were kidnapped and returned to Maiduguri.[48] Between the 15th and 16th of July 2019, the Nigeran military rescued 500 women and young girls from Boko Haram in Bama Local Government Area; this prompted Boko Haram to issue a statement saying that it would rescue its wives.[49] Finally, and most recently, on the 29th of July 2019 Boko Haram raid a village in Kalagari, Far-North Region, Cameroon. An eye-witness reports: "they arrived during the night, entered the houses one by one and kidnapped women. Only women."[50] All of the above-mentioned events illustrate that Boko Haram continues to favour women and young girls in its attacks thus creating a sense of authenticity for the group's gender-centric Chibok Brand. The brand is further authenticated by group's international control mechanism. Terrorist groups are known for using symbols and behaviours to present an 'us versus them' narrative, which is usually accomplished by using symbols such as flags and other related symbols.[51] This is also evident how Boko Haram has come to use the term Chibok as a control mechanism. From this perspective, Boko Haram would decapitate unwilling and uncooperative female members\hostages and then showing this head to the rest of the camp often saying that if other failed to campily, they would end off like this Chibok Girl who never associated with Chibok.[52]

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[47] Boko Haram Kidnapping Civilians to Use as "Human Shields", *The Voice*, 2015 <https://www.voice-online.co.uk/article/boko-haram-kidnapping-civilians-use-human-shields> accessed on 13 July 2019.

[48] James Okolie-Osemene, Rosemary Okolie-Osemene, "Nigerian Women and the Trends of Kidnapping in the Era of Boko Haram Insurgency: Patterns and Evolution" in *Small Wars and Insurgencies*, no. 30(6-7), 2019, p. 1159.

[49] Jasmine Opperman, *op. cit.*.

[50] Women Maimed as Boko Haram Strikes Terror in Cameroon, *Zenit*, 2019 <https://zenit.org/articles/women-maimed-as-boko-haram-strikes-terror-in-cameroon> accessed on 22 August 2019.

[51] Tim Marshall, *op, cit.,* pp. 141-142.

[52] Hilary Matfess, *op. cit.*, pp. 80-81.

Discussion And Future Implications

At this point the reader may question the inclusion of the Nigerian state and the international community in this study given that the characteristics of a brand (differentiation, credibility and authenticity) were met when discussing the Chibok Brand in relation to Boko Haram. Accepting this premise would result in a negation of how the Chibok Brand emerged. From the above discussion we can see that Boko Haram did not desire for gender to become such a symbolic element of what Boko Haram has to offer. However, after witnessing the mass attention the Chibok Abductions attacked both domestically and internationally, the group sought to adopt a gendered brand so to sustain itself. Moreover, the annoyance the BBOGM caused the Nigerian government prompted the group to take advantage of BBOGM's portrayed narrative so as to further hurt its enemy, the Nigeran government. The above discussion shows that a considerable amount of symbolic thought has gone into establishing the BBOGM; therefore, it can be argued that the BBOGM can be classified as a kind of counter-narrative, one that speaks of loyalty, unity, nationalism and resilience. In return Boko Haram felt that it could use the hype of the Chibok Abductions to adopt a gendered brand. In response, key members of the BBOGM, albeit unsuccessful, ran for office during Nigeria's 2019 elections.[53] This is significant on two fronts. Firstly, the BBOGM's entrance into Nigeria's political fray signals that the movement was frustrated with the progress of responding to the Chibok Abductions that they need to take matters into their own hands. Secondly, the zealous nature with which the BBOGM was received turned the Chibok Girls into a political symbol; the entrance of the BBOGM into the political fray further significant as it illustrates a desire to become a counter-symbol, one that translates the core values of the BBOGM into political and\or legislative action.

The entanglement of a brand such as the one discussed in this paper, carries some implications. For one, it tells us that while terrorist

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[53] Ini Ekott, "Facing Down the Political Establishment" in *Africa In Fact*, no. 48, 2019, p.101.

groups may not want to adopt particular brands or elements thereof, they are sometimes forced to do so, so as to ensure their sustainability in the long-term. This was the case with the Chibok Abductions. As a consequence, Boko Haram has shown itself to be a sophisticated terrorist group that is adaptable. As a subsequent consequence, state and international actors should exercise care to not place too fine a point on a circumstance so as not to provide terrorist groups with ammunition to build upon their brand so as to prolong its existence. This consequence is already beginning to show as the United Nations Children's Education Fund has, with good intention, tried to highlight the plight of children within the context of the Boko Haram conflict by using the hashtag BringBackOurChildhood. This is clearly a play on the BringBackOurGirls hashtag, which if not managed with can result in Boko Haram adapting its brand again to include children. In some respects, this is already happening as the suicide bombers are becoming younger with girls making up 75% of Boko Haram's suicide's bombers.[54]

Conclusion

This paper's objective was twofold. Firstly, the paper attempted to show that the Chibok Abductions of April 2014 became a political brand for the terrorist group Boko Haram. Secondly, the paper aimed to illustrate, unlike other brands adopted by terrorist groups, Boko Haram had little to no control over how the Chibok Brand emerged; thus, the Chibok Brand owes its existence to a three-dimensional sphere, namely: the Nigerian State, the international community and Boko Haram. The first objective was achieved by showing how the Chibok Abductions met the triangular criteria to be classed as brand. The brand has differentiation on two fonts as it allows factions within Boko Haram to showcase their preferences

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[54] United Nations Children's Fund, Beyond Chibok, 2016 <https://www.unicef.org/infobycountry/files/Beyond_Chibok.pdf>, accessed on 11 October 2019.

towards gender as well act as a counter-narrative and counter-political symbol for the BBOGM. Therefore, both Boko Haram and Nigerian civil society were able to offer their viewers something different as to what already existed on the market overtime. Credibility was proven as ISWA has stayed true to its doctrine by not using female suicide bombers or conducting mass abductions of schoolgirls so as to not hurt its favourable image. The BBOGM also retained its credibility by living up to its promise to never stop campaigning. Finally, the Chibok Brand obtains its authenticity by means of sustaining a sense of permeance. From the perspective of Boko Haram, attacks and subsequent eye-witness testimony has shown that women and girls remain a favourable target of group even 5 years after the group's mass incorporation of the female gender into its ranks. On the opposite side of the spectrum, one saw that the BBOGM has recently taking on political qualities by allowing its leaders to run for office thereby making its civil demands politically actionable.

While this paper has met its research objectives, its finding are limited by fact that it interrogates Boko Haram's branding initiatives from a gendered angle; by doing so, other important factors such as choice of weaponry, choice of clothing and style of leadership are all neglected. Henceforth, further research needs to address Boko Haram's branding from a much wider angle; by doing so scholars and policy makers should be able to paint a clear picture of how the factions seek to distinguish themselves, which of the factions is strongest and how one could go about engaging Boko Haram so as to aid the latter in making insightful and meaningful counter-terrorism policy adjustments.

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ON THE DIALECTICAL RELATIONSHIP
BETWEEN EUROPE AND AFRICA

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Abstract

The paper explores the dialectical relationship between EU and Africa as it is driven by the relative asymmetric capacities and divergent priorities of the involved parties. Both the European Union and the African Union have enlarged their capabilities and increased their foreign policy ambitions over recent decades. However, the asymmetric relationship persisted. The increased visibility of the EU in the global arena and its "normative" ambitions meant a change in EU–Africa relations. However, in the last decades, Africa remained mostly undeveloped and we have witnessed increase in violent conflicts and state fragility, despite decades of "stick and carrot" institutional measures. This suggested that the existing EU-Africa cooperation formula should be improved. The regional power of the EU (structural power) determines how the EU relates to other actors, including the AU. As such, revisiting the policy cooperation errors of the past, building trust, and investing in academic cooperation are thus essential, through redefining the basis for cooperation between Europe and Africa.

Keywords: EU–Africa relations, Cotonou Partnership Agreement, partnerships, structural power, university

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An (un)adequate theoretical framework

Most Western-centered IR theories are unable to adequately analyse the nature of African states and the international relations these are engaged with; due to historical simplification, ideological constrains and the artificial nature of the African states. These states did not emerge as a result of a of social, economic and religious self-determination. Rather, the modern African states were created to serve Western interests, in their initial form of colonial structures. As such, the theoretical framework cannot adequately explain the "historic meeting, collision, and dialectics between the project of nation-state-making and the counterclaims of ethnonationalism"[1].

The direct colonial rule transformed the development of Africa's own complex models of political organization. As such, Africans had to adapt their political systems (some of which embodied both traditional and progressive practices) to the realities of a colonial existence. In the clash with colonialism, Africa lost its great variety of political forms. As Potholm notes, in pre-colonial Africa, "monarchy, democracy, dictatorship, theocracy - coexisted within a relatively small geographical area and often under similar socioeconomic conditions"[2].

Unlike the Western model, the African pre-colonial political systems were not only more diverse, but they were mostly centered around a pluralistic view of nations. In most pre-colonial African political systems, "there was a cultural nation, a linguistic nation, but not a political one in the sense of having a strong central political authority or, in many cases, even a central authority at all"[3]. The primary theoretical assumption underlying the exercise of political power in pre-colonial Africa was that it

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[1] Stanley J. Tambiah, "The Nation-State in Crisis and the Rise of Ethnonationalism" in Edwin Wilmsen and Patrick McAllister (eds.), *The Politics of Difference: Ethnic Premises in a World of Power*, Chicago: University of Chicago Press, 1996, p. 125.

[2] Christian P. Potholm, *The Theory and Practice of African Politics*, Englewood Cliffs: Prentice Hall, 1976, p. 4.

[3] *Ibidem*, p. 12

"ought to be localized, fragmented, and dispersed, not focused on any central political authority"[4]. Since these types of political models did not fit the Westphalian one, their status within a colonial framework opposed the European colonial state and reaffirmed their desire to re-establish and develop African models of governance.

In the twentieth century, after the Second World War, European colonial powers had the historical opportunity to rectify the errors of colonialism. "Instead, during the decolonization period, Belgium, Britain, France, Spain, and Portugal compounded their errors by carrying out a process of colonial disengagement as arbitrary and detrimental to the long-term prospects for Africa as their engagement centuries before. Specifically, the departing colonial powers selected a group of post-colonial African leaders drawn from upper elites who had more in common with their former colonial masters than the people they would govern. Not surprisingly, therefore, the first generation of African leaders embraced, without much questioning, the state-centric model devised for Europe."[5] As such, that most African states remain illegitimate and undemocratic, unable to stand on their own without the neo-colonial support of the West. Given this situation, ethnonationalism re-emerges in the heart of the people, as a natural reaction against excessive centralizing tendencies of the state.

As Assis Malaquias *et al.* note, a purist state-centric approach is inadequate for a fair understanding of African political reality, and consequently the relationship with international actors. Therefore, a mixed approach may better emphasize the importance of political, economical, social, cultural, religious, and other connections to nations; in addition ethnicity cannot be ignored in understanding contemporary Africa. As a consequence, a return to the flexible concept of nation, ethnicity, gender

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[4] *Ibidem*.

[5] Assis Malaquias "Reformulating International Relations Theory: African Insights and Challenges" in Kevin C. Dunn, Timothy M. Shaw (eds.), *Africa's Challenge to International Relations Theory*, New York: Palgrave, 2001, p. 15.

and social conditions, as well as sub-state actors may provide a more adequate framework for understanding the behaviour of the African states in the international arena.

Analysing contemporary Africa, the first negative assumption associated with it ("hopeless continent", poverty, state failuare, etc.) was built – in the 1970s – on the narrative that the continent was excluded from the global market.[6] The second assumption, from the early 2000, that of the "rising Africa"[7] states that the continent isolation has ended (partly due to the neoliberal economical efforts operated by the West). Both paradigms are consequences of a Eurocentric conception of Africa – a continent which was oversimplified by the West and was not allowed to be understood in a nunaced, multilayered manner.

The theoretical assumption of the present paper is that modern Africa, despite all the effort of being marginalised, denigrated and exploited, has always been an essential part of the global system and remains a major constitutive site for world politics. The issue of Africa's position in global politics cannot be reduced to discourses of inclusion/exclusion (the opposition between a failure or a rising narrative).[8]

Africa in the International Context

The end of the Cold War has determined many African leaders to look for new sources of external support and forms of legitimation. The increased difficulty of maintaining authoritarian rule without access to significant external resources can explain the wave of "democratization" that occurred in Africa during the early 1990s. These cases of

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[6] See M. Castells, *The Rise of the Network Society: The Information Age*, Vol. 1, Oxford: Blackwell, 1996.

[7] Charles Roxburgh *et al.*, "Lions on the Move: The Progress and Potential of African Economies", *McKinsey Global Institute*, June 2010 <mckinsey.com/media/McKinsey> accessed on December 2019.

[8] See Jean Comaroff and John Comaroff, *Theory from the South, or How Euro-America is Evolving Towards Africa*, New York: Paradigm, 2012.

"democratization" conducted to multi-party political systems which has failed to remain autonomous from potential external donors or to incorporate, either economically or ideologically, the most alienated segments of many African societies: the youth, rural communities and women[9].

In the following, we will depict the role of the main international actors involved in the current development of the African continent: US, China, Japan, Russia, France and Britain – as these actors partly had shaped the African path, either through ambiguous policies, or pragmatic approaches.

Related US engagement with Africa, the first has embraced, at least in discourse, a humanitarianist approach. However, with the brief and problematic exception of Somalia in the early 1990s, the US administrations have generally neglected Africa's genocides, wars, famines and epidemics. The policy frameworks adopted by the US have failed to significantly improve the lives of Africans, although certain states and their elites have benefited from them[10]. It can be added that the humanitarianist perspective in nevertheless doubled with great interest in human and physical resources (young population and oil) of the vast African continent.

China's relations with Africa has increased in the last two decades, under the vision of South-South cooperation, and more recently through Belt and Road Initiative[11]. The rhetoric of "mutual benefit", "non-interference", "win-win strategy"[12] rises considerably expectations in the

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[9] See J. F. Bayart, "Africa in the World: A History of Extraversion" in *African Affairs*, no. 99, 2000, p. 227.

[10] See James J. Hentz, "The Contending currents in United States Involvement in Sub-Saharan Africa" in Ian Taylor and Paul Williams (eds.), *Africa in International Politics : External Involvement on the Continent*, New York: Routledge, 2017.

[11] BRI is a global development strategy adopted by People's Republic of China, involving infrastructure development and investemens in Asia, Africa, Europe and Americas. See Ana Pantea, "Belt and Road Initiative and Its Geostrategic Significance for Eastern Europe" in *Knowledge-Based Organization,* no. 24(1), 2018, pp. 171-179.

[12] See Sven Grimm, "China-Africa Cooperation: Promises, Practice and Prospects" in *Journal of Contemporary China*, no. 23, 2014, pp. 993-1011.

African countries. Nevertheless, the success of this promissory cooperation depends considerably on the socio-economic, as well as political circumstances or military strategies which are articulated within the African continent. But at the same time, the grandious plan generates threats for China in terms of: "reputational risks derived from its association with certain governments; risks to its business interests posed by mercurial leaders and weak regulatory regimes; and risks faced by its citizens operating in unstable African environments."[13] The consequence is an increasing Chinese involvement in African security (at the level of the UNSC and the African Union, as well as financial assistance for peace support missions). The announcement of a China-Africa Cooperative Partnership for Peace and Security creates concerns that China expands its role within the existing structures of regional and global governance. Certainly, China plays an increasingly positive role in the fragile political environment in Africa, however, a more ambiguous role is seen with regard to arms transfers.

Japan's Africa policy is focused on strategic competition with China, commerce and an extensive aid programme. The developing relationship between Japan and Africa took place, partly, as the result of changing Japanese interests, but in the same time due to the outcome of political shifts within Africa over the past three decades. Even if the aid constitutes the traditional vector in the relationship between Japan and Africa, a significant element of Japan's activities on the continent is built upon a notion of an "Afro-Asia bloc". Just as China, Japonese policy-makers have also been keen to promote Japan as a non-Western country with a "special relationship" with Africa. However, as Scarlett Cornelissen points out, beneath this rhetoric Japan's Africa policy is in practice largely self-serving, using Japan's presence in Africa as a means to attain Tokyo's international

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[13] Chris Alden and Laura Barber, "Introduction: Seeking Security: China's Expanding Involvement in Security Cooperation in Africa" in Chris Alden *et al.* (eds.), *China and Africa. Building Peace and Security Cooperation on the Continent*, New York: Pelgrave, 2018, p. 1.

objectives, and focused predominantly upon South Africa.[14] In addition, in its rivalry with China, Japan can compete for influence and engagement on the African continent. For example, as an alternative to the Forum of China-Africa Cooperation, Japan has established its own multilateral institution: the Tokyo International Conference for African Development.[15] Even though Chinese engagement is apparently more vizible, Japan has a stronger sense of rivalry that China has. This phenomenon become more apparent because of the transformation in which the African continent is perceives by the two actors as a land of "economic opportunities".

Russian foreign policy towards Africa has improved in the recent years. For instance, the year 2019 was labelled as the "year of Africa in Russia"[16] Under the presidency of Vladimir Putin, Russia has included a refurbished interest in Africa, particularly with regard to promoting peace on the continent, and also promoting economic relations. Being consequent to a revisionist agenda and his vision on Russia as a re-emerging power, V. Putin is taking seriously what he sees as Russia's "special responsibility" as a permanent member of the UN Security Council; as such he asserts that there is no ideological context (as it used to be in the Soviet era), only trade and economic aspirations. Accordingly, Russia has gained a comprehensive footprint on the continent due to: increase participation of Russian companies in Africa's security services market; political expertise offered for African politicians; and a deeper cooperation in the religious sphere.

EU member states, Britain, France and Germany keep maintaining bilateral relations with the former colonies. For instance, Britain's Africa policy has been shaped by low priority accorded to African affairs. As Paul William emphasizes, Great Britain manifested a selective official interest on

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[14] See Scarlett Cornelissen, "Japan–Africa Relations. Patterns and prospects" in Ian Taylor and Paul Williams, *op. cit.*, pp. 116-125.

[15] Miwa Hirono, "Asymmetrical Rivalry Between China and Japan in Africa" in *The Pacific Review*, 2019, pp. 1-29.

[16] World Economic Forum, 8 Key Challenges to the Future of Russian-African Relations, 27th October 2019 <weform.org/agenda/2019> accessed on 3 November 2019.

the continent, as well as unwillingness to move beyond an approach of imperial spheres of influence. In addition, the British state mentaned close collaboration with its transnational corporations, and as a consequence of these three strategies, the cooperation can be considered limited.[17] In terms of promoting peace, Britain had a mixed approach. The notable failure to respond effectively to genocide in Rwanda has only been partially offset by the commitment invested in Sierra Leone. The form of liberal democracy promoted by the British is also seen as being compatible with market economies, and often privileges the importance of civil and political rights over economic and social ones. In sum, despite some potentially encouraging developments in Sierra Leone, Williams contends that Britain's Africa policy has remained one of "damage limitation".

France's African policy has been marked by a contradictory process of reform and continuity since the early 1990s. France has traditionally claimed a special relationship with Africa, although it has drawn criticism for bearing all the characteristics of paternalistic neo-colonialism[18]. The links between France and Africa have been highly personalized, perhaps more so than any other external actor.[19] This meant a dual approach: that of reformist impulses that emerged after the Rwanda debacle, the crisis in Zaire and the rebellions in the Central African Republic which did not penetrate very deeply in the political elite. The return of the conservatives has meant a return to the classical approach (particularly under the Gaullist Jacques Chirac). France's ties with Africa reflect a reciprocal relationship, driven primarily by the desire to be seen as a global player and the wish to export a broader francophone project. The export of French identity and cultural values overseas is an integral part of Paris's African policies. In this

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[17] See Paul William, "Britain and Africa after the Cold War" in Taylor and Williams, *op. cit.*, pp. 44-49.
[18] Daniela Kroslak, "France's Policy Towards Africa Continuity or change?" in Taylor and Williams, *op. cit.*, pp. 61-83.
[19] *Ibidem*, p. 11.

sense, France needs Africa for its own image just as much as Africa needs France for material and political support.

The Mean of the Cotonou Partnership Agreement (CPA)

EU-Africa relations are politically governed by the Cotonou Agreement (2000-2020) and the Joint Africa-EU Strategy[20], which both include political, economic and development dimensions, with 78 countries in the ACP (Africa-Caribbean and Pacific) group. EU-ACP relations date back to the Lomé Conventions I-IV establishing development cooperation and trade provisions, which allowed 99.5 % of products from ACP countries free access to the European market.

The goal of the Cotonou Agreement was to create opportunities to the ACP countries to be more present in the world economy. The Agreement employs the term "partnership", highlighting mutual commitment and responsibility, and emphasises political dialogue, human rights, democracy and good governance. The European Parliament gave its consent to the ratification of the 2010, but expressed "its strongest reservations about parts of the Agreement which do not reflect the position of the European Parliament and the values of the Union"[21]. Parliament objected, in particular, to the absence of an explicit clause on "non-discrimination on the basis of sexual orientation"[22].

An important step forward was made, in 2007, when the EU's policy regarding all 54 African sets out the Joint Africa-EU Strategy (JAES)[23] which moves beyond purely African matters, towards effectively

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[20] Gonzalo Urbina Treviño, "External Relations: Africa", European Parliament, 4/2019, <http://www.europarl.europa.eu/factsheets/en/sheet/180/africa> accessed on November 2019.

[21] *Ibidem.*

[22] *Ibidem*.

[23] Joint Africa–EU Strategy <https://ec.europa.eu/europeaid/regions/africa/continental-cooperation/joint-africa-eu-strategy_en> accessed on November 2019.

addressing global challenges such as migration, climate change, peace and security.

The fourth EU-Africa summit, held in Brussels in April 2014, led to the adoption of a political declaration by Heads of State and Government and a results-oriented roadmap for 2014-2017. At the summit, it was decided to focus the partnerships around five priority areas: (i) peace and security; (ii) democracy, good governance and human rights; (iii) human development; (iv) sustainable and inclusive development and growth and continental integration; and (v) global and emerging issues. In this new cooperation framework, science, technology and innovation are recognised as a cross-cutting issue, in view of their contribution to the attainment of all other socio-economic development objectives. A separate declaration on migration and mobility was approved.

Although the three pillars of the CPA addressing political dialogue, development cooperation and trade have shown significant improvement, there is tension within the continent related representation after the expiration of CPA in 2020. There are two camps: "those, within the ACP Group, who wish to preserve the EU–ACP cooperation model; and those, within AU circles, who believe that the AU is Africa's only legitimate interlocutor with the EU."[24] The main issue is essentially on who would best be able to represent the collective interest of African states vis-à-vis the EU.

> *Ambassadors of the same African countries – sitting on the CoA in Brussels or the PRC in Addis Ababa – support processes leading to alternative outcomes. Clearly, coordination must not have worked well in national capitals, if ministerial representatives of African governments meeting in the ACP context (in most cases finance ministers) and ministerial representatives of the same governments meeting in the AU context (generally foreign affairs ministers) also agreed upon*

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[24] Maurizio Carbone, "Caught between the ACP and the AU: Africa's relations with the European Union in a post-Cotonou Agreement context," in *South African Journal of International Affairs*, 25:4, 2018, p. 487.

two decisions that were difficult to reconcile. These findings pave the way for further research on Africa's international relations, certainly on Africa's collective agency vis-à-vis other actors, but also on the formation of foreign policy preferences of single African states. [25]

The two separate common fronts defend their role as the EU's legitimate interlocutors. At the present moment, the ACP Group has failed to represent African interests and the AU consolidated its position.

The contemporary understanding of EU–Africa relations

Although the ACP excludes North Africa and includes former colonies outside of Africa, it constituted a central avenue for engagement between the two regions. In addition, the EU–Africa partnership works under the framework of the Joint Africa–EU Strategy (JAES).

The academic works which address EU-Africa relations emphasize the problematic dimensions of the relationship, including development and dependency, asymmetrical trade arrangements and the exercise of power.[26]

John Kotsopoulos & Frank Mattheis[27] point out the relationship in terms of: colonial legacy, meanings of partnership, asymmetry, market liberalisation, politicisation, regional actorness and the changing global order. They argue that the seven elements are intertwined and influence each other.

The colonial legacy still affects the relationship between the two parties in that 'it contributes to building expectations of compensation (through aid) and recording disappointments when those expectations are not met'. In addition, despite

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[25] *Ibidem*, p. 492.

[26] See Cosgrove Twitchett, *Europe and Africa: From Association to Partnership*, Farnborough: Saxon House, 1978; J. Ravenhill, *Collective Clientelism: The Lomé Conventions and North–South Relations*, New York: Columbia University Press, 1985; M. Carbone, *The European Union and International Development: The Politics of Foreign Aid*, London: Routledge, 2007.

[27] John Kotsopoulos and Frank Mattheis, "A Contextualisation of EU–Africa Relations: Trends and Drivers from a Reciprocal Perspective" in *South African Journal of International Affairs*, no. 25(4), 2018, pp. 445-460.

*repeated protestations by many African elites since independence to break free
from the colonial past and the ties that bind Africa and Europe together, for most
Sub-Saharan African countries, the EU remains the main trading partner and it
absorbs around 85% of Africa's agricultural exports and 75% of Sub-Saharan
Africa's overall trade.*[28]

According to the authors, recent self-characterisations of the EU as a
normative super-power is highly problematic as it still represent a form of
imperial moral superiority and a means to "publicly legitimise, and to self-
rationalise, external policy agendas"[29]. The colonial legacy remains a
decisive factor, as it frames not only the discourse but also the self-
positioning as well as the perception of the actors.

The term partnership is used more as an euphemism than a real
attribute of the cooperation, as asymmetry in the negotiation power is
evident between the two actors which act in a neo-liberal context.

The influence of regional actorness is evident in the way the AU has
treated the EU as a model. Daniel Bach outlined how African institutions
established "ambitious institutional blueprints, largely inspired by the EU's
[...] norm-driven approach to integration"[30] and later measured their
progress by using the EU as a benchmark.

The EU seeks to promote the principles of democracy, good
governance, rule of law and human rights. Clearly, there is a combined
interest within the EU in promoting these values in ways that are
connected to questions of security, poverty reduction and as well as conflict
prevention, crisis management and conflict resolution.

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[28] John Kotsopoulos and Frank Mattheis, *op. cit.*, p. 449.
[29] M. Langan, "Normative Power Europe and the Moral Economy of Africa–EU Ties: A
Conceptual Reorientation of 'Normative Power'" in *New Political Economy*, no. 17, 2011, p.
263, *apud* John Kotsopoulos and Frank Mattheis, *op. cit.*, p. 450.
[30] Daniel Bach, *Regionalism in Africa: Genealogies, Institutions and Trans-state Networks*,
London: Routledge, 2015, p. 77.

For the AU, the main focus when it comes to the issues of governance, democracy and the rule of law has been the creation and strengthening of workable instruments at the continental level in order to consolidate integration and enable the continent to speak as one on the international stage. [31]

In practice, cooperation between the EU and the AU can be seen on areas of governance collaboration which include harmonised approaches in higher education, improving the standard of public finance systems, and creating space for greater participation of civil societies.

The Academic Dimension

After 2020, in a 'post-Cotonou' context, human development and academic cooperation may play a more significan role in the EU-Africa cooperation, and as a consequence the role of inter-academic cooperation will increase. As such, in the following it will be investigated how the Emergency Trust Fund for Africa and the Erasmus+ program might influence the African continent, without serving European interests.

Many researchers, like Carlos Cardoso, Daniel Sifuna or Bethuel Markusso[32], consider that African universities are locked in a crisis. The origins of this crisis go back to the 1980s, but the crisis itself continues up to nowadays. Even though protests (in South Africa[33] or Sub-Saharan Africa) challenged the status quo, the production of marketable goods, "new

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[31] Luckystar Miyandazi *et al.*, "AU–EU Relations: Challenges in Forging and Implementing a Joint Agenda" in *South African Journal of International Affairs*, no. 25(4), 2018, pp. 461-480.

[32] See Carlos Cardoso, "The Challenges Facing African Universities" in *Journal of African Cultural Studies*, 2019, pp. 1-19; Daniel N. Sifuna, "Neoliberalism and the Changing Role of Universities in Sub-Sakharan Africa: The Case of Research and Development" in *Journal of Higher Education in Africa (JHEA)/ Revue d'Enseignement Supérieur en Afrique (RESA),* no. 12(2), 2014, pp. 109–130.

[33] In the post-apartheid society South Africa has undergone a continuing and conflictual process of decolonisation and recreation of new university identities and policies. A relevant example was the *Fees Must Fall* student uprising. See M. Hall, "South Africa's Student Protests Have Lessons for All Universities" in *The Guardian*, 2016, March 3 <https://www.theguardian.com/higher-education-network/2016/mar/03/south-africas-student-protests-have-lessons-for-all-universities> accessed on November 2019.

managerialism", the large number of enrolled students, the lack of vision, financing issues and exaggerate speed of development impoverish a fit development. As the neoliberal principles had penetrated many African universities, like in other parts of the world,

> *contemporary colleges and universities face confrontation between local expectations—for example, responsiveness to their own historical traditions, social commitments, accomplishments and liabilities—and those posed by global competitiveness and dominant perceptions about the characteristics of so-called world-class universities. These conflicting demands have taken place in the midst of, and have also deepened, existing crises of identity in higher education systems and institutions.*[34]

These discussions are linked to the dilemmas over local and regional responsiveness, versus international orientation and competition; social engagement, versus market orientation of the African universities.

Decolonizing the African university is seen by the overwhelming majorly of scholars as being the first step forward. That means the construction of new knowledge that speaks to the context of the African condition, rather than being a mirror image of Western knowledge production. In this paradigm, Cloete & Muller called for "endogenisation of the curriculum, including mother-tongue instruction; local, alternative or African knowledges and philosophy; and non-western technologies of development."[35] In other words, there is a demand for knowledge change in the African university in terms of the "re-narration of the African

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[34] Imola Ordorika, "Knowledge and Change in Contemporary Postcolonial Universities" in Michael Cross and Amasa Ndofirepi (eds.), *Knowledge and Change in African Universities, Volume 1 – Current Debates*, Rotterdam: Sense, 2017, p. x.

[35] N. Cloete, and J. Muller, *South African Higher Education Reform: What Comes After Post-Colonialism?* Wynberg: Centre for Higher Education Transformation, 1998, p. 3.

existence"[36] and the need for constructive "...discourse that mainstreams local relevance and vocalises the silent voices"[37] of African experiences.

Felix Maringe has offered a taxonomy for Africanising and decolonising the post-colonial structures in order to create a "new African university": a mass-based institution, not an elitist one; new skills based curricula in indigenous languages; focus on the local environment; priority to collaborative learning; expand the African value systems; concentrate on the establishment of Afro-based knowledge, etc. [38]

The question which arises in this context is how can African universities be transformed without serving external interests and agendas?

For instance, in the official discourse, Europe links internationalisation to knowledge production strategy through the Erasmus+ programs that encourage the mobility of students and scholars within Europe and worldwide.

In cooperation with Africa, within the 2015 Valletta Summit, the representatives of EC have acknowledged the need to substantially increase the number of Erasmus+ scholarships for African students and academic staff. As a consequence, the summit launched the Emergency Trust Fund for Africa. Subsequently, in September 2018, the Commission launched a new Africa-Europe Alliance for Sustainable Investment and Jobs (COM(2018) 643)[39], with "investment in education and matching skills and

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[36] C. I. O. Okeke, "A Framework for Curriculum Policy for Social Cohesion in Africa" in *Progressio*, no. 30, 2008, p. 61.

[37] J. T. Lebakeng, M. M. Phalane and N. Dalindjebo, "Epistemicide, Instituitional Cultures and the Imperative for the Africanisation of Universities in South Africa" in Alternation, no. 13(1), 2006, p. 70.

[38] Felix Maringe, "Transforming Knowledge Production Systems In The New African University" in Michael Cross and Amasa Ndofirepi (eds), *Knowledge and Change in African Universities, Volume 2 – Re-Imagining the Terrain*, Rotterdam: Sense, 2017, p. 3.

[39] EC, Communication on a New Africa – Europe Alliance for Sustainable Investment and Jobs: Taking our Partnership for Investment and Jobs to the Next Level, 12 September 2018 <https://ec.europa.eu/transparency/regdoc/rep/1/2018/EN/COM-2018-643-F1-EN-MAIN-PART-1.PDF> accessed on November 2019.

jobs". In the document, the Commission announced that it would support mobility of students, staff and academics across the African continent through the Inter-Africa mobility scheme, in order to improve employability in Africa.

The priorities agreed for EU-Africa cooperation are, beside mobility, to harmonise higher education in Africa (Tuning Africa project); to enhance quality assurance and accreditation in African universities (even though the term reflects a hierarchical cooperation scheme); and to develop centres of excellence in Africa (following the structures of the European ones).

In November 2017, the European Parliament adopted a resolution – EU-Africa strategy: a boost for development (2017/2083(INI)) – in which it

> *calls for the EU and the AU to promote exchanges between students, teachers, entrepreneurs and researchers between the two continents; welcomes the Commission's proposal to launch an African Youth Facility, expanding the scope of Erasmus+, and an EU vocational education and training facility; calls for a discussion on the recognition by the EU of certificates and diplomas issued by African schools and universities; notes that ensuring circular migration is essential for sustainable development; and for preventing a brain drain from Africa*[40].

Neven Mimica, the European Commissioner for International Cooperation and Development, declared in 2019 that "education lies at the heart of development. Investing in skills is crucial to provide people, especially the youth, with decent jobs and future perspectives. Reinforcing a mutually beneficial partnership between Africa and Europe in the field of

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[40] European Parliament resolution of 16 November 2017 on the EU-Africa Strategy: A Boost for Development, paragraph 60, *Official Journal of the European Union*, 4 October 2018 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52017IP0448> accessed on November 2019.

higher education is key to sustainable economic growth and long-term prosperity."[41]

The most innovative financial instrument is the Intra-Africa Academic Mobility scheme (30 million euros, between 2016-2019) which was established with the aim of promoting "sustainable development and contributing to poverty reduction", by increasing the availability of trained and highly qualified professionals in Africa. The scheme enhances student and staff mobility between African countries by means of cooperation. Obviously, the financially scheme is beyond expectations, but for sure the scheme will bring positive outcomes.

The Commission's Harmonisation of African Higher Education Quality Assurance and Accreditation initiative (implemented by EU and AU) has published the African Standards and Guidelines for Quality Assurance. Unfortunately, the standard is an unadapted copy of the European model, without taking into consideration the different context of the African universities. In addition, challenges like academic corruption, lack of autonomy were not taken into consideration for the development of the standard.

EU-Africa cooperation is in progress, however, the scale of this cooperation is still inadequate given the way the schemes purely copy the EU standards, the low number of African students and researchers involved, and the insufficient financial investment.

> *If the development of intercontinental academic cooperation is to be enhanced, there are five elements to be considered. First, policy and international agreements in the 'post-Cotonou' phase must focus on human development and academic cooperation. Second, priority must be given to adequate funding, not least on the EU side, for instance through the (2021-2027) Erasmus and Horizon Europe*

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[41] Neven Mimica, Africa-Europe Alliance: High Level Conference on Higher Education Collaboration, 24 October 2019 <ttps://ec.europa.eu/europeaid/news-and-events/africa-europe-alliance-high-level-conference-higher-education-collaboration_en> accessed on November 2019.

programmes. Third, attention must be given to the future scope and budget of the intra-Africa academic mobility scheme. Fourth, issues, such as climate change and migration, must be addressed in the interest of both sides. Finally, further investigation is needed into the potential for multilateral academic cooperation involving partners other than from the EU and Africa. [42]

Africa, with its fast-developing economy, young population and a growing demand for education among young people, it is an important partner for the EU in all areas. In a context in which China plays a more active role in bilateral development cooperation, the role of EU might decree without a more flexible and adapted cooperation scheme, especially in the education field.

Conclusions

The articles gathered in the special issue *Studia Europaea* provide a contextualisation for the study of relations between Africa and the world, as well as structural transformation which are taking place within Africa. After the Cold War, a number of researchers generated a widespread discussion of an "African renaissance". In the last three decades, however, hopes have faded. Structural social adjustment and the political reforms have not led to the expected results.

The main point highlighted by the authors of the issue is that the current state of affair is strongly shaped by the post-colonial experience, to the extent that the governance patterns that have emerged can be even seen as a continuation of colonial rule. The topics discussed by the contributors, such as the de-colonialization of the theory of IR and of the university system; as well as the need for a ground reform in the economic sector (either in neo-liberal, or neo-marxist key), emphasize the key legacy of the

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[42] Anna Zygierewicz , "EU-Africa Academic Cooperation ", European Parliamentary Research Service, 642.810, December 2019 <https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/642810/EPRS_BRI(2019)642810_EN.pdf> accessed on December 2019.

colonial state (authoritarianism, paternalism, etc.) and the disruption which have occurred in the African societies due to the colonial rule.

In terms of interstate development, some authors emphasize the recurrence of civil wars in some African states. These conflicts were either about control over the state or about separatist attempt, and as such unstable and fragmented domestic politics can be seen as the driving factor for the slow stabilization process. Of course, the way in which home affairs had been developed in the post-colonial time is deeply linked to the legitimation mechanism of colonial powers (France, Britain or, previously, even the Soviet Union) and their interference in domestic politics. International recognition and aid system have enabled states to continue to perpetuate their politics even if the actual political control has been limited.

Many African states are still unable to build up sovereignty in order to ensure that their institutions are actually recognised at home and abroad as the highest political authority. The democratic constructions of these institution and the discard of neo-colonialist practices within them might be a feasible long term strategy.

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"THE FLAG STILL STANDS!"
THE POLITICAL RECONVERSION OF THE INTERNALLY EXILED
INDEPENDENTISTS OF CASAMANCE

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Abstract

The article analyses the different trajectories of former combatants of the Mouvement des Forces Democratiques de Casamance (MFDC) in southern Senegal, focusing on the political prosecution of the armed struggle. If the independence demand is often present in their speech, it takes different forms and allows them to enter the local political life or become agents of the peace process. It is about trying to understand the motivations of actors and contextualize them in order to identify the mechanisms that lead to long-term dialogue and conflict resolution.

Keywords: militancy, political careers, identity, veterans, veterans, peace mechanisms

Introduction

The political prosecution of armed struggle by veterans depends on a series of personal and social factors. While research on this phenomenon has been numerous, the literature on related processes - such as "internal

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exile" of veterans - is less rich[1]. By its typology, the Casamance conflict lends itself to studying the modes of "production" and political functioning of the demobilized paramilitary elements. The goal of our research is twofold. First, critically explain the historical evolution of the "liberation" movement of Casamance, emphasizing the separations and regroupings of the main factions involved in this conflict. Then, in the light of this synthesis, we will try to analyze the profiles of the independence ex-combatants in internal exile converted to political militancy.

To do this, we propose a plan in two large parts. The first will be devoted to the nature and historical evolution of the Casamance conflict, with a particular emphasis on the fragmentation and attempts to regroup the secessionist movement, whose power decreases from its pinnacle at the end of the 1980s, to its lower level in the mid-2010s. In the second part, we will deal with the question of the internal exile of veterans and especially the political future of internal exiles. We will present here the most relevant results of a sociological survey that we conducted in 2018 and in early 2019 in Casamance and in "metropolitan" Senegal, which consisted in identifying, interviewing and making dialogue with veterans belonging to different rebel groups in Casamance. This allowed us to establish a series of regularities and to sketch out a series of militant journeys, from the "maquisard without maquis" to the "notable repented" - portraits that we will present in this final part of our article, before drawing some conclusions.

The Casamance conflict: from rebellion to relative appeasement

For more than thirty years, Senegal has had to contend with a separatist rebellion in the south of the country. The Casamance region, located between The Gambia and Guinea-Bissau, has experienced periods of sometimes very violent conflict, punctuated by several cease-fires, to

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[1] Jeffrey J. Ryan, „The Impact of Democratization on Revolutionnary Movements" in *Comparative Politics*, no. 27(1), 1994.

today stagnate in a situation of "neither peace nor war" . If secret meetings with nationalist hints had been taking place for several years[2], we often remember December 26, 1982, to mark the beginning of events, when the Movement of Democratic Forces of Casamance (MFDC) organized a large peaceful demonstration in favor of independence in Ziguinchor. The symbolic goal of this march was to win the Senegalese flag of governance. Mamadou Nkrumah Sané and Abbé Diamacoune, the main ideologues of the movement, were arrested a few days earlier[3]. To remove the Senegalese flag and replace it with a white flag was a strong symbol. The gendarmes, panicked, shoot at the crowd; victims are identified on both sides. This march remains for the MFDC a highlight of the movement's history. The support of the population was essential to legitimize the armed struggle. The MFDC is positioned as the spokesman of a population abandoned by the state, suffering from a weak economic development and the spoliation of its natural wealth by foreigners. Casamance is also under great pressure on land. The law on the National Estate, passed in 1964 but applied in the late 1970s, allows the administration to appropriate land which are not registered. Encouraged by drought, many Northerners take advantage of the land in this green region. Land acquired on the coast is often used to build hotel complexes. Locals suffer more than they take advantage of the tourism potential of their region: hotels encroach on their productive space and appeal to the more qualified people of the North to compose their staff[4]. The MFDC can take advantage of "the political vacuum (...) which gives it a quasi-monopoly in the representation of the Casamance evil"[5]. The movement became more radical from December 1983. The political

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[2] Mohamed Lamine Manga, *La Casamance dans l'histoire contemporaine du Sénégal*, Paris: L'Harmattan, 2012.

[3] René Capain Bassène, *Casamance. Récits d'un conflit oublié (1982-2014)*, Paris: L'Harmattan, 2015.

[4] Jean-Claude Marut, *Le conflit de Casamance. Ce que disent les armes*, Paris: Karthala, 2010.

[5] Jean-Claude Marut, „Le dessous des cartes casamançaises. Une approche géopolitique du conflit casamançais" in François George Barbier-Wiesser (dir.), *Comprendre la Casamance. Chronique d'une intégration contrastée*, Paris: Karthala, 1994, p. 205.

leaders were then in prison, leaving more space for Atika, the armed wing led by Sidy Badji, which became a maquis in 1985[6].

Many people interpret the Casamance crisis in light of the region's poor development. Geneviève Gasser shows that some young people engaged in the maquis would be ready to leave if they had more chances to find a job. It raises the question of whether historical resistance and identity ties could give way to a recovery of the Senegalese economy and the creation of new jobs. It would then be necessary to ask whether behind the secessionist threat lies the search for a better integration with the Senegalese socioeconomic group[7]. Marut shows instead that the region suffers from excessive development. It is one of the few to have experienced such an influx of workforce and capital. Rather, practices are problematic. By massively allocating land to foreigners and Senegalese in the north, the state encourages inequalities and the destruction of the natural environment. Senegal considers that resources such as groundnuts belong to the national domain and assumes all exploitation rights. The Casamance do not oppose the progress of the region but rather "a rentier conception of resources, which has all the features of a colonial "enhancement", even in the way to look at the natives[8]". Others believe that ethnicity must be understood to better understand the formulation of the independence claim. The MFDC has always claimed to represent all ethnicities. Yet its leaders rely more on the joola tradition to build their discourse and Casamance identity. Although they understood that they had to give a regional dimension to their struggle, they still use mainly traditional joola referents to legitimize their struggle, for example by evoking the Joola's resistance to colonization[9]. The register of the joola

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[6] Séverine Awenengo-Dalberto, „Le conflit casamançais. Matrices, émergences et évolutions" in *Revista de Politica International*, no. XI-XII, 2008, pp. 116-145.

[7] Geneviève Gasser, „Etre jeune à Ziguinchor" in *Autrepart*, no. 18, 2001, pp. 143-156.

[8] Jean-Claude Marut, „Le problème casamançais est-il soluble dans l'Etat-nation ?" in Momar-Coumba Diop, *Le Sénégal contemporain*, Paris: Karthala, 2002, p. 437.

[9] Paul Diédhiou, *L'identité joola en question (Casamance). La bataille idéologique du MFDC pour l'indépendance*, Paris: Karthala, 2011.

tradition mobilized by the MFDC masks in reality "the modernity of its claim[10]". The nation-state is indeed a notion absent from pre-colonial joola societies. The movement carries out a real cultural work in order to "build and fix the joola identity under a Casamance mask[11]"; Senegal has thus failed to produce a Senegalese identity in the south of the country[12].

We have proposed several reading grids to understand the birth of the separatist speech, it is necessary now to stop a moment on the MFDC to seize its formation, its evolution and its divisions. As emphasized by Christian Roche, the guerrillas have suffered very harsh living conditions and had to follow a formation of guerrillas being unarmed at first. If the ammunition finally arrived from Arabic-speaking countries such as Libya, "one of the main concerns of the combatants evaluated at a thousand, in the decade 1990-2000, was to find food[13]". The Amnesty International report pointed to the MFDC's abuses against the people it is supposed to represent. For many years, they did not hesitate to kill civilians suspected of colluding with the state or to raid villages to steal money and food reserves. These episodes of violence forced people to take refuge in urban centers or in neighboring Guinea-Bissau and Gambia[14]. In 1991, the MFDC came out politically reinforced from a cease-fire concluded with Senegal, since they are recognized like an interlocutor of the central power[15]. They demand the departure of the Senegalese military and take advantage of it to control a greater part of the Casamance territory. The leader of the northern maquis at that time, Kamougué Diatta, initially opposed to this

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[10] Séverine Awenengo-Dalberto, „A qui appartient la paix ? Résolution du conflit, compétitions et recompositions identitaires en Casamance (Sénégal)" in *Journal des anthropologues*, no. 104-105, 2006, pp. 2, 79-108.

[11] *Ibidem*, p. 3.

[12] *Ibidem*, p. 15.

[13] Christian Roche, *La Casamance face à son destin*, Paris: L'Harmattan, 2016, p. 143.

[14]Amnesty International, *Sénégal. La terreur en Casamance*, Paris: Les éditions françaises d'Amnesty International, 1998.

[15] Jean-Claude Marut, „Guerre et paix en Casamance. Repères pour un conflit, 1990-1993" in François George Barbier-Wiesser (dir.), *Comprendre la Casamance. Chronique d'une intégration contrastée*, Paris: Karthala, 1994, p. 219.

ceasefire, runs his territory as if the state no longer existed, without the agreement of the leadership of the MFDC. The people had to pay him a contribution instead of paying their taxes. His commitment to the independence of the region is quickly challenged as he seems ready to negotiate with the government, which weakens the movement, while a hard core is formed around Diamacoune, Nkrumah Sané and Leopold Sagna (at the head of the South Front)[16]. When the latter went to Dakar in 1993 to meet and discuss with Abdou Diouf, he was quickly dismissed from his duties and it is the rising face of the South Front, Salif Sadio, who is now in charge of military operations[17]. In 1993, Diamacoune agreed to a new ceasefire, signed with Senegal's Minister of Armed Forces, Madia Mary Dieng. He calls for peace since Ziguinchor, which will be strongly criticized by Nkrumah Sané[18]. In 1997, Salif Sadio's South Front retreated to the north bank of the Casamance River and attempted to take over the Sidy Badji camps. In 2000, he had Leopold Sagna killed and separated from the "lukewarm" of his camp by having them locked up in "very narrow bunkers, without food or water[19]". The military wing and the political wing move away from each other. Diamacoune decides to follow the line of the government announcing the manhunt of Salif Sadio after it has committed very violent attacks. Father Diamacoune wants to be the legitimate interlocutor of the MFDC and holds ambiguous speeches, oscillating between the need for peace and development in the region and the impossible negotiation of independence[20]. The MFDC is becoming more fragile, especially since Dakar is getting closer to Guinea-Bissau, which until recently supported the rebellion indirectly by allowing it to take refuge in its territory or by giving free rein to arms trafficking. Following the peace agreement of March 2001, signed by Diamacoune but discredited

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[16] *Ibidem.*

[17] Christian Roche, *op.cit*.

[18] Jean-Claude Marut, „Guerre et paix en Casamance", *op.cit*.

[19] Roche, *op.cit*., p. 153.

[20] Vincent Foucher, „Pas d'alternance en Casamance ? Le nouveau pouvoir sénégalais face à la revendication séparatiste casamançaise" in *Politique africaine*, no. 91, 2003, pp. 101-119.

by Nkrumah Sané, the priest continues to play on ambivalence by asking the state to build a University of Casamance and to make the opening up of the region. One could see there not the will "to get out of the whole Senegalese, but to participate better[21]". Until 2006, the region is experiencing a period of calm, which ends when Salif Sadio speaks through the radio SUD FM. The state intends to use the internal divisions and the factions of Mangne Diemé and Cesar Atoute Badiate, helped by the Guinea Bissau and Senegalese army, come to put pressure on Sadio. It is a waste of time, the latter being supported by mercenaries from Liberia and Sierra Leone[22]. There are many divisions within the separatists. Vincent Foucher notes that the paradox of the MFDC is that its survival has been made possible by the decentralization of the movement into several factions, making it extremely weak[23]. One question remains unresolved, that of the MFDC's sources of funding. In addition to possible donations from the Casamance diaspora and the theft of livestock or food resources, Evans Martin highlights the timber and cashew trade in which both the separatists and the soldiers of the Senegalese army are involved. As for the production and sale of cannabis, we can not overestimate them; if some maquisards ask for a tax on Indian hemp producers, in no case they control the entire chain of production[24].

The Senegalese state seems helpless against a rebellion that masters the terrain on which it is evolving. Taking care not to undermine its image of a democratic state with the international community, Senegal is careful

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[21]Geneviève Gasser, „<Manger ou s'en aller> : que veulent les opposants armés casamançais ?" in Momar-Coumba Diop, *Le Sénégal contemporain*, Paris: Karthala, 2002, p. 488.

[22] Mohamed Lamine Manga, *op. cit.*

[23] Vincent Foucher, „The Resilient Weakness of Casamançais Separatists" in Morten Boas and Kevin C. Dunn, *African Guerrillas : Raging against the Machine*, Boulder: Lynne Rienner Publisher, 2007.

[24]Martin Evans, „Ni paix ni guerre : the Political Economy of Low-Level Conflict in the Casamance" in Sarah Collisons (ed.), *Power, Livelihoods and Conflict : Case Studies in Political Economy Analysis for Humanitarian Action*, London: Overseas Development Institute, Background for Humanitarian Policy Group Report, no. 13, 2003, pp. 37-52.

to not use methods too brutal, even if Amnesty International had denounced the human rights violations of the army on the Casamance populations. The NGO noted cases of torture and humiliation intended to spread terror and to push the population to denounce[25]. Many people have also been reported missing, while others have been victims of extrajudicial executions. In the face of increasing tension, the state must act. On January 1, 1981, Léopold Sédar Senghor leaves the baton to Abdou Diouf, who reinstates political pluralism while banning "the creation of political parties based on ethnic or religious affiliations". Which meant that the MFDC could not be considered a political party[26]. During the Diouf period, the emissaries of the state endeavored to divide the rebellion by dialoguing with those of the North Front led by Sidy Badji. In 1992, Diouf also promised decentralization and therefore more power for the regions. This solution appears as a means of defusing tensions while strengthening the integration of regions[27]. In July 1997, the Senegalese authorities noted a proliferation of antipersonnel and anti-tank mines in Casamance. They come mostly from old stocks of weapons left behind by the Portuguese colonizer in Guinea-Bissau and would have been made available to the MFDC by senior Guinea-Bissau military officials[28]. Abdou Diouf also gives a socio-economic response to the Casamance conflict. In the short term, this amounts to "feeding the cantonments of the North Front and finance the development of economic activities in exchange for maintaining their abandonment of the armed struggle[29]". When Abdoulaye Wade was elected in 2000, he broke with the formalism of the Diouf years by inviting Diamacoune to the presidential palace and multiplying the meetings with the leaders of the MFDC[30]. Wade sets up a Peace Management

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[25] Amnesty International, *op.cit.*

[26] Paul Diédhiou, *op.cit.*, p. 271.

[27] Jean-Claude Marut, „Le dessous des cartes casamançaises", *op.cit.*.

[28] Boucounta Diallo, *La crise casamançaise. Problématique et voies de solution*, Paris: L'Harmattan, 2009.

[29] Séverine Awenengo-Dalberto, *op.cit.*

[30] Manga, *op. cit.*

Commission, led by General Mamadou Niang and Youba Sambou, a native from Casamance who is then Senegalese Armed Forces Minister[31]. He also wants to ban foreign intermediaries in the peace process[32]. Wade sets up a real "policy of seduction" for fighters: subsidies are paid to those who agree to give up the fight to resettle in civilian life[33]. Care is also provided to the sick and tens of millions of CFA francs are paid to the abbot and his close associates[34]. Peace agreements are signed in 2004 but remain without effect because the South Front refuses to collaborate. Nevertheless, they allow the launch of the program of economic and social activities in Casamance (PRAESC) "established the previous year on the financial basis of the promises of donors and whose management is devolved to a new government agency, the Agency National Council for the Reconstruction of Casamance (ANRAC)[35]". Macky Sall came to power in 2012 and decided to call on international experts, including the Catholic NGO Sant'Egidio to get closer to Salif Sadio. In 2014, he went to Casamance with a list of projects such as new boats, the electrification of villages, the construction of a train between Ziguinchor and Tambacounda[36] ... The Senegalese government continues to offer economic and development solutions to a problem that is fundamentally political.

What about today? The MFDC is burst. Within the armed wing, Salif Sadio's men, who now constitute the North Front, seem to have detached themselves from the MFDC and are no longer recognized by Secretary-General Nkrumah Sané[37]. Sadio is challenged in his area by Lamanara Sambou, while Caesar Atoute Badiate is implanted in the south. The latter seems more favorable to discussions with Dakar but must deal with many

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[31] Roche, *op.cit.*

[32] Vincent Foucher, *op. cit.*, 2003.

[33] Roche, *op.cit.*

[34] *Ibidem.*

[35] Séverine Awenengo-Dalberto, *op.cit.*

[36] Roche, *op.cit.*

[37] Informations obtained in an interview with Mamadou Nkrumah Sané, October 2018.

dissident rebel leaders[38]. As for the political pole, it seems also more divided than ever. Nkrumah Sané continues, since his exile in Paris, to direct part of the MFDC, which does not recognize the seat of the party built by Abdou Elinkine in Ziguinchor. Finally, MFDC veterans would have come together in a "contact group", which presents itself as an intermediary between the MFDC and the state, although it is disavowed by the current Secretary General. In 2014, ANRAC has a total of 52,800 IDPs, 20,000 refugees in The Gambia and Guinea-Bissau and 8,000 IDPs in Ziguinchor[39]. It estimates the number of guerrillas to 2,300 in 2006[40], although they would be only a few hundred today[41]. If ANRAC has a section devoted to the demobilization and reintegration of former combatants, it is difficult to find official information on the actions taken and the fate of the combatants who decide to leave the maquis. For the most part, they would convert to private security or agriculture, while others would benefit from a training program in craftsmanship set up by the Senegalese state[42].

To continue the armed struggle by political means: an objective, several strategies?

As we have seen in our ample historical analysis, after an initial period of emergence and then consolidation from 1980 to 1991, the Casamance rebel movement experienced a period of weakening that was marked, particularly in the period between from 1992 to 2000 through a process of demobilization and "self-demobilization" of rebel fighters. As part of this process, we can distinguish several trajectories of Casamance activists. Most of the veterans remain in Casamance, but for different

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[38]Amadou Ndiaye, *Conflits armés et résilience, dans l'univers des femmes de Kaguitte (Casamance)*, Saint-Denis: Edilivre, 2018.

[39] Amadou Ndiaye, *Ibidem.*

[40] Boucounta Diallo, *op.cit*.

[41] According to a workfield (2017) of Sergiu Mișcoiu (Babeș-Bolyai University, Romania)

[42] Informations obtained with Enzo Fasquelle, Science Po Paris student.

reasons, mainly related to lack of resources, no longer make war and pursue other concerns to meet their needs. Some join the maquis in Guinea-Bissau or disperse in The Gambia, where they rarely get political asylum. Others leave Casamance and Senegal, abandoning any military or political activity. Finally, one last part (which can be estimated to be at the level of a hundred people) leave Casamance, but stay in Senegal to pursue the politically fight.

It is this latter category that particularly interests us here for at least two reasons. Firstly, because the Casamance "internal exiles" correspond a priori to the typology of the repentant fighter, amply present in the wake of armed conflicts across the globe. And so to look at their case could allow us to draw lessons likely to be generalizable on a regional level, even international. Secondly, while having left Casamance for at least twenty years, it is likely that they have a more detached but still very interested in the conflict in which they were involved. As such, they constitute a non-negligible source of new and qualitative information and observations (which any wise researcher should consider, with a good dose of precaution). But it is especially the proper interpretation that these former rebels retrospectively made of the reality of their struggle and the motivations for their involvement, their actions, their initial paramilitary engagement, their subsequent defection and their reorientation towards political prosecution. of the armed struggle that interested us the most here.

If we look at the hundred or so "internal exiles" who left Casamance to settle somewhere in "metropolitan" Senegal, we can easily identify two sub-categories that are roughly equal in terms of their numbers. The first is composed of veterans who left Casamance in the years 1992-1993, after the great split between "collaborators" followers of the "pacified" fringe of Sidi Badji and Kamougué Diatta, having accepted the agreements of Cacheu and "radicals" (The faithful of Father Diamacoune and the Southern Front of the MFDC). No longer having access to the necessary resources to continue their struggle and being the witnesses and sometimes the very actors of the fratricidal war that tore apart their formerly solid and feared

movement, these fighters demobilized rather quickly and left the province. For the most part, for fear of reprisals. The second group consists of fighters who have gradually left Casamance, following the aggravation of divisions and internal conflicts within the rebel factions (1994-2001). The consecutive tears of the two initial factions, including the war between the groups of Leopold Sagna, assisted by the army of Guinea Bissau and that of Salif Sadio, and then the blurring of the fronts through the emergence of the Djibidione Group, which became the most violent and intolerant group compared to other factions, pushed separatist veterans to a second wave of departures. As for the locations of the relocation of these two groups, we can estimate that about sixty of them have moved to Dakar, that probably about twenty has taken the path of Saint-Louis and the others live in Thies, Kaolack, Mbour and Joal-Fadiouth. In our survey, we found that these veterans eventually formed at least three groups: two in Dakar (one with arrivals from the early 1990s and the other mixed, including arrivals from both periods) and one in St. Louis. After having laid down their arms and left their native province, these former paramilitaries converted to different professions, including commerce, medicine and religion. They are mainly men (9 out of 10), the few women fighting remained in Casamance after their demobilization.

The field survey consisted of 23 interviews (14 in Dakar, 5 in Saint-Louis, 2 in Thiès and 2 in Joal) and a focus group. The latter was organized in Dakar, with 9 demobilized from all ages (1992-2001).The objective was, through the dynamics of the discussions, to understand the motivations of the participants' behaviors in relation to the evolution of the conflict and the reasons for their involvement in various forms of political prosecution of the armed struggle. Following the analysis and interpretation, we were able to establish four broad profiles corresponding to militant journeys leading to the current forms of engagement: the maquisard without maquis, the reinstated militant, the repentant and the martyrdom.

(1) The "maquisard without maquis" is an old person, frustrated, self-marginalized (by not being able to reintegrate after the departure of Casamance) and generally very antisystem. According to his reflections, he "would have liked to continue the struggle, but had no valid allies" (M.N., 68, Saint-Louis). His view of the MFDC is particularly critical: he blames the movement for its organizational inability, even during its "glory" years, and even more so, it blames the factionalism that undermined the foundations of the separatism. Today, he is still involved in secessionist propaganda, but fears retaliation and, as a result, he is politically involved in a rather moderate and indirect way. The "maquisard without maquis" is favorable to any action likely to consolidate the opposition against the power in place in Dakar, whatever it is. For example, he is supporting the city's ousted mayor, Khalifa Sall, incarcerated for corruption, against outgoing President Macky Sall.

> *"Our fight will stop only when the Senegalese state recognizes the total and effective independence of our country, Casamance. We will work there even in our graves"*(P.N., 70 years old, Dakar)

(2) The "reinstated activist" is in most cases a man in his fifties who has managed to integrate partially into the host mini-societies, generally far removed from the Senegalese government and sometimes even hostile towards it. Having confidence in his strength, while considering himself "respected" (AA, 55 years old, Thiès), he continues a form of combat through local political activism (for example, in a district of Dakar or Saint-Louis, in a parish or in a local confraternity). He may think he is acting in favor of the MFDC or other dissident groups under the cover of local NGOs, which gives him some degree of legitimacy and respectability in the eyes of his (former) comrades. As a result, he can claim to act as a non-institutionalized mediator, a sort of bridge between the MFDC and the state, benefiting, in turn, favors from both. He thus imagines himself

becoming a real "node" of network between the separatists and the public authorities. In this sense, the observation of an interviewee is revealing:

"*Peace, we only get there if we speak on two voices*" (S.N., 57 a., Dakar)

On the other hand, this positioning also leads to criticisms that are sometimes very harsh on the part of other actors. Thus, the bearer of this profile, embodied in our research by several subjects, is described by the "true" fighters for the independence of Casamance as being that of a "businessman of false secessionism" or even as that of a "mafia". (D.N., 67 years old, Dakar).

(3) The "repentant" is a veteran, now rather old, who has changed sides, since he was generally marginalized in his maquis (more likely as a member of the Southern Front, outside the multiple repositioning of his factions). Recovered, following his defection, by the agents of the Senegalese State (the secret services, the army or other structures of influence), he changes sides and becomes anti-secessionist. It is now a profession of faith to support the state against separatists. Taking seriously the role of "repentant", he denounces himself for the errors of the past and reifies the process of his conversion to set an example for those who still remain attached to the secessionist cause. Posing in integrated Casamance, moderate in his aspirations, defending the path of negotiation and compromise and supporting at most the claim for greater autonomy of the region, he claims to fight the extremists he knows from within "the blindness, relentlessness and slippage "(FO, 68, Dakar). Some "repentants" have a conciliatory discourse, adopting a civic discourse (the Senegalese nation above ethnicity, the common construction of a social project above any separatist inclination). Today, the influence of the "repentant" is variable, but generally much weaker in reality than in his speech, since he is perceived in Casamance as being a "Nordist". Position openly assumed by some of them:

"*After the splits of the 1990s, it became clear that it was better to side with the winners*" (D.D., 69, St. Louis)

(4) The "martyr" is usually someone who had to leave Casamance as he was being pursued by the Senegalese authorities. Now aged, he is Catholic, self-qualifying as "worthy and among the only true fighters of the Casamance cause" (K.N., 70, Thiès). He received short and medium term convictions for participating in the maquis. The "martyrdom" remains attached in principle to the cause of independence and even favorable to the idea of a new general insurrection in Casamance, but he is aware of its improbability. By dint of preaching civil disobedience compared to a "totalitarian" state, he has become a kind of "mini-guru": he inspires a few young people (usually no more than a handful), often explaining independentist struggle as a form of Christian dissent in the face of Islamic intolerance:

"*The Christian Casamançais Diola are the new martyrs, immolated on the altar of their faith by Muslim fundamentalists sent by Dakar*" (P.A., 73 years old, Joal-Fadiouth)

Conclusion

The analysis that we have done here reveals, first of all, the persistence of the "Casamance question" as a problem perceived as real and still dead-end by the different former actors of the conflict, but also by a number of Senegalese and Casamances influencing factors. If the scale of the conflict has gradually decreased, it would be inappropriate to requalify it as a diffuse dispute between the bearers of regional interests and the central state, as some pro-government analysts do. Then, we can observe that the transformation of the armed rebellion into a political conflict was accompanied by the demobilization of a large part of the veterans, converted in various forms and to varying degrees into political agents. We have found that the attachment to the separatist cause is variable, but this

being the case, the preoccupation with the "Casamance question" remains particularly alive among veterans, regardless of their current position in relation to the evolution of the situation. Finally, this persistence of attachment in relation to Casamance can also be explained in pragmatic terms: it allows some people to make their way in local politics, others to have enough visibility to access resources, to some to transform themselves into peace negotiators, and finally to others to make themselves useful to state institutions. It would therefore be wise to take into account all the actors' motivations and contextualize them in order to try to understand and explain the mechanisms that allow conflicts - such as the Casamance conflict - to evolve in the direction of solutions, long-term peace and reconciliation.

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SUB-SAHARAN SUFISM

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Abstract

Sufism is known as the mystic branch of Islam, one of the oldest religious currents in the Muslim world. Over time the followers of Sufism saw their relationship with Allah, Islam and involvement in politics differently. They not only questioned the role of asceticism and materialism, sharia and different interpretations of the Qur'an, but became involved in the political struggle. The most eloquent example is that of the role of Sufi brotherhoods in West Africa in the anti-colonial struggle and the transformation of their speech into a radical one, starting from its nodal point, justice.

Keywords: Sufism, Islamization, Sharia, Jihad, umma, marabout, anticolonialism

Over time, there have been a number of tendencies in Islam generated by different interpretations of the Qur'an and the Sunnah (Islamic tradition). Of these, the scientific approach involves the literal or exoteric interpretation of the Muslim sacred text. It belongs exclusively to the Sunni branch of Islam and is found mainly in Wahhabism, a doctrine that categorically rejects any other form of religious knowledge. The other tendency is the mystical, esoteric, of Sufi sources, in which the sacred texts are interpreted in symbolic and allegorical key.

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Sufism is known as the soft branch of Islam, one of the oldest religious currents in the Muslim world. In this regard, Elias claimed that „Sufism is one of the most dynamic and interesting dimensions of Islamic religion and culture. It is an umbrella term for a variety of philosophical, social and literary phenomena that appear in the Islamic world. In its narrowest sense, the term Sufism" refers to a number of Islamic schools of philosophy and mystical theology."[1]

Sufism is the mystical doctrine par excellence, within it appearing in West African Islam the confederations and, together with them, the cult of Muslim saints. According to Abdoulaye Bara Diop it is not just a religious practice, but a way of life. Specific rituals are practiced (dance, songs, incantations), meditation, the Sufi mystic thus reaching an ecstatic state and a union with the divinity.[2]

Of the believers, only a few manage to have the vision of Allah through asceticism and moral purity, through rigorous religious practice. It is about those who are half people, half saints, holders of divine charisma, *barakat*. They are marabou, the intermediaries of the relationship with Allah, who subsequently transmit to the members of the confederations they create, the "right way", tariqa.

The Islamization of the West African space was done several centuries before the colonial conquests, by installing in the courts of the sovereigns of this region these scholars and mystical scholars, popularly called *marabou*. Through them and their influence, these serene people (half people, half saints) managed in less than a generation to convert much of West African nobility to Islam. It is estimated that the first Muslims were members of the War Jabi Ndiaye family from the Tekrour kingdom of Lower Senegambia, the sovereign seeking in early Islam the peaceful communion of all the inhabitants of his kingdom, convinced by the

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[1] Jamal J. Elias, *Islam*, Pearson, 2001, p. 595.
[2] Abdoulaye Bara Diop, *La société wolof*, Paris: Karthala, 1981, p. 236.

subjective ability of the marabou from his court to bring rain. and rich harvests.[3]

One of the reasons why Sufism is considered a non-violent movement is given by the ascetic side of the movement itself. At least in its original form, the followers of the movement sought a direct and immediate connection with Allah, devoting their entire life to this pursuit and departing from profane ties with society.

Paul Heck in *Sufism and Politics* explains the believer's relationship with divinity:

> *In view of his role as a divine agent, holiness in Islam cannot be characterized by moral apathy. In other words, the mystical experience cultivated by Islam did not lead to the conclusion that the world was an illusion and an action in it meaningless. The architect of Sufism, al-Junayd (d. 910) offered an expansive interpretation of the unity of God affirmed by the Koran. To say that there are no other gods does not just mean that there are no gods other than God, but that there has never been anything but God. In this way, Sufism gave Islam a deeper understanding of the world. While it is true that Sufism tends to see this world as a source of temptation, also of ephemeral existence and, therefore, what is endured to death, it is no less true that, on a more fundamental level, Sufism concerns the world as a manifestation of the divine, creation as a mirror in which the supreme jewel of the divinity - in the echo of a canonical hadith - could be reflected and thus revealed.*[4]

However, over time the followers of Sufism saw their relationship with Allah, Islam and involvement in politics differently. Often, they not only questioned the role of *asceticism* and *materialism*, *sharia* and different interpretations of the Qur'an, but became involved in the political struggle. The most eloquent example is that of the role of Sufi brotherhoods in West

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[3] Mountaga Diagne, „La gouvernance des foyers religieux au Senegal" in A. Seck *et al.* (eds.), *Etat, Société et Islam au Sénégal*, Dakar: Karthala, 2015, p. 228.

[4] P. Heck, (ed.), *Sufism and Politics: The Power of Spirituality*, Princeton: Markus Weiner Publishing, 2007, p. 255.

Africa in the anti-colonial struggle and the transformation of their speech into a radical one, starting from its nodal point, justice. "There are so many parts of Sufism that it is difficult to understand them all. For example, although it focused on asceticism and sacredness, Sufism had important socio-political dimensions. The saints of Islam were the sometimes-provocative advisers of the Sultans, sometimes extending their blessing to legitimate leadership and, at other times, asserting their spiritual authority to the temporal powers of the day."[5]

Towards the middle of the twelfth century, in West Africa, the Sufi Islamic orders (Islamic conferences / Muslim Brotherhoods) appear, which will dominate the local religious landscape throughout the following centuries and which will give one of the particularities of African Islam. It is about establishing a network of faithful Muslim believers gathered around a central, charismatic figure, who has become a kind of "saint", a charismatic figure, whose grave often becomes a pilgrimage site for his followers. This individual, on the border between human and divine, is the possessor of a "divine blessing", which offers him special, mystical powers, and which, through his powers, can mediate the believer's relationship with Allah.

Qadiriya, the oldest of the confraternities was founded in the 12th century by the Marabou Cheick Abd al Qadir al-Jilani and has played an important role in Islamizing the population of sub-Saharan Africa, notably due to the development of the Timbuktu religious and shopping center.

The Tidianiya Brotherhood, one of the most widespread, was founded in the eighteenth century, in Fes in Morocco, by sermons Ahmed Tidiani, originally from southern Algeria. The most dynamic conference, Mouridiya, was founded by the marabou Ahmed Ben Habib Allah, known as Cheick Amadou Bamba or Serigne Touba. The mystical Sufism is based on the total renunciation of the earthly things in favor of the total devotion to the Divinity, through discipline and work. Finally, the newest

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[5] *Ibidem*, p. 150.

brotherhood is Layene, founded in the last century, in the Dakar (Yoff) region of Senegal and comprises the majority Muslim community in Lebous.

After Napoleon's initial interest in Africa in the 1700s, 130 years later, France occupies Algeria, which it integrates into the Republic. Until independence was declared in 1962, the French administration remained in Algeria where the abuses and humiliation of Muslims quickly developed a response and created an anti-colonial discourse. And among the initiators of this movement was the Sufi Sheikh Abd al Qadir from the Qadiriyya Brotherhood. Born in 1806, in the village of Maskara in Algeria, in a family of religious leaders, Al Qadir travels to Mecca and Medina for pilgrimage, then to Damascus and Baghdad, from where he returns with the elements of an anti-colonial struggle, he had based on the lack of justice for Algerian citizens oppressed by colonial power.

Concerning the situation in Africa, Donal C. OBrien analyzes the emergence and development of Sufi movements in the area and talks about the emergence of Muslim Brotherhoods, as a means by which the disciples of the black people in the area are protected in the face of an Arab racial domination, which has taken over the northern part of the continent and subsequently descended west. Even since the emergence of the Confederate movements, the "other" was considered the enemy, the signifier of the tendency of separation. To illustrate, he uses Amadou Bamba, the central figure of Senegalese Mouridism, who, during his exile in Mauritania, breaks from the original brotherhood Qadiriyya, with Arab affiliation, to create his own sect, and thus puts his followers at shelter from any possible racial downsizing and to fight against the colonizing enemy.[6]

The moment of the first active religious confession on the right and left territory of the Senegal river occurs somewhere during the seventeenth century, with the entry of the Sufi stream of the mystic Abd al Qadir al-

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[6] Donal B. Cruise O'Brien, "*The Mourides of Senegal: The Political and Economic Organization of an Islamic Brotherhood*", Chicago: University of Chicago Press, 1971, p. 70.

Jilani. Subsequently, Sidi Ahmed Tidjani founded the Tijaniyyah order, the most widespread and with the highest number of followers. In A History of Islam in West Africa (1962), Trimingham analyzes the emergence of the first Muslim "brotherhood", focusing on the impact that the central figures of these "marabou" had on the development of Islam.[7]

The tradition of some initiates, half saints, half people, half religious leaders, half tribal leaders, comes to West Africa from the pre-Islamic period, from the animistic era. The mediation of the relationship between man and Allah is now done by marabou, individuals who have taken the role of shaman from animistic beliefs and adapted it to Islam, becoming Qur'an semi-prophets who have drawn the guidelines of Islam in West Africa.[8]

Let us not forget that with the development of the Sufi movements, local Islam was perverted by the multitude of mystics and ascetics, essentially "a hierarchy of saints of the second category, forced into a monotheistic religion"[9] With the break-up of the Arab affiliation, the Sufi confederations of black Africa will constitute their own religious autonomy and thus face a humility that could constitute spiritual subordination to the Arab world.

The spread of Islam was made in the Sahel through the efforts and charisma of these characters, who proved to be extraordinary delicacies, adapting to the socio-cultural context of an era dominated by traditional beliefs, with a supreme cult of protective ancestors and of the magical practices necessary for the struggle. against evil of all kinds. Marabou knew how to respond to the expectations of political leaders and the people, adapting Islam to local practices. They strongly pushed the boundaries of Arab Islam, playing the role of traditional magicians, for example, making

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[7] J. Spencer Trimingham, *A History of Islam in West Africa*, Oxford: Oxford University Press, 1962.

[8] *Ibidem*, p.148

[9] C. Harman, "The Islamic Revolutions" in *A People's History of the World*, London & New York: Verso, 2008, p. 134.

amulets (gris-gris), whose role was to remove all evils and protect the believer against ephemeral evil forces.

The consideration that *marabou* benefited from, since early West-West Islam, is mainly due to the fact that they knew how to write and read, which made them sacred and inviolable and which brought them a series of economic benefits, which they they will keep up to the present time. In addition, the existence of the *marabou* was the main factor of the expansion of Islam, raising the religious vocation in a population dominated by animistic beliefs and myths but also of the fight against the influence from outside.[10]

Gradually to this is added another fundamental element, aggressive colonialism. And in order to fight against the European colonizer, it is absolutely necessary a "holy war" in which all members of the Islamic community participate. Therefore, the first "jihadist" movements in West Africa, essentially anti-colonial, take place somewhere at the end of the seventeenth century. Margaret Hill sees in the religious movements of Mauritania the first signs of change, in a society divided between the class of warriors and that of the clergy. That is, between two different Islamic discourses. And if, in his time, the cleric Nasir al Din fails in his attempt to impose sharia, two centuries later, the jihadist movements in Senegambia overturn the order of law and impose, for the first time, Islamic law, but through a political approach, hidden under the dome of an early Islamism.

> *Sharia is often translated as "holy law," but it is more than that. It is very similar to Jewish halakha. Sharia not only covers most branches of the law (from family law through criminal law to commercial law), but it regulates ritual and ethics, and even the clothing and manners of community members. Sharia is recorded in the writings of religious scholars, who disagree with each other on (usually*

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[10] *Ibidem*, p. 220.

minor) points, but exist independently of these writings - rather, historical truth exists independently of the writings of historians.[11]

All leaders of these early anti-colonial radical movements convince their followers that they fulfill the "divine will" and use their own ascetic life to set an example for other Muslims interested in Jihad. But they always consider the main reason for their war: the fight against imperialist rule. The motivation of the first jihadists is quite simple to understand: religion has been corrupted, the state no longer exists, foreigners /the "others" are masters of this world, and therefore "we", followers of the Prophet, are forced to overthrow the world order and establish sharia. They, "the others", "undermined the very foundations of Islam by legitimizing foreign innovations of religious dogma, by accepting adultery, using fermented beverages, passion for fun, songs and dancing, neglecting daily prayers and refusing to help the poor."[12]

Although Sufism is perceived as "the mystical branch of Islam"[13], its main feature is "dynamism".[14] And even if the reason for being defined as a non-violent movement in general is the tendency toward asceticism, prioritizing a direct relationship with Allah, makes Sufi-type jihad dominated by pragmatic struggles. And the anti-colonial one is, for West Africa, the most important of them. For when the natural order of things is disturbed, by the appearance of "others" in the social landscape, the Sufi mystic becomes the anti-colonial warrior, whose desire is not only to approach Allah, but to restore the right path, which the "others" have foiled. In other words, the liberation of the "Islamic land" from the domination of *kufar* (of the pagans / unbelievers - ar). But this can only

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[11] Mark Sedgwick, "Jihad, Modernity, and Sectarianism" in *Nova Religio: The Journal of Alternative and Emergent Religions*, no. 11(2), 2007, p. 27.

[12] Roland Oliver and Anthony Atmore, *Africa since 1800*, Cambridge: Cambridge University Press, 1981, p. 65.

[13] Fait A. Muedini, "Examining Islam and Human Rights from the Perspective of Sufism" in *The Muslim World Journal of Human Rights*, no. 7(1), 2010, p. 136.

[14] Jamal Elias, *op. cit.*, p. 595.

happen after the current state of affairs is changed. And in order for this to happen, war is needed in the situation of jihad.

"If we look at the history of colonialism in the majority Muslim countries, we will find in their vast majority Sufi orders at the center of the politico-military fighting movements."[15] This is the case of the resistance movements in Africa, but especially those of Abd al-Qadir (the founder of the Qadiriyya Brotherhood) and Ahmad al-Tijiani (the Tijianniya Brotherhood). For all these anti-colonial Jihad is the salvation of the *umma* community from the humiliations and injustices caused by the *kufar* (unbelievers - the others). The outward struggle of the Muslim believer transcends the inner struggle, which compels him to seek the best solutions to become a worthy follower of the Prophet. With the beginnings of the colonial era, in West Africa Jihad gained a new meaning. Much more pragmatic, but even more profound. Now the main duty of the believer is to fight with all means to save himself physically and to remove colonial oppression."[16]

However, in search of allies, the French colonizers understood that it is much more profitable to cooperate with religious leaders and to attract them by offering significant benefits. Thus, some of the Muslim sheikhs in sub-Saharan Africa were granted autonomy and legitimacy in exchange for a cooperative attitude with the colonial regime. According to David Robinson, in Path of accommodation, Malik Sy, one of the main actors of the nineteenth-century religious brotherhoods even spoke of the Third Republic as "a Muslim power".[17] In exchange for this collaboration, which will later emerge as one of the main nodal points of anti-colonial jihadism, the collaboration of Muslim leaders, the French authorities have received almost total submission of the *umma* leaders in West Africa.

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[15] Fait Muedini, *op. cit.*, p.136.

[16] *Ibidem*, p. 137.

[17] David Robinson, "French 'Islamic' Policy and Practice in Late Nineteenth-Century Senegal" in *Journal of African History*, no. 29, 1988.

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RESPONSIBILITY TO PROTECT AND HUMAN SECURITY IN UN'S INVOLVEMENT IN LIBYA

Laura-Maria Herța[*]

Abstract

The article discusses the responsibility to protect (RtoP) and the shift from a right for humanitarian intervention towards a global responsibility to protect civilians, as exemplified by the wording of Resolutions 1970 and 1973. The main goal of the article is to analyse the response of the United Nations to the crisis in Libya and discuss the ways in which responsibility to protect and human security were incorporated throughout the involvement in Libya. The article is structured in three main parts. The first one provides a brief overview of the essentials of the responsibility to protect while the second one focuses on the UN's incorporation of RtoP. Finally, the last part tackles the degree to which the intervention in Libya reflected an adequate and consistent RtoP framework.

Keywords: United Nations, responsibility to protect, Libya, human security, humanitarian intervention

The responsibility to protect and its impact on humanitarian intervention

Since the 1940s ample and consistent debates about genocide, atrocities against innocent civilians, mass murder have engaged scholars, NGOs, states, political leaders. The phrase humanitarian intervention was

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fraught with controversy, since intervention in states' internal affairs has strongly been linked to violation of states' political independence (hence an assault on sovereignty) and to the prohibitions stemming from article 2 (paragraphs 4 and 7 of the United Nations' Charter). One might even say that the word *intervention* always overpowered the term *humanitarian* and altered the meanings and essentials of *humanitarian intervention* (*id est* undertaking military action in order to save individuals from genocide or ethnic cleansing). Inaction during the genocide in Rwanda or Darfur strengthened the view which underlined that such humanitarian responses depended on political will while the US military intervention in Iraq weakened the efforts of solidarists[1] and corroborated the views which showed that humanitarian intervention could easily become a form of neo-imperialism and might easily be misused and abused.

The international community did not tackle large scale human rights abuses, ethnic cleansing, and genocides adequately. The Cold War period witnessed mass atrocities unfolding while state practice remained entrenched within the confines of sovereignty and absence of humanitarian intervention in order to save civilians. As observed by Gareth Evans, "the state of mind that even massive atrocity crimes like those of the Cambodian killing fields were just not the rest of the world's business was dominant throughout the UN's first half-century of existence […][2]

The 1990s changed attitudes regarding the need to save people from such atrocities, but all humanitarian efforts undertaken during the so-called

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[1] For an extended and in-depth analysis on Solidarism, see Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society*, Oxford: Oxford University Press, 2003. For a brief overview of main arguments of solidarists, see Laura M. Herța, "The Solidarist Discourse and Humanitarian Intervention. Revisiting Sovereignty, Responsibility and Morality in Global Politics", in *Redefining Community in Intercultural Context RCIC'19. Migration & Intercultural Dialogue, Conference Proceedings*, 'Henri Coanda' Air Force Academy Publishing House, 2019, pp. 205-210.

[2] Gareth Evans, "Interview: The R2P Balance Sheet after Libya", in Thomas G. Weiss *et. al.*, *The Responsibility to Protect: Challenges, Opportunities, in Light of the Libyan Intervention*, e-International Relations, September 2011 <https://www.e-ir.info/publication/the-r2p-challenges-and-opportunities-in-light-of-the-libyan-intervention> accessed on October 2019.

decade of humanitarian intervention were characterized by limited success, good intentions ending in missed opportunities or debacle, lack of political will. However, despite vacillations, limits, and inefficacies, the interventions in Northern Iraq, Bosnia, Somalia or Kosovo did trigger a different perspective on perceived responsibilities to protect people during civil wars or humanitarian emergencies. This shift has been formulated by Chantal De Jonge Oudraat: "unlike in the early 1990's, the debate at the end of the decade focused not on the question of whether humanitarian considerations could be characterized as 'threats to international peace and security' and thus justify intervention in states' domestic affairs, but rather whether such interventions needed the authorization of the UN Security Council."[3] The tragic events in Rwanda and the failure of the United Nations' Security Council to prevent the plight of Tutsis (and moderate Hutus) spurred increased concern for the following conceptual, institutional and operational dilemma: the need or duty to end massacres and genocides while also preserving state sovereignty. Kofi Annan famously echoed disappointment about lack of action by saying "never again" when tackling the tragedy in Rwanda: "if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how *should* we respond to a Rwanda, to a Srebrenica — to gross and systematic violations of human rights that offend every precept of our common humanity?" Moreover, he showed that "surely no legal principle — not even sovereignty — can ever shield crimes against humanity. Where such crimes occur and peaceful attempts to halt them have been exhausted, the Security Council has a moral duty to act on behalf of the international community."[4]

It is against this background that in 2000, following the initiative of the Canadian government, ICISS (International Commission on

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[3] Chantal De Jonge Oudraat, "Humanitarian Intervention: The Lessons Learned", *Current History*, no. 641, 2000.

[4] Kofi A. Annan, *We the Peoples: The Role of the United Nations in the Twenty-First Century*, Report of the Secretary-General, The Millennium Assembly of the United Nations, 2000, p. 34.

Intervention and State Sovereignty) was established at the UN Millennium Assembly. In 2001, ICISS issued the Report entitled *The Responsibility to Protect*. The responsibility to protect framework emerged and, as Evans rightly shows, it indicated "the solution" and the transition from the *right to intervene* to interventions dictated by, and aiming at, the *responsibility to protect*. The RtoP was inherently related to new security issues (like intra-state warfare)[5], to new threats in a globalized world, such as non-state actors, the salient issue of refugees or internally displaced people/IDP's (as emphasized by scholar and former Sudanese diplomat Francis Deng[6]), human security (at length discussed by Mary Kaldor[7] and Ramesh Thakur[8]), failed states (or, in William Zartman's analysis, collapsed states[9]). As stated in the ICISS Report, the *responsibility to protect* is based on certain core principles:

> *A. State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.*
> *B. Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.*[10]

Moreover, according to the ICISS Report, the tenets of the responsibility to protect, as a "guiding principle for the international community of states", rest upon:

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[5] International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect*, Ottawa: International Development Research Centre, 2001, pp. 4-6.

[6] Francis M. Deng; Sadikiel Kimaro; Terrence Lyons; Donald Rothchild; William Zartman, *Sovereignty as Responsibility: Conflict Management in Africa*, Washington: The Brookings Institution, 1996.

[7] Mary Kaldor, *Human Security*, Cambridge: Polity Press, 2007.

[8] Ramesh Thakur, *The United Nations, Peace and Security. From Collective Security to the Responsibility to Protect*, Cambridge: Cambridge University Press, 2006, pp. 71-157.

[9] William Zartman (ed.), *Collapsed States: The Humanitarian Challenge to the United Nations*, Boulder, 1995.

[10] ICISS, *op. cit.*, p. XI.

A. obligations inherent in the concept of sovereignty;

B. the responsibility of the Security Council, under Article 2(4) of the UN Charter, for the maintenance of international peace and security;

C. specific legal obligations under human rights and human protection declarations, covenants and treaties, international humanitarian law and national law;

D. the developing practice of states, regional organizations and the Security Council itself.[11]

The emerging norm states that, as a last resort, the international community or states within it can legitimately employ military force against another state with the purpose of saving endangered civilians. This right, it is argued, derives from a shift in conceptualizing sovereignty in world politics, namely from "sovereignty as authority" to "sovereignty as responsibility."[12] The huge difference is that while the former refers to states' control over their territories and population, the latter "suggests that sovereignty is conditional on a state demonstrating respect for a minimum standard of human rights."[13] This assertion is also taken by others in order to pinpoint to the limits of sovereignty, as inherent in the UN Charter:

According to Chapter VII, sovereignty is not a barrier to action taken by the Security Council as part of measures in response to "a threat to the peace, a breach of the peace or an act of aggression." In other words, the sovereignty of states, as recognized in the UN Charter, yields to the demands of international peace and security. And the status of sovereign equality only holds effectively for each state when there is stability, peace, and order among states.[14]

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[11] *Ibidem*.

[12] See initial attempts in this respect in Deng *et. al.*, *op. cit.*

[13] Jennifer Welsh, "From Right to Responsibility: Humanitarian Intervention and International Society", *Global Governance*, no. 8(4), 2002, pp. 510-511.

[14] Thomas G. Weiss; Don Hubert, *The Responsibility to Protect: Supplementary Volume to the Report of ICISS*, Ottawa: International Development Research Center, 2001, p. 7.

One of the key contributions of ICISS is that it tries to reconcile the legal-moral tension of humanitarian intervention, by reconsidering the meaning of sovereignty:

> *The defence of state sovereignty, by even its strongest supporters, does not include any claim of the unlimited power of a state to do what it wants to its own people. The Commission heard no such claim at any stage during our worldwide consultations. It is acknowledged that sovereignty implies a dual responsibility: externally – to respect the sovereignty of other states, and internally, to respect the dignity and basic rights of all the people within the state. In international human rights covenants, in UN practice, and in state practice itself, sovereignty is now understood as embracing this dual responsibility. Sovereignty as responsibility has become the minimum content of good international citizenship.*[15]

According to the ICISS report, the responsibility to protect is intertwined with certain principles for military operation: first of all, the just cause threshold, which includes situations of "large scale loss of life [...] with genocidal intent or not, and large scale 'ethnic cleansing', actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape." Secondly, the Report mentions four precautionary principles (right intention, last resort, proportional means, and reasonable prospects); thirdly, right authority (which is not intended to bypass the UN by strengthening other types of authority, since "the task is not to find alternatives to the Security Council as a source of authority, but to make the Security Council work better than it has") is explained; finally, comprehensive operational principles are tackled ("clear objectives" [...] and "resources to match"; "acceptance of limitations, incrementalism and gradualism in the application of force, the objective being protection of a

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[15] ICISS, *op. cit.*, p. 8.

population, not defeat of a state", "rules of engagement" that imply "total adherence to international humanitarian law").[16]

There are certain ground-breaking aspects that the ICISS *Responsibility to Protect Report* sets. First of all, it revisits the concept of sovereignty (as previously shown) by clarifying state responsibility (apart from political independence and rights over sovereign territories) with respect to protections of its citizens.

Secondly, the Commission indicated that previous debates revolving around humanitarian intervention were in fact views for or against a "right to intervene" by one state on the territory of another state. ICISS argued that human protection or human security cannot be achieved by looking at the "right to intervene", but by "responsibility to protect".[17]

Thirdly, the Commission emphasized three responsibilities corresponding to specific phases: the responsibility to prevent[18], the responsibility to react[19], and the responsibility to rebuild.[20]

The United Nations' incorporation of the responsibility to protect

The UN's High-Level Panel on Threats, Challenges and Change issued *A More Secure World: Our Shared Responsibility* in 2004, which supported "the emerging norm that there is a collective international responsibility to protect."[21] Kofi Annan also endorsed it in his 2005 report.[22]

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[16] *Ibidem*, pp. XII-XIII.

[17] *Ibidem*, pp. 11, 17.

[18] *Ibidem*, pp. 19-27.

[19] *Ibidem*, pp. 29-37.

[20] *Ibidem*, pp. 39-45.

[21] High-level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility*, New York: United Nations, 2004, p. 57. Para. 203 specified: "We endorse the emerging norm that there is a collective international responsibility to protect, exercisable by the Security Council authorizing military intervention as a last resort, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law which sovereign Governments have proved powerless or unwilling to prevent."

The framework of RtoP was officially incorporated by the United Nations in 2005 during the UN World Summit. The UN General Assembly issued the World Summit Outcome Document which was a unanimously supported resolution that endorsed the scope of the responsibility to protect. Article 138 of the document specifies the "responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity" and emphasizes the responsibility of each state which "entails the prevention of such crimes, including their incitement, through appropriate and necessary means." Moreover, the document made clear pledges in this respect: "We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability."[23] Article 139 of the document invokes provisions from Chapter VI and Chapter VII of the UN Charter and adds:

> *"In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity."[24]*

According to Gareth Evans (co-chair of ICISS, together with Mohamed Sahnoun), the World Summit Outcome Document expressed the will of both Western countries and those from the developing South

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[22] Kofi A. Annan, *In Larger Freedom: Towards Development, Security and Human Rights for All*, New York: United Nations, 2005. See also Thomas G. Weiss, "Whither R2P?", in Thomas Weiss *et al.*, 2011, *op. cit.*.

[23] A/RES/60/1 2005, United Nations' General Assembly Resolution, World Summit Outcome, adopted on 16 September 2005, p. 30, <https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf>, accessed on November 2019.

[24] *Ibidem.*

(especially Sub-Saharan Africa) and it was linked to the African Union's "insistence that the real issue was not non-intervention, but non-indifference."[25] Also, the document clearly stipulated the extraordinary conditions under which action should be immediately undertaken, by distinguishing between promotion of human rights in general, on the one hand, and genocides and crimes against humanity, on the other hand. This marked a step forward, moving the debate beyond the previous discursive amalgamations of human security, human rights, atrocities, which led to confusions and diffuse responsibility. For Gareth Evans

> *"It now seems generally understood that mass atrocity crimes should not be confused with human rights violations more generally, conflict situations more generally, or human security situations more generally: they are more confined, defined essentially as genocide, ethnic cleansing and other large scale crimes against humanity."*[26]

The ensuing responsibilities are in fact consistent with legal obligations enshrined in the United Nations' Charter and in the Convention on the Prevention and Punishment of the Crime of Genocide; the latter has been ratified or acceded to by 152 States (as of July 2019).[27] Alex Bellamy argued that, precisely because all crimes mentioned in the World Summit Outcome Document were already prohibited, the principle attached to responsibility to protect was not "a new legal principle but rather a political commitment to implement already existing law."[28]

UN Secretary-General Ban Ki-moon released the report *Implementing the Responsibility to Protect* in 2009, outlining three pillars of RtoP. The first one (called *The protection responsibilities of the State*) refers to

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[25] Gareth Evans, *op.cit.*, p. 36.

[26] *Ibidem*, p. 37.

[27] See <https://www.un.org/en/genocideprevention/genocide-convention.shtml> accessed on November 2019.

[28] Alex Bellamy, "The Responsibility to Protect and the Problem of Regime Change", in Weiss *et al.*, *op. cit.*

the "enduring responsibility of the State to protect its populations, whether nationals or not, from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement" while pillar two (titled *International assistance and capacity-building*) pledges "the commitment of the international community to assist States in meeting those obligations."[29] Pillar three (*Timely and decisive response*) refers to "the responsibility of Member States to respond collectively in a timely and decisive manner when a State is manifestly failing to provide such protection."[30] According to many voices, the report of the Secretary-General "diluted the central defining feature of RtoP"[31] or "sought to sidestep considering the third pillar, the sharp end of the R2P stick of using or threatening to use military force to stop mass atrocities."[32] Some questions still lingered: was the responsibility to protect an emerging norm? Or was it an attempt to make states commit to legal obligations to stop genocides and crimes against humanity and hence step up to this political responsibility? Was it still reduced to political will of UN Security Council permanent members and thus contingent on veto privilege? Could the responsibility to protect reshape states' attitudes and actions regarding civilians' plight caught in civil war, ethnic cleansing and other atrocities, but trapped within state boundaries?

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[29] *Implementing the Responsibility to Protect*, Report of the Secretary-General, A/63/677, 12 January 2009, pp. 10-21, <http://responsibilitytoprotect.org/implementing%20the%20 rtop.pdf> accessed on November 2019. See also, Alex Stark, "Introduction", in Weiss *et. al.*, *op. cit.*, p. 4; Abiodun Williams, "The Responsibility to Protect and Peacemaking", in Thomas G. Weiss *et. al.*, *op. cit.*, p. 32; Ramesh Thakur, "R2P, Libya and International Politics as the Struggle for Competing Normative Architectures", in Thomas G. Weiss *et. al.*, *op. cit.*, p. 12; Rachel Gerber, "Prevention: Core to the Responsibility to Protect", in Weiss *et. al.*, *op. cit.*, pp. 28-29.

[30] *Implementing the responsibility to protect*, pp. 22-28.

[31] Ramesh Thakur, *The Responsibility To Protect: Norms, Laws and the Use of Force in International Politics*, quoted in Thomas G. Weiss, "Whither R2P?", p. 7.

[32] Weiss, "Whither R2P?", p. 7.

Applying the RtoP framework: the UN's involvement in Libya

The violent turmoil in Libya emerged as one piece of what later became known as The Arab Spring, namely stark contestation of regimes, civil unrest, and revolutionary movement that ranged across the Middle East and North Africa at the beginning of 2011. Demonstrations began in February 2011 in Libya and the protesters mounted against Colonel Gaddafi. The latter, buoyed by inner circle individuals and using military force against the rebels, brutally counter-reacted in trying to repress the insurgency; consequently the situation dramatically deteriorated. The international community was worryingly following the events in Libya and empathy for the suffering of innocent Libyans was considerable. In just a few weeks, the international response to the crisis focused on the role to protect the Libyan population and to prevent the forces under Gaddafi's orders to commit atrocities in Benghazi. One might say that it was high time to "test" the applicability of the responsibility to protect.

The response was swift: on February 15, the United Nations' Security Council issued a statement in which it requested the Libyan government "to meet its responsibility to protect its population."[33] On February 26, the UN Security Council issued Resolution 1970, in which the Council "deplored the gross and systematic violation of human rights, including the repression of peaceful demonstrators, expressing deep concern at the deaths of civilians, and rejecting unequivocally the incitement to hostility and violence against the civilian population made from the highest level of the Libyan government", referred "the situation in the Libyan Arab Jamahiriya to [...] the International Criminal Court" and imposed sanctions (arms embargo, travel bans and asset freeze).[34] A few weeks later, a no-fly zone was imposed under the normative umbrella of the responsibility to protect: on March 17, the Security Council issued

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[33] Sarah Brockmeier; Oliver Stuenkel; Marcos Tourinho, "The Impact of the Libya Intervention Debates on Norms of Protection", *Global Society*, 2015, p. 3.

[34] S/RES/1970 (2011), UN Security Council, 26 February 2011 <https://www.undocs.org/S/RES/1970%20(2011)> accessed on December 2019.

Resolution 1973, in which military force was authorized to protect civilians and civilian populated areas. Resolution 1973

> Expressing *grave concern at the deteriorating situation, the escalation of violence, and the heavy civilian casualties, [...]*
> Condemning *the gross and systematic violation of human rights, including arbitrary detentions, enforced disappearances, torture and summary executions, [...]*
> Expressing its determination *to ensure the protection of civilians and civilian populated areas and the rapid and unimpeded passage of humanitarian assistance and the safety of humanitarian personnel [...]*
> *Acting under Chapter VII of the Charter of the United Nations,*
> 1. Demands *the immediate establishment of a cease-fire and a complete end to violence and all attacks against, and abuses of, civilians;*
> 2. Stresses *the need to intensify efforts to find a solution to the crisis which responds to the legitimate demands of the Libyan people [...]*
> 3. Demands *that the Libyan authorities comply with their obligations under international law, including international humanitarian law, human rights and refugee law and take all measures to protect civilians and meet their basic needs, and to ensure the rapid and unimpeded passage of humanitarian assistance;*[35]

The need to protect civilians was expressed in paragraph 4 of Resolution 1973, in which the Council authorized "Member States […] to take all necessary measures […] to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory […]."[36]

Enthusiasm regarding the global impact of the responsibility to protect norm was voiced. Thomas G. Weiss said, back in September 2011, that "with the exception of Raphael Lemkin's efforts and the 1948

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[35] S/RES/1973 (2011), UN Security Council, 17 March 2011 < https://www.undocs.org/ S/RES/1973%20(2011)> accessed on December 2019.
[36] *Ibidem*.

Convention on the Prevention and Punishment of the Crime of Genocide, no idea has moved faster in the international normative arena than 'the responsibility to protect' […]"[37] Gareth Evans stated that "the Libyan case was, at least at the outset, a textbook case of the RtoP norm working exactly as it was supposed to, with nothing else in issue but stopping continuing and imminent mass atrocity crimes."[38] The milestone showing that "the world has become more committed to the protection of civilians" was reflected in the fact that two UNSC Resolutions on Libya "passed with unprecedented speed and without a single dissenting vote."[39] Resolution 1970 had "expressed its readiness to consider taking additional appropriate measures, as necessary, to facilitate and support the return of humanitarian agencies"[40], whereas in the case of Resolution 1973 "ten countries voted in favour, including permanent members France, the United Kingdom, and the United States. None opposed. Brazil, China, Germany, India, and Russia abstained."[41] UN Secretary General (UNSG) Ban Ki-Moon underlined: "Resolution 1973 (2011) affirms, clearly and unequivocally, the international community's determination to fulfil its responsibility to protect civilians from violence perpetrated upon them by their own government."[42]

Consequently, under the coordination of the United States, UN member states initiated military action on March 19 and the initial key element of the intervention was centred on the following humanitarian

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[37] Thomas G. Weiss, "Whither R2P?", p. 7.

[38] Evans, *op.cit.*, p. 40.

[39] Jon Western; Joshua S. Goldstein, "Humanitarian Intervention Comes of Age. Lessons from Somalia to Libya", *Foreign Affairs*, no. 6(90), 2011, p. 55.

[40] United Nations, S/RES/1973 <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Libya%20S%20RES%201973.pdf> retrieved in October 2012.

[41] Human Rights Watch, *Unacknowledged Deaths. Civilian Casualties in NATO's Air Campaign in Libya*, USA: Human Rights Watch, May 2012, p. 19.

[42] "Secretary General says Security Council action on Libya affirms international community's determination to protect civilians from own government's violence," March 18, 2011, quoted in Nathalie Tocci, *On Power and Norms. Libya, Syria, and the Responsibility to Protect*, Transatlantic Academy Paper Series, April 2014, p. 1.

rationale: creation of *no fly zone* and *protection of civilians*, authorizing UN member states to use "all necessary measures" for that aim. French, British and American forces began the operations with the goals of imposing the no-fly area and targeting Gaddafi's military targets. After a few weeks, NATO took over the military operation.

There are several corollaries of the UN response to events in Libya. First of all, the intervention, with the aim of protecting civilians, was authorized based on the belief that military force is necessary in order to stop a government from committing atrocities against its citizens. This represents a turning point in humanitarian intervention debate and indicates a major development towards incorporation of responsibility to protect. Given the consensus within the Security Council (with no veto expressed and all BRICS countries tacitly supporting the humanitarian response), the intervention in Libya was a validation of solidarism and of RtoP proponents. Given the urgency in tackling the imminent human tragedy and in issuing Resolutions 1970 and 1973, but also the readiness to take immediate military action, the response signalled the explicit and genuine commitment to responsibility to protect civilians and provide basic human security.

A second corollary, and a different level of discussion, points to the fracture occurring between members of the United Nations Security Council, as well as within the international community regarding the implementation of the military intervention in Libya. Initial agreement over the Council's responsibility to protect civilians and prevent a massacre was replaced with diverging views over the carrying out of the intervention. The core issue is: does it imply regime change? Going back to the international response to the Libyan crisis, two stages are identified: the first one centred on the sanctioning of resolutions meant to halt imminent atrocities and the second one centred on two opposing views regarding regime change in Libya. According to Simon Adams, director of the Global Centre for the Responsibility to Protect, Libya represents "a key turning point in the history of R2P" and debates moved from a "battle around ideas

to a battle around implementation."[43] The military intervention achieved its stated purpose after just a few weeks and civilians in Benghazi were safe from Gaddafi forces' attacks. Yet the intervening forces continued military operations, even when the African Union was ready to focus on negotiations and ceasefire. Moreover, they provided military support to the rebel forces. On April 15, a letter jointly signed by British Prime Minister David Cameron, French President Nicolas Sarkozy, and U.S. President Barack Obama stated that "our duty and our mandate under UN Security Council Resolution 1973 is to protect civilians, and we are doing that. It is not to remove Qaddafi by force. But it is impossible to imagine a future for Libya with Qaddafi in power."[44] In what follows, we shall discuss three consequences of these developments.

The first impact was on the RtoP doctrine itself. The broad interpretation of responsibility to protect and the actions against the Libyan government prompted strong criticism. On the one hand, BRICS countries strongly reacted to NATO's decision to exceed its mandate and to go beyond the wording and the spirit of Resolution 1973. Russia criticized the "disproportionate use of force" while China opposed "any arbitrary interpretation of the Council's resolutions or of any actions going beyond those mandated by the Council".[45] South Africa questioned "whether the actions of the implementing States have been consistent with the letter and the spirit"[46] of the resolutions and Brazil argued against "excessive broad interpretations of the protection of civilians, which could link it to the exacerbation of conflict, compromise the impartiality of the United Nations or create the perception that it is being used as a smokescreen for intervention or regime change."[47] On the other hand, proponents of RtoP

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[43] Quoted in Brockmeier, Stuenkel and Tourinho, *op. cit.*, p. 1.

[44] Barack Obama, David Cameron and Nicolas Sarkozy, "Libya's Pathway to Peace", *The International Herald Tribune*, 15 April 2011, quoted in *ibidem*, p. 12. See also Tocci, *op. cit.*, p. 19.

[45] Tocci, *op. cit.*, p. 19.

[46] *Ibidem.*

[47] Bellamy, *op. cit.*, pp. 20-21

also reacted. Gareth Evans stated that NATO "was unequivocally committed to the rebel side, and to securing regime change" and said that "many of us would have been much more comfortable if NATO had confined its role, after neutralising the Libyan air force and halting the ground forces moving on Benghazi."[48] Ramesh Thakur argued that "Resolution 1973 authorised military action to prevent civilian slaughter but not intervene in the civil war […], effect regime change, or target Gaddafi. To the extent that he was so targeted, NATO exceeded UN authority in breach of the Charter law."[49] All these reactions point to the fact that the responsibility to protect does not include regime change (as designed by its proponents) and that while states do agree on the need to protect civilians, they do not however agree on the necessity to change governments.

The second impact was on civilians in Libya. The initial stage of the intervention did manage, as previously mentioned, to prevent a slaughter in Benghazi. Given the fact that Gaddafi declared that "security forces would show no mercy" to the rebels and would come "door to door", but also employing the word "cockroaches" when referring to protesters (which reminded everyone in the Security Council of the hate propaganda used during the Rwandan genocide), the swift UN response was a clear determination to save civilians by use of "all necessary means". The second stage of the intervention entailed NATO airstrikes (and collateral civilian casualties) and military support for the rebel forces in Libya. According to NATO, "its efforts went beyond the requirements of international humanitarian law", as quoted in a Human Rights Report published in 2012, and "no target was approved or struck if we had any reason to believe that civilians would be at risk."[50] Several critical voiced warned that NATO's

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[48] Evans, *op. cit.*, p. 41.

[49] Ramesh Thakur, "R2P, Libya and International Politics as the Struggle for Competing Normative Architectures", 2011, p. 13.

[50] Human Rights Watch, *Unacknowledged Deaths. Civilian Casualties in NATO's Air Campaign in Libya*, USA: Human Rights Watch, May 2012, p. 23.

continued strikes and the decision to support the rebels posed threats to the lives of civilians and risked to perpetuate the armed conflict between the government forces and the rebels.[51] Later in 2014, a commission of inquiry was set by the UN Human Rights Council and its report included the following findings: NATO had conducted a "highly precise campaign with a demonstrable determination to avoid civilian casualties" and the Gaddafi regime committed crimes against humanity and war crimes, but also the rebel forces supported by NATO had committed war crimes and "breaches of international human rights law."[52] Consequently, it became clear that military operations intended to protect civilians can be successfully carried out, but supporting one party to the armed conflict can easily lead to other types of assaults on civilians.

The third impact was on the ensuing humanitarian crisis in Syria. Given the similarities between protests in Libya and Syria[53], the deteriorating situation in both countries, the brutal reaction of government forces against protesters, on the one hand, and the different responses from the UN Security Council, on the other hand, many voices argued that NATO's decision to overstretch its mandate in Libya and the toppling of Gaddafi had a direct impact on the reaction to atrocities that unfolded in Syria in 2011 (alongside with other significant differences between the two cases).

Since 2011 Libya was plunged into another civil war (in 2014), the country is divided into two main groups and Libyan civilians have been exposed to various risks. Consequently, the Libyan case currently represents another stage in "testing" the implementation of another level of responsibility, namely the international responsibility to rebuild.

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[51] As quoted in Brockmeier, Stuenkel and Tourinho, *op. cit.*, p. 10.

[52] Human Rights Council, "Report of the International Commission of Inquiry on Libya, UN doc. A/HRC/19/68", quoted in *ibidem.*

[53] See many arguments on this comparison in Tocci, *op. cit.*, and Spencer Zifcak, "The Responsibility to Protect after Libya and Syria", *Melbourne Journal of International Law*, vol. 13, 2012, pp. 1-35.

The intervention in Libya entailed two distinct phases. One represented a response to a mounting humanitarian emergency and was illustrated by a swift involvement of the United Nations, an immediate authorization of use of force for the purpose of protecting civilians, and consensus within the Security Council on the need to use military force to halt atrocities. The other one prompted diverging views on the implementation of such humanitarian imperatives and provided a setback to RtoP as a norm.

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THE UNITED NATIONS' APPROACH ON SECURITY SECTOR REFORM. THE CASE OF LIBYA

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Abstract

This article reviews the concept of Security Sector Reform and its application in conflict-afflicted countries – the case which is discussed being Libya. In the first section of the text, the emergence of the concept in the field of Security Studies is illustrated; additionally, the paper highlights the actors that actively engage in Security Sector Reform programs with a central focus on the United Nations. Challenges that the United Nations model face are later presented – with emphasis on the short-term mandates and the unrenewed as well as the universally applied Security Sector Reform guidelines. The last part of the article represents an analysis of the United Nations-led Security Sector Reform programme in Libya and the goal here is to illustrate how the challenges presented at the beginning of the article can be traced in the case of the northern-African country.

Keywords: United Nations, security sector reform, Libya, SSR programs, conflict-afflicted countries, Security Studies

Security Sector Reform and its impact on the conceptualization of security

The concept of Security Sector Reform was formally coined by Clair Short, the United Kingdom Secretary for International Development, in

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1999 (although it has been discussed during most of the last decade of the XXth century). This event marks a departure from the mainstream understanding of security that has dominated the Cold War era, given that Short's perspective was to introduce development studies and conceptualization into the field of security.

Developmental security can be understood as a shift from the state-centred assistance given by Western countries, to a more individual-centred and democratic process which has as its main point the creation of a state which can give opportunities to its society.[1]

The emergence of Security Sector Reform (SSR) as a concept was made possible due to two elements: first, the ending of the Cold War paved the way for a change in the threat of calculus of Western states. It is no longer the eastern communist states that hamper the existence of the Western capitalist core, but rather, it is weak, failed and conflict-afflicted states in the periphery that can pose an ideological danger. The process of state-building was created for this very reason, and it is viewed as the mean to combat this issue – and at the core of this model we have Security Sector Reform. The SSR project emphasizes one of the most basic Weberian condition for statehood, a "*monopoly of the legitimate use of physical force*"[2], which allows states to claim sovereignty over their national territory and impede insecurity from spreading across their confines. By enabling local authorities to re-establish the supremacy of the state, Western democracies may restrain the insecurity that weak and failed states project into the international system and, thus, prevent long-term and anachronistic military occupations. It is in this context that Security Sector Reform became a central instrument of Western states used to promote stability in the peripheral areas of the world.

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[1] Mark Sedra, *Security Sector Reform in Conflict-Affected Countries*, New York: Routledge, 2017, p. 52.
[2] Andreas Anter, *Max Weber's Theory of the Modern State*, New York: Palgrave McMillan 2014, p. 11.

The second factor which contributed to the spreading of the concept, was the reconceptualization of security in the 1990s. As previously mentioned, the ending of the Cold War provided a spark for a shift from state-centred to people-centred approaches in security studies, coupled with the recognition that there is a clear interconnection between security and development. This, in turn, has led development actors to change their perspective upon the security sector, which has led states to understand that governance, security and justice reforms are essential elements for sustainable human development. Furthermore, it encouraged development actors to refrain from using only mainstream security instruments – such as militaries and intelligence agencies, in order to assist their security aid programs.[3]

The SSR model formally emerged a few years after Short's speech, and it is firstly elaborated by the Organization for Economic Co-operation and Development (OECD). The OECD's Development Assistance Committed (OECD DAC), with support from the department of Clair Short (Department for International Development), issued a general set of guidelines in 2004 and 2007, which paved the way for development agents to implement such a complex model – these two handbooks have become the common reference points in security studies. Although there are visible differences and variations among SSR implementation and thinking, there is a wide agreement among donors[4] with regards to the basic principles stated in these two handbooks.[5]

The components of the two handbooks can be assessed by observing its main core principles: *fostering a supportive political environment* by acknowledging every reform context that the international actors are involved in; *local ownership*, which implies that the resources provided by the international donor be given to the national bodies – in order to not

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[3] Mark Sedra, *op. cit.*, pp. 54-55.

[4] A term which refers to the states, institutions or private individuals that fund Security Sector Reform programs.

[5] Mark Sedra, *op. cit.*, pp. 57.

exacerbate domestic uncertainty; *holistic nature* of the process, since it entails a significant sector-by-sector approach (police, military, law, governance, civil society, among others); *monitoring, review and evaluation* are considered vital for the success of an SSR program, and the emphasis is put on the fact that this monitoring should take place constantly – not only at the end of the project.[6]

At the international level, there are multiple actors involved in conceptualizing as well as applying SSR programs. They range from states, international organizations, institutions, focus-groups to non-governmental organizations and non-state actors. Among these, the most active on the international stage are the United Nations, the European Union, the African Union, the Organization for Economic Cooperation and Development, the International Security Sector Advisory Team, The Organization for Security and Cooperation in Europe, NATO, and others. The most influential at international level, is the United Nations, given its global reach and its organized structure. The UN is currently involved in multiple SSR operations around the globe: Libya (UNSMIL), South Sudan (UNMISS), Guinea-Bissau (UNIOGBIS), Somalia (UNSOM), West Africa and South Sahel (UNOWAS), among others.[7] In the following pages, the guidelines and the principles that the United Nations applies to security aid towards conflict-afflicted countries will be discussed, in order to ultimately illustrate what aspects - if there are any - can be improved.

The United Nation's approach to Security Sector Reform

The United Nations Secretary General created the principles and the theoretical framework that guide the UN SSR approach in a report that was

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[6] OECD DAC *Handbook on Security Sector Reform*, Organization for Cooperation and Development, 2007 <https://issat.dcaf.ch/download/478/3015/OECD%20DAC%20Handbook %20on%20SSR.pdf>, pp. 21-22, accessed in December 2019.

[7] "Security Sector Reform" in *United Nations Peacekeeping,* <https://peacekeeping.un.org/ en/security-sector-reform> 2019, accessed on December 2019.

published on January 2008,[8] providing a number of core definitions and guidelines with the goal of enhancing comprehensiveness, coordination and cooperation among the country members of the United Nations. The objective is, therefore, to stimulate the engagement of member states in SSR programs in conflict-afflicted areas. Furthermore, the approach of the organization is grounded on the understanding that it will be closely impossible to attain sustainable peace, human rights, eliminate poverty in the long term - and other democratic values upon which the United Nations is founded, if there are no transparent and effective security institutions that can provide safety for the individuals. Thus, the meaning of the United Nation's support for SSR is to give to every individual, without any discrimination, safety, which is provided with the help of accountable and effective security institutions which function according to civilian control, and in respect of the rule of law as well as the respect of universal human right. That is precisely why, the organization has set up a systematic guideline which respects international humanitarian norms and rules, and which assists actors in the implementation of such a complex model.[9]

Attained through a special inter-agency work, *The Integrated Technical Guidance Notes* present that very inclusive approach previously mentioned, which the United Nations uses as guide for various sectors related to the implementation of Security Sector Reform. For example, they provide UN staff that works in the field, with the challenges and opportunities that may arise in the process, or the operational and strategic interventions – coupled with their impact on the ground. Moreover, they may be of help for Member States of the UN, or other regional

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[8] UN Secretary General, Securing peace and development: the role of the United Nations in supporting security sector reform, Report of the Secretary-General, A/62/659–S/2008/39, 23rd of January 2008, p. 1, <https://www.un.org/en/ga/search/view_doc.asp?symbol= A/62/659> accessed on December 2019.

[9] *Ibidem*, pp. 1-5.

organizations that are concerned with the region in cause – such as the African Union, if the program is directed towards an African country.

Also, the reason for why the United Nations support SSR programs is mostly defined by the Organization's legitimacy and global reach, and because it has both a normative and an operational component. The UN very strictly affirms that its responsibility in providing aid to conflict-afflicted countries and area as well as helping nation and regional authorities will never, except rare cases, exclusively be devised by the Organization, but rather – the effort should be undertaken under a comprehensive collaboration of all involved stakeholders. The legitimacy that the United Nations have over contributing to SSR models is to be observed on two grounds, on a normative as well as on an operational one.

On the one hand, in its *normative* role, the United Nations can contribute by assisting the assimilation of international legal rules including human rights norms, with internal legislature and policies as well as the assisting of the application of proposals and recommendations that arise from international human rights agencies regarding the security sector; formulating strategies and policies for the application of SSR models and programs which can set up the basis of transparent and serious cooperation between the United Nations and national, as well as local agents; certifying that all the parties engaged into Security Sector Reform programs, including possibly deployed peacekeeping units, Special Missions and UN Country Teams, are provided with assistance in stating milestones and other assessment and evaluation procedures; supporting the creation of mutual information and knowledge on SSR, by holding forums of discussion at international level, where the UN promotes dialogue and the development of best practices.[10]

On the other hand, in its *operational* role, the United Nations has a competitive advantage (by being politically neutral and by providing

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[10] United Nations SSR Task Force, Integrated Technical Guidance Notes, 2012, pp. 1-3, <https://peacekeeping.un.org/sites/default/files/un_integrated_technical_guidance_notes_on _ssr_1.pdf> accessed on December 2019.

global reach), which allows it to undertake the political part of SSR; it can do so by providing forums of discussion and reconciliation as programs for extensive reforms, and by assisting national and regional actors in the comprehensive conceptualization, formulation, execution and assessment of relevant security governance policies.

The Integrated Technical Guidance Notes deliver support plans that are the basis of the operational role that the United Nations has in security sector reform. The ITGNs thus may be aligned together with the United Nations defence sector reform policy, which together provide a holistic framework for United Nations engagement in SSR. Another United Nations comprehensive instrument, and one vital to its operational function, is the 'Human Rights Due Diligence Policy'. This requires United Nations agencies, in the context of support, to commit with national or regional actors so as to change their behaviour with regard to addressing human rights violations and, as *ultima ratio*, to cease support if violations continue.[11]

As stipulated, the aim of the ITGNs is to provide a "One United Nations" course to SSR by providing a mutual framework for regulating United Nation's support for SSR led by national authorities. In this way, the ITGNs seek to permit the United Nations to fulfil its role in SSR more efficiently, and to provide more operational support to Member States in those SSR areas where the Organization has a comparative advantage. These ITGNs, together with future agreed SSR principles, will in the end be developed into auxiliary tools for training that together form a framework that can be compared with the Integrated Disarmament, Demobilization and Reintegration (DDR) norms. The concept of ITGNs is comprised of five core principles: *democratic governance of security institutions*; *national security policy- and strategy-making*; *peace processes and SSR*; *gender-responsive SSR*; and *national ownership of SSR*.[12]

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[11] *Ibidem,* pp. 4-5.
[12] *Ibidem,* p. 6.

Concerning the *democratic governance of security institutions*, the United Nations arrived at the conclusion that there are five fields which have to be improved in order to successfully establish them, these including: strengthening the constitutional and law structure, creating a functioning civil society, implementing monitoring agencies and processes, enhancing the government institutions and the system which commands the management of the SSR program.

Furthermore, the UN is legitimately recognized as the most suitable international actor which can provide *national security policies and strategy-making*. The Note illustrates an analysis of national security policies and strategies and posits these concepts within a larger framework of SSR and the sensitivities that comes with the sovereign right of States to determine security policy, and the responsibility to meet international obligations that they must respect. United Nations teams, whether engaged in ground operations (whether at the national or local dimension) or at United Nations HQs, are thus instructed with various standards that are consequently put into practice through specific recommendations and support schemes, as well as the function that the United Nations teams plays to facilitate this type of support. For instance, a human rights perspective should be incorporated into the assessments, development, implementation, monitoring, evaluation and review of national security policies and strategies.

Considering *peace processes and security sector reform* overall, the UN manages to provide key knowledge on how to practice such policies into successful peace creation. The first part of the Note shows the relation between SSR and peace processes at an ideological level, arguing that the combination of these two concepts makes each more likely to succeed in a long-term scenario. Fundamentally, SSR can make peace more sustainable, this in turn leading to a perfect situation to implement SSR more effectively – making this relation mutually reinforcing. Recognizing this shared relationship, the Note concludes that advisors, mediators and SSR agents must collaborate and have discussions so as to maximize these

opportunities. An understanding of the local context, of how the conflict came to be, as well as the stakeholders that are involved, are the key elements for the enactment of a peace process, and subsequently, of SSR. The fragile nature of SSR can create difficulties in negotiations among parties, and mediators must be always ready to focus on key issues of interest so as to convey every party. Part of the SSR analysis includes a detailed scheme of security needs, study of the past conflict, human rights assessments and analysis of the various stakeholders that permits mediators to set up the most efficient negotiation process in which to include the SSR program.

The fourth dimension to take into account when formulating its principles, was to have a gender responsive SSR, which has as ultimate objective the strengthening of the capacities of security sector institutions to address multiple threats that women, girls, men and boys are facing – and the best way to tackle them, would be to include these categories into SSR decision-making, assessment, designing and implementation. In this note, it is highlighted that in both conflict and post-conflict transition procedures, as it occurs also in SSR programs, gender is affected dissimilarly. This, international intervention must address these issues, so as to meet the various needs that emerge from different experiences based on gender. Furthermore, there is a vital acknowledgment that sexual-based violence is a fundamental threat to peace and security, and it requires an operational security response, including in the application of SSR.

The other vital aspect of SSR is the recognition that *national ownership* is vital for the legitimacy and the long-term planning of an SSR program. It is essential to facilitate shared national policy, by assessing the capabilities of national authorities and gives recommendation for the improvement of those, and last but not least to create national supervisory and evaluation bodies.

The last ITGN is based on the acknowledgment that *national ownership* is fundamental for the legitimacy and the long-term vitality of national SSR program.[13]

Challenges and prospects for improving the UN SSR model

Among the international actors involved in designing and implementing Security Sector Reform programs, there is wide consensus that the United Nations has proved to play a key role, and that was made possible due to the organization's holistic approach towards the conceptualization and the application of SSR, and the successful scenarios (see South Africa). Nonetheless, there are risks and threats which the United Nation faces when devising SSR programs, and there are aspects upon which the UN may improve, so as to better address the future challenges that arise in various conflict-afflicted countries.

On the one hand, one of the most fundamental issues with the holistic, long-term approach of UN-led SSR efforts, is that the mandates are rather short-term oriented – and they typically do not accord with the long time frames and long deadlines that are designed to support the reconstruction of security institutions and a development process in a given country, not to mention that it is hard to build trust with stakeholders in such a short time-frame. Moreover, there is the constant pressure that UN peacekeeping operations face of proving tangible progress in a very short time, and this philosophy clearly does not apply to the field of Security Sector Reform. It is arguable that short-term mandates are difficult to avoid, since it would jeopardize the democratic fundaments of the organization, however, in contexts where peacekeeping and special missions are deploys, the Security Council and the General Assembly should take notice of this pressure. Also, the expectations of delivering deadlines in such a short time-frame should not be high, because designing and implementing the instruments of SSR take time both within the hosting

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[13] *Ibidem*, pp. 6-11.

population, between the Mission and the State, and between all other involved stakeholders. Thus, I argue that mandates should be more realistic, mixing short-term milestones with long-term results. Missions should consider including these outputs in their planning, budgeting and performance management mechanisms and then assess them through frank reporting on the basis of clear performance indicators. For example, they could include the following output in the Mission's results-based budget for the first six to twelve months of its operation: "completion of xx meetings with senior national decision makers and stakeholders to engender trust and confidence in the Mission's ability to support the national SSR process". At the same time and as part of its overall support to the process, the Mission should seek to develop sufficient national capacity in the area of national security policy- and strategy making with its eventual exit and the principle of national ownership in mind.

On the other hand, given the aforementioned pressure that short-term mandates give, coupled with small human resources within local authorities, UN personnel may feel tempted into taking the lead in the national security policy and thus into securing the peace process. It is vital to refrain from undertaking such a course of action, as this would be contrary to the UN basic SSR principle of national ownership. The problem with this probable situation is that, on the long-term, it undermines a sustainable peace process, since there will only be an external model which has no corroboration with local political landscape, culture and history. Moreover, it deprives national and regional agents of the opportunity to build capacities in the areas of security policy making, which will be ultimately led by them after the withdrawal of the UN peacekeeping forces and/or special mission. From the very beginning of the SSR operation, the United Nations deployed staff should constantly make sure that all stakeholders (the State actors, civil society, the community) are acknowledge the support that the UN provides in the formulation of national security policy. At the same time, UN staff should hold discussions with the leading national actor so that the latter may take up

the initiative of controlling and implementing SSR on the ground – providing them with recommendations, policy papers and plan of action. From the outset, there should be a written and signed agreement by both the UN and the leading national actor which stipulates the support that the UN provides, agreement which should also touch upon the distribution of tasks, information on milestones and deliverables, objectives and results, timelines, human and material resources. It is important to constantly provide national actors with awareness of the situation and that the UN does not want to take up the lead in the program, but rather assist it. In order to stimulate national actors so that they may take the initiative, the UN should chair committees, coordinate meetings and workshops with the local community and the national/regional actors. In many instances of UN driven SSR, there was resentment felt by national institutions with regards mostly to the very rigid evaluation and monitoring role of the UN bodies, which according to most national authorities, it is hard to comply with. What the UN can do in this regard is to engage into advocacy and explanation, so that all these bureaucratic steps will not be misunderstood in the future interventions, as well as trying to ease such norms.

Considering the 2014 Security Council Resolution on SSR[14], there are multiple evolutions in the principles as well as in the threats formulated by the UN impacting the implementation of Security Sector Reform. As the threats posed to peace-building rise and advance, so ought the methods of addressing them, and not to mention the fact that the threats should be scenario-tailored because it is highly unlikely to witness a universal formula applied to whichever area of the globe. Therefore, it is recommended that regional UN bodies or partners formulate their own, geographically, historically and culturally driven SSR policy so as to increase the legitimacy, as well as the sustainability of such projects. I recommend the publication of further guidelines and Security Council

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[14]   S/RES/2151 (2014), UN Security Council, 28th of April 2014, p. 1, <https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2151(2014)>   accessed on December 2019.

resolutions endorsing mandates that will give possibility to SSR programs to progress.

United Nation's application of Security Sector Reform – the case of Libya

The United Nations is assisting multiple conflict devastated countries in making their transition towards a stable and safe environment for their citizens, promoting thus a democratic system of governance, the principle of the rule of law, a prosperous civil society and an overall functioning security sector. One of the countries where the United Nations is currently implementing such programs is Libya, under the mandate of the United Nation's Special Mission in Libya (UNSMIL). UNSMIL is a comprehensive special political mission launched on the 16th of September 2011 by UN Security Council Resolution 2009, adopted in 2011 at the request of Libyan national authorities with the aim of assisting the country to reach a stable security environment. The mandate was renewed each year through several UNSC Resolutions and it includes the provision of essential services and humanitarian aid, the monitoring and reporting of the human rights situation, supporting non-proliferation of arms through a Disarmament, Demobilization and Reintegration program, and ultimately provide advice for the national authorities with what concerns the stabilization of the country.[15]

During these eight years of mandate, the efforts of the UN-led security sector reforms can be observed in certain sections of society, although overall, the post-conflict transition is far from being materialized. In the period of 2011-2014 free and fair elections were held, the Government of National Congress (GNC) was formed – tasked with the drafting of the constitution, and governmental bodies were built from the ruins of the 2011 civil-war. At institutional level, all the steps for re-

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[15] United Nations Support Mission in Libya <https://unsmil.unmissions.org/mandate> 2019, accessed on December 2019.

building the security sector and implement democratic reforms have been respected as the model was originally designed, but the reality on the ground was rather different. The first government that was elected – the GNC, was doomed in 2013, when a shift emerged between Islamist and rebel politicians on the one hand, and non-Islamist parties in partnership with former Qaddafi officials on the other hand. In this context, the second civil-war erupted. During the fighting that engulfed the Libyan society once again, the mandate of the GNC formally ended, with its main objective – drafting a constitution for Libya – not realized. The consequent elections, held in the June of 2014 saw the non-Islamist party as the winners of the majority of seats. The first step that they took was to move the Parliament in the eastern part of the country, in the city of Tobruk, because the violence in Tripoli was undermining the activities of the government. Also, the body was renamed into the House of Representatives (HoR) and it received military assistance from one of Libya's strongmen, general Khalifa Haftar. The first problem arises when the former government – the GNC, refused to accept the election results, creating thus a political divide among west (GNC) and east (HoR backed by general Khalifa Haftar). External involvement did not miss from this scenario, as Qatar, Turkey and Sudan supported the Islamic factions (GNC) in Libya, while France, Egypt and Russia backed the legitimately elected HoR.[16]

It is this very fragile and explosive context that the United Nations sought to mediate in September 2014, when the UN Secretary General's Special Representative, held talks with the HoR in order to provide a forum for discussion among the Libyan conflicting parties. It is only in 2015 that he managed to get both parties to sign a political accord, coined the Libyan Political Agreement, according to which, the GNC was to be transformed into the High State Council – with the task of advising the government, and the HoR to move to Tripoli and retain its legitimacy as the sole parliament

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[16] Yezid Sayigh, *Crumbling States – Security Sector Reform in Libya and Yemen*, pp. 10-12 <https://www.files.ethz.ch/isn/194040/Paper_Yezid-Sayigh_crumbling_states.pdf> accessed on December 2019.

representing the Libyan citizens. The deal faced its first obstacle when the HoR decided to not ratify the agreement, citing as reason a clause that prevent their most important partner – Haftar, from becoming the Chief of Staff of the army.[17]

The main reasons that led to the failure of the proposed UN deal can be traced to the flaws that I observed in most United Nation's led SSR model, the short-term mandates – which are undermining the long-term approach of the SSR design, as well as the fact that it is not enough context-driven – but it rather follows an universal method. Moreover, as is the case with most situations of conflict-afflicted countries in a transition period, the peace deal is not inclusive enough, and international actors do not commit to a holistic approach, but rather prefer bilateral short-term approaches.[18]

The Libyan Political Agreement signed in December 2015, illustrated a great example for the non-inclusiveness that plans may show. All the powerful militias that backed the two factions, the GNC, respectively the HoR, were not part of the meetings and of the negotiations themselves. The deal was discussed among the most moderate politicians of both parties, who did not in reality have the consent of the majority of their respective political associates. The unrealistic timeline that the UN mediators assumed when considering the reaching of a conclusion for the Agreement, are also part of the flaws of the designed SSR plan. Such political agreements that are meant to produce peace, can not materialize if they are not patiently built-up. As mentioned previously, short-term mandates are a key issue in the UN led SSR program, and as it occurred in Libya, the Special Representative to Libya announced in mid-2015 that he will stepped down from its position in a few months – which led to the signing of a quick agreement, rather than a structural one. Moreover, the

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[17] Lisa Watanabe, "UN Mediation in Libya: Peace Still a Distant Prospect", in *CSS Analysis in Security Policy*, no. 246, June 2019, p. 2 <https://css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/CSSAnalyse246-EN.pdf> accessed on December 2019.

[18] Yezid Sayigh, *op. cit.,* pp. 13.

ultimate reason for the failure of the deal and which comes as a recurrent threat to SSR projects, stems from inconsistencies and controversial actions of the international community, which is mostly observable in cases as when individual states such as Russia, France or Egypt fund the military equipment of General Khalifa Haftar. These bilateral actions do nothing but to undermine the holistic nature of a security sector reform model.[19]

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CAMEROON'S ANGLOPHONE CRISIS: ANALYSIS OF THE POLITICAL, SOCIO-CULTURAL AND ECONOMIC IMPACT

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Abstract

The article aims to analyse the present Anglophone conflict in Cameroon as a consequence of a perpetual political crisis, which has its roots in the colonial administration of the territory. Moreover, the Anglophone crisis is presented as a situation of a minority's marginalization and discrimination, highlighting the so-called francophonisation of the Anglophone system and the issue of the state's mismanagement of cultural diversity. Another interpretation tacked by the article is that the current crisis represents the direct consequence of the authoritarian style of leadership and of the dysfunctional democracy in the country. There are also illustrated the myriad of negative political, social and economic consequences of the crisis, by presenting the relation between the threatened political and economic stability of the country and the increased state authority and violence.

Keywords: political crisis, cultural diversity, marginalization, governance, violence, identity

Introductory remarks

Cameroon is a country situated in West and Central Africa and it has two official languages (French and English) and between 280 and 287

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national languages. Cameroon has been officially a bicultural and bilingual country since 1961, being one of the few bicultural countries in the world. The two cultures and identities, namely the Anglophone and the Francophone ones, represent a legacy of the country's colonial heritage inasmuch as France and Great Britain were the last colonial powers that dominated this African territory.[1] Hence, the two distinct identities which have formed and shaped the present Cameroonian state are based on the past colonial regimes from the country inasmuch as both France and Great Britain managed to inculcate their particular visions and systems on the Cameroonian territories.

The present issue of secession in Cameroon is based, therefore, on the different colonial heritages left by the French and the British and on the ineffective government protection of the Anglophone minority and specificity within the educational, legal and social national systems. As such, the feeling of marginalization of the Anglophone population represents the result of the mismanagement of cultural diversity and of the lack of political will to preserve the two colonial heritages.

The failure of real leadership and of embracing the value of diversity has accentuated the identity issue in Cameroon, emphasizing the discontent of a minority part of Cameroonians, namely, the Anglophones, who feel like second-class citizens in their own country. As a consequence, the present Anglophone crisis can be explained and analyzed from the perspective of the relative deprivation theory, which highlights the idea that a conflict arises when a person or a group feel deprived in comparison to the situation of the others, this theory accentuating the feelings of anger and resentment.[2] In this context, the Anglophones feel marginalized and discriminated against in comparison to the Francophone Cameroonians,

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[1] Louis Marie Kakdeu, „Discours, cultures et représentations politiques au Cameroun", in Sergiu Mișcoiu, Sedagban Hygin F. Kakai and Kokou Folly L. Hetcheli, *Recul démocratique et néo-présidentialisme en Afrique Centrale et Occidentale*, Iași: Institutul European, 2015, p. 167.

[2] Iain Walker and Heather J. Smith, „Fifty Years of Relative Deprivation Research" in Iain Walker and Heather J. Smith (eds.), *Relative Deprivation. Specification, Development and Integration*, Cambridge: Cambridge University Press , 2002, pp. 1-8.

who represent the majority of the population in the country and who dominate the different sectors in society.

Analysing the Anglophone problem from a historical perspective

The Francophone Cameroon gained independence as the Republic of Cameroon on 1st January 1960. One year later, through a UN organised plebiscite, the Anglophone Southern Cameroons decided to join the Republic of Cameroon. The two options of the 1961 plebiscite consisted of either the possibility of joining Nigeria or the alternative of reunification with the already independent Francophone Cameroon. Therefore, the first issue which triggered the Anglophone problem was the absence of the independence option inasmuch as the United Nations and Great Britain considered this alternative as unviable from an economic perspective and in order to avoid the creation of microstates and a further „Balkanisation" of Africa. In this context, the question of the 11 February 1961 plebiscite was: *Do you want to achieve independence by joining Nigeria or by reuniting with the Republic of Cameroon?* Without the possibility of voting the independence option, Southern Cameroonians felt like they were given the Hobson's choice, which was a „choice" they had to agree although they did not like it.[3]

The reunification with the Francophone Cameroon and the creation of the future federation was the result of the past discontentment of the Anglophone Cameroonians regarding the British administration and the Nigerian influence in their area. Thus, the result of the vote did not represent the real desire of the citizens, but it was more a strategic option for diminishing the Nigerian domination in the region. During the British colonial rule, the Nigerian Igbo tribe immigrated into Southern Cameroons and began to dominate a myriad of sectors from the economy. The

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[3] Nantang Jua and Piet Konings, "Occupation of Public Space Anglophone Nationalism in Cameroon" in *Cahiers d'etudes africaines*, 2004 <https://journals.openedition.org/etudesafricaines/4756> accessed on November 2019.

Southern Cameroonians felt under the significant influcence of Nigerians and they perceived the double status of a colony. Moreover, they considered as being second-class citizens for the British administration and that Nigeria had a preferential treatment from the colonial power.[4] This feeling of marginalization represented the moment when the Anglophone Cameroonian nationalism was developed and accentuated, this situation of economic subjugation representing the incentive for the Anglophones' reunification with the the Republic of Cameroon.

After the UN organised plebiscite, there was held the Foumban constitutional conference in which there were negotiated the conditions of reunification and the future form of the state, which would consolidate into a federation. The first issue regarding the negotiations for reunification was the lack of support of the British government for Southern Cameroonians, a fact which determined Charles de Gaulle to consider Southern Cameroons as "a small gift of the Queen of England to France".[5] On the other side, the Francophone Cameroon had all the time relied on France's support, this representing one of the reasons why all the conditions of the constitutional conference were established by Ahidjo, the first president of Cameroon.[6]

Furthermore, the constitution of the future federation was also initially drafted by Ahidjo, with the support and guidance of France, and was given to the Anglophone representatives at Foumban only for studying it. The final version of the federal constitution did not include an equal status for French and English (the official languages of the federal republic), mentioning in Article 59 that the constitution is to be published in both languages, but the French version is the authentic one. At the same time, through the constitution, the federal state gained most of the authority, while the tasks under the competence of the federated states

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[4] Jules Roger Sombaye Eyango, *Inside the Virtual Ambazonia: Separatism, Hate Speech , Disinformation and Diaspora in the Cameroonian Anglophone Crisis*, The University of San Francisco, 2018, p. 25 <https://repository.usfca.edu/thes/1158> accessed on November 2019.

[5] Nantang Jua and Piet Konings, *op. cit.*, p. 4.

[6] Piet Konings and Francis Nyamnjoh, *Negotiating an Anglophone Identity: A Study of the Politics of Recognition and Representation in Cameroon*, Boston: Brill, 2003, p. 41.

were not clearly specified. Moreover, the constitution was criticized for the creation of the system of *presidentialism* rather than federalism, the president's competences influencing the principle of the separation of powers. Although the president had to be supported by a vice-president but who does not belong to the same federated state, the powers of the vice-president were inferior and this function was abolished in 1972, with the creation of the unitary state. Last but not least, another problem with the federal constitution is that its final version was approved only by the parliament of the Republic of Cameroon, this being the reason why the Anglophones consider that the reunification was made *without any constitutional basis*.[7]

The result of the Foumban conference was the formation of a centralized form of federation, the reasons for such an outcome of the negotiations having been various. As such, there can be mentioned the time constraint for the constitutional talks, the unknown conditions and implications of what means a federation for both the Francophone and Anglophone Cameroon, the lack of British support for the Anglophones, the French guidance for its ex colony, the internal conflicts within the Anglophone leaders and the absence of UN experts within the negotiation process.

During the federation phase, president Ahidjo followed a single goal, namely the realization of the centralized state, the identity of West Cameroon having been progressively abolished. The internal divisions among the Anglophone leaders regarding the establishment of an alliance with Ahidjo provided for the Francophone president the opportunity to dissolve the West Cameroon's parties and to create a single national party. Hence, all the Anglophone political leaders began to support the idea of a single party (that was called Cameroon National Union) in order not to lose their positions of influence within the state. With the one party state, Ahidjo surrounded himself only by Anglophones who supported the

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[7] *Ibidem*, pp. 43-48.

centralized system and therefore, forgetting about protecting the Anglophone identity. Furthermore, in 1972, Ahidjo finally decided to transform the federated state into a unitary one through the means of a referendum, thus not respecting the 1961 constitution which entailed that the form of the federation cannot be changed by any revision.[8]

During the one-party unitary state, the Anglophone community had to tackle political, economic and cultural marginalization and discrimination. Firstly, there can be emphasized the Anglophones' exclusion from the key positions within the government and the decision-making process. Secondly, there can be illustrated the total negligence of the Anglophones' economic areas of development and the use of the oil resources from the Anglophone territory only to the benefit of the Francophone elites. In addition, the Anglophones felt a total "francophonisation" of their specific educational and legal systems.[9]

Furthermore, when Paul Biya came into power in 1982, he started to promote the national integration goal, which proved to be only a strategy for assimilating the Anglophones' specificity. As such, in 1984, Biya changed the name of the country from the United Republic of Cameroon to the Republic of Cameroon.[10] Hence, through the deletion of the word "united", there cannot be highlighted anymore the existence of two distinct cultures and identities in Cameroon, the purpose of this strategic movement having been the homogenization of the different cultural colonial heritages and especially, the ignorance of the Anglophone specificities. Biya's justification was that the country had reached the necessary level of maturity in order for overcoming the existent divisions within society. As a consequence, starting from that moment, there have

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[8] *Ibidem*, p. 66.

[9] Joseph L. Nfi, "The Anglophone Cultural identity in Cameroon 50 Years after Reunification" in *International Journal of Advanced Research*, no. 2(2), 2014, p. 125, <http://www.journalijar.com/uploads/299_IJAR-2632.pdf> accessed on December 2019.

[10] Piet Konings and Francis Nyamnjoh, *op. cit.*, p. 69.

appeared several movements for the creation of an Anglophone independent state, namely, Ambazonia.

The nation-state project after reunification and the implicit domination of the Anglophone population by the Francophone Cameroonians proved to be one paramount factor which accentuated the intensity of the Anglophone problem. Although the regime in power tried to create a united Cameroonian identity which would have stifled the particular group identities, the Anglophones demonstrated the fact that the state cannot form or "fabricate" the nation in Cameroon. The lack of equilibrium and political will for embracing all the particular identities for the purpose of a forced national integration and unity managed only to amplify the Anglophones' determination for the protection of their colonial inheritance. Thus, it was the regime's oppressive strategy and the feeling of being second-class citizens in their own country which created the Anglophone consciousness.

The Anglophones began to organize in defence of their interests during the political liberalisation process in the early 1990s. The newly created Anglophone movements were then able to place the Anglophone problem on the national and international agenda. In this context of political liberalisation, the first opposition party in Cameroon was formed in the Anglophone territory. The Social Democratic Front (SDF) was created especially for the protection of the Anglophone interests, promoting a populist agenda and promising the establishment of a truly democratic and just society, through slogans such as „power to the people and equal opportunites for all".[11] However, SDF presented as a national party, which integrated Francophone members too, particularly the Bamileke ethnic group, who are related to ethnic groups in the North West Province.[12]

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[11] Piet Konings, "Opposition and Social-Democratic Change in Africa: The Social Democratic Front in Cameroon" in *Commonwealth and Comparative Politics*, no. 3, 2004, p. 2.
[12] *Ibidem*, p. 5.

The political liberalisation actions were also felt and developed in universities, where the students created themselves opportunites for expressing their views and perceptions. Fighting for the stringent need of reforms in universities and in society in general, the African students have begun to engage in struggles against the corrupt regimes, initiating or intensifying the political liberalisation processs.

Despite all the Anglophone attempts to moderate and tackle the „francophonisation" of their particular system, the centralised state maintained its authoritarian style of leadership. As such, the Anglophone crisis has metamorphosed into a genuine conflict in September 2016, the main actors initiating the current crisis having been the lawyers and the teachers. *Grosso modo*, the demands of the Anglophone community were the end of the marginalisation issue in the country, a return to the two-state federation and therefore, the preservation of the educational and legal Anglophone particular systems. At the same time, their demands entailed the restoration of the internet, which had been blocked for a period of three months, obstructing not only the communication channels but also the economic activities from the region.[13]

One major action taken by the Anglophone community as a symbol for their revolt and protest against the government is represented by Operation Ghost Town, which includes the intentional stagnation of the Anglophone towns and more specifically, blocking the functioning of schools, shops and businesses.[14] The Operation Ghost Town represents a form of civil disobedience inasmuch as there is not included any form of violence, the purpose of the protest being to attract the attention of the government and of the international community. Moreover, the Anglophones' reasons for blocking the proper functioning of the towns is

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[13] Nna-Emeka Okereke, "Analysing Cameroon's Anglophone Crisis" in *Counter Terrorist Trends and Analyses*, no. 3(10), 2018, pp. 8-12.

[14] Cameroon 'Ghost Towns' Protest Against French-Speaking Bias in *France 24*, The Observers, 2017 <https://observers.france24.com/en/20170110-cameroon-goes-quiet-operation-ghost-town-protest> accessed on December 2019.

that they want a total rebirth of the region, in accordance to their particular vision. However, this operation brings a myriad of negative consequences for the Anglophones themselves, highlighting the radical dimenion of the crisis, especially from an educational perspective. As such, the decision of closing the schools for a long period of time creates even more marginalisation for the Anglophone minority and at the same time, it encourages a violent type of education for the new generations, which are indoctrinated to hate Cameroon and to fight for their own nation, particularly Ambazonia. Thus, this radical measure has, ineluctably, negative consequences on the unity, harmony and integration in the country, creating a deep division between the Anglophone and Francophone Cameroonians.

The impact of the crisis on the political system and the increased government authority

The radical dimension of the present Anglophone crisis entails a myriad of negative political consequences, among which there can be emphasized the illusion of the legitimate use of state violence in order to fight against the Anglophone „terrorists". Hence, the official reaction of the government is that the Anglophone minority which is involved in the present conflict is a terrorist group, manipulated by various external actors and representing a significant risk for the unity of the Cameroonian nation. As a consequence, the government justifies the use of violence in order to protect the paramount purpose of national integration and security. Justifying the stringent need for security and peace in the state, the government's use of violence intensifies the regime power and the authoritarian style of leadership. Therefore, the state's strategy is to determine the citizens to give up their liberty in order to gain more security.

Moreover, the government's fight against „terrorism" neutralizes the importance of democracy and of social debate in the country. The

concept of democracy is totally ignored by the government, which forgets about human rights, freedom of speech and about the paramount principle of embracing the cultural diversity. The official governmental reaction is that prevention is a crucial imperative measure for diminishing the „terrorist" Anglophone movement. Thus, although prevention may include using violence and neglecting democracy, the state's paramount purpose is to provide security to the citizens, accentuating its specific dictatorial style.

In this regard, there can be specifically illustrated the official reaction of the Cameroonian government, which justifies the regime's violence for the vital necessity of unity and order: „The responsibility of each government in the world, particularly the one in Cameroon, is to preserve the public order. It is unacceptable for a state which respects itself to tolerate a group of individuals who, through the means of violence, insurgency and threats, block the development and functioning of an entire region. [...] All the persons who initiate the ghost towns operations or any form of revolt must expect to deal with the Republic's system of laws".[15]

Furthermore, president Biya puts the blame for the loss of lives in Cameroon on the „manipulated extremist Anglophones, who have also destroyed public and private buildings, the most sacred symbols of the country and who have paralyzed all the economic activities of the region".[16] Therefore, president Biya refuses to assume responsibility for the direct consequences of the conflict, sustaining the fact that the state has to deal with „terrorists" who plan to introduce a situation of anarchy in Cameroon. At the same time, the president's discourse entails manipulative strategies which create the roles of the victim, of the enemy and of the hero. In this context, the victim is the Cameroonian citizen, the enemy is the radical Anglophone and the hero is the state, which has to protect the population and the present form of the state. Consequently, „Cameroon is one and indivisible" and „the unitary form of the state is non-negotiable".[17]

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[15] Pierre Kamé Bouopda, *La crise anglophone au Cameroun*, Paris: L'Harmattan, 2018, p. 101.

[16] *Ibidem*, p. 93.

[17] *Ibidem*, p. 94.

However, the enemy which the Cameroonian government constructs has been formed within and even by the state itself. The discontent of the Anglophone minority regarding their marginalisation and constant discrimination does not represent a novel situation for the Cameroonian authorities, which could have tackled the diversity issue in a more inclusive way. Hence, there can be mentioned the fact that the „enemy" who targets the centralized and authoritarian style of leadership had been, paradoxically, created by the state itself, questioning the regime's management of the perpetual crisis in the country.

Last but not least, the negative political impact of the Anglophone crisis can be illustrated by analyzing the lack of trust of the Cameroonian population and of the Anglophone community particularly in the public institutions and in the political system in general. Moreover, the Anglophones' low level of trust is also directed towards the functioning of democracy in the country.[18] As such, the majority of the Anglophone population is very critical towards the status quo and the regime in power, considering that they live in a disfunctional democracy and therefore, demanding a change of the recurring political structure.

The consequence of the distrust in the public institutions represents a direct risk for the unity of the Cameroonian nation inasmuch as based on the feelings of being treated as second-class citizens in their own country, the Anglophones tend not to identify anymore with the Cameroonian identity.[19] The Anglophone minority fights for the creation of their own nation, in which they would apply a novel political structure, based on their particularity. Hence, from this perspective, there can be suggested the fact that the Anglophone crisis has its roots not only in the feeling of marginalization and discrimination of a minority, but also in the

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[18] Mireille Razafindrakoto and François Roubaud, „Sous la crise anglophone au Cameroun: frustrations politiques et défiance à l'égard des autorités publiques", pp. 14-16, <https://ideas.repec.org/p/dia/wpaper/dt201810.html> accessed on November 2019.

[19] *Ibidem*, p. 17.

population's deep dissatisfaction regarding the political structure and the perpetual authoritarian regime of Paul Biya.

The social effects of the Anglophone crisis

The radical negative dimension and amplitude of the Anglophone crisis in Cameroon has affected the educational sector in a significant way, the education being perceived as „a victim of war".[20] The various ghost town operations which were held in the Anglophone Cameroon blocked the proper functioning of schools, a fact which created a plethora of issues for the new generations of Anglophone pupils and students. Without enjoying the possibility of attending school, the statistics regarding various examinations within the educational system were marked by a high level of regress. As such, there can be emphasized the fact that enrolment in the basic and secondary sector in the North West Anglophone region alone dropped by 198.65% between 2016 and 2018. Furthermore, the performance of students at the GCE (General Certificate of Education) examinations also dropped regarding the quality and quantity points of view. The students registered for GCE examination were with 5.79% less in the year 2018 compared with the year 2016 and there was a 27.04% decline in the number of students who passed the GCE examination.[21]

The consequences of school boycott are even more complex inasmuch as in addition to the limits imposed on the professional and intellectual progress, there can also be stressed the high level of illiteracy, teenage pregnancy, household burden and poverty. Moreover, the school boycott and the ghost towns have increased the school dropout rate in the two regions by over 80%, increased crime rates by over 45%, alcohol

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[20] In Cameroon, Education Has Become a Victim of War in *The New Humanitarian*, 24 July 2019 <https://www.thenewhumanitarian.org/news-feature/2019/07/24/cameroon-education-has-become-victim-war> accessed on November 2019.

[21] Forbe Hodu Ngangnchi, Vukenkeng Andrew Wujung and Adamu Pangmeshi, "Analysis of the Socio-Economic Consequences of the Crisis in the North West and South West regIons of Cameroon on the Economy of the Two Regions (2016-2018)" in *International Journal of Economics, Commerce and Management*, no. 2(7), February 2019, pp. 381-382.

consumption and drug abuse by over 35% and also the income resouces were significantly diminished.[22] Thus, the forced closure of schools for a longer period of time represents a form of protest directed against the government and the official authorities from Cameroon, but it affects the Anglophone population itself, creating a general situation of chaos and anarchy. As a consequence, targeting the pillars of a functioning state, such as the education system, the society will have to tackle a devastating situation, characterized by an accentuated level of insecurity and instability.

Moreover, another negative consequence of the school boycott is the self-marginalization of the Anglophones inasmuch as they limit themselves and the future of their children. The lack of education will determine the future generations of children to be raised in a radical style, learning to hate their nation and fight for Ambazonia, which is the state the Anglophones imagine for themselves.[23] Hence, the pause in education creates an even greater marginalization for the Anglophone regions and it determines the children to involve in the present conflict, Cameroon dealing also with the issue of child soldiers.

Besides the paramount impact on the education system, the Anglophone crisis has indubitably accentuated the identity debate in the country and it has created an even deeper division between the Anglophone and the Francophone communities. From this perspective, the general opinion of the Francophone population is that the Anglophones are fighting for an identity which is colonially inherited and which represents a risk for the unity and national integration principle. Thus, the Francophone position highlights the fact that the identities inherited from the colonies need to be erased from the collective memory of the Cameroonian nation, applying in this context the historical amnesia strategy. This method of

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[22] *Ibidem*, p. 382.

[23] Cameroon's Anglophone Crisis: How to Get to Talks?, *International Crisis Group*, Report no. 272/Africa, May 2019 <https://www.justice.gov/eoir/page/file/1161586/download> accessed on December 2019.

reaching unity and forgetting about the particular inherited identities implies selective memories of the past in order to neglect the colonial importance in the formation of the Cameroonian communities and to promote the myth of the united and indivisible Cameroon. Nevertheless, the Anglophones consider that the colonial domination shaped in a significant measure their identity and vision of the world and this represents the reason why they fight for the protection of their particularity and against the francophonisation of their specific system.

On the other side, although the level of empathy and solidarity from the Francophone community towards the Anglophone cause is not as high as expected, the present conflict has definitely drew the attention to the marginalization and dissatisfaction of this minority. The dimension of the crisis has determined both the authorities and the citizens to take several measures for dealing with the Anglophones's feeling of being discriminated against. For instance, the government has decided to establish the National Commission on the Promotion of Bilingualism and Multiculturalism. At the same time, in 2017, president Biya encouraged the recruitment of 1000 bilingual teachers who had technical and scientific competencies with the purpose of addressing the Anglophone teachers' demands.[24] However, the Anglophones perceive these measures as being cosmetic and taken too late and consequently, they reached the point in which they plan to construct their own state.

Regarding the impact of the Anglophone crisis on the culture of people in Cameroon, there can be stressed the idea that the traditional values of society have been drastically changed and degraded. For instance, in some communities like Belo, women had the opportunity to bury corpses for the first time, in defiance of cultural and traditional norms. The traditional rulers, considered as responsible for the protection of the traditions, have been attacked, killed or they had migrated into some safe places. Therefore, the violence and dimension of the conflict represent

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[24] Nna-Emeka Okereke, *op. cit.*, p. 11.

dangerous factors which threaten the local traditions and change the roots of the communities in the country.

The Anglophone conflict's consequences on the economic sector

There is, indubitably, a very strong connection between intrastate conflicts and the economic development of the involved countries. This relation is cyclical inasmuch as in a period of peace, the investment and economic stability are enhanced. At the same time, the low economic development can cause intrastate conflicts. Therefore, there can be suggested the fact that the Anglophone present conflict has a myriad of negative consequences on the economic development of the region but at the same time, it has its roots in the economic marginalization and fragile development of the territory. Thus, the source of the crisis accentuates, in fact, its negative impact too, creating an even higher economic marginalization and a dysfunctional functioning of the region's economy.

Regarding the economic impact of the crisis in the North West and South West regions of Cameroon, there can be illustrated the fact that the production of goods and services in the Anglophone regions have dropped by more than 75% inasmuch as the main agro industries ended up being paralyzed. Moreover, according to the General Manager of UNVDA (The Upper Noun Valley Development Authority), which is particularly responsible for rice production, the output dropped from about 2000 tones to less than 5 tones because farms cannot be accessed due to road blocks and general insecurity. In addition, farmers have abandoned their farms, leading to very low individual productions. Thus, the budget of UNVDA dropped by about 40% within the 2019 financial year. Furthermore, according to GAICAM (Go-Africa Initiative Cameroon), which is a social organization whose mission is to promote economic growth and reduce youth unemployment, at least 6000 jobs have been lost because of the crisis.[25]

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[25] Forbe Ngangnchi, Vukenkeng Wujung and Adamu Pangmeshi, *op. cit.*, p. 381.

On the other hand, the Anglophone crisis has provided opportunities for other interest groups, for example, those who deal with arms and ammunitions. Both the government and the separatists have spent huge sums of money to buy arms, equipments and logistics. At the same time, this crisis has created certain political jobs with the creation of various institutions, such as, the Commission for the Promotion of Bilingualism and Multiculturalism, the National Disarmament, Demobilization and Reintegration Committee.[26]

Furthermore, the Anglophone crisis represented an opportunity for some persons to enrich themselves illegally through stealing, kidnapping or ransom. Many of the combatants on the ground have taken over abandoned properties, including houses and farmlands from those who could not withstand the tension and had to escape to safer cities.[27]

Last but not least, the road blockade, the ghost towns and the burning of shops have all very negative consequences regarding the flow of goods and services. Furthermore, the general insecurity affects drastically the business trips too, this representing a harmful effect on the diplomatic relations of Cameroon.

Conclusions

The article illustrates the fact that the present Anglophone conflict in Cameroon has its roots in the colonial period and in the distinct administration of the Anglophone and Francophone territories. As such, the population from the two regions assimilated the identities of their colonizers and from that moment, there was created a deep division between the Anglophone and Francophone communities in the country.

The Anglophone minority has always felt as being marginalized and under the significant influence of the Francophones and from this perspective, the Anglophone problem in Cameroon represents a crisis of

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[26] *Ibidem*, p. 383.
[27] *Ibidem*, pp. 385-386.

affirmation of a collective identity of a group. The strategy of the government to homogenize the various identities in Cameroon only intensifies the need of the communities to accentuate their particular identities. Hence, the article tackles the crisis as the result of the mismanagement of cultural diversity but at the same time, as the consequence of the authoritarian style of leadership.

Furthermore, there have been emphasized the political, social and economic consequences of the present Anglophone conflict, suggesting in this form the amplitude of the crisis and the stringent need of taking immediate measures and of finding sustainable solutions for reaching a consensus among the involved actors.

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THEORETICAL APPROACHES ON *FRANÇAFRIQUE* THEORY OF INTERNATIONAL REGIMES

Grigoreta-Iulia Lupulescu[*]

Abstract

The French-African relations have always been considered a special and yet genuine case of international relations due to their history, intensity and particular way of cooperation even after decolonization. This is why this subject remains of keen interest for the scholars in the International Relations Theories.

In this context, the article aims to apply the framework of IR theory on Françafrique relations so as to identify the fundaments as well as the functioning system of this unique form of cooperation. Having as a starting point the conceptualization of the notions that are going to be dealt with in the article, the paper will then look upon defining the main premises of regime theory and their relevance in the study of French-Ivorian relations. Thus, the main purpose of the paper is that of bringing new theoretical perspectives and insights derived from IR Theory's lens to the African studies.

Keywords: Françafrique, Regime Theory, French-African relations, International Relations theory

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Introduction

The African continent has been almost neglected for decades as a favourite or often used study case while testing the theories of international relations by the specialised scholars. Even more, if we take into consideration particular situations like the relations between France and its former colonies, the literature in the field is also lacking many of the studies and articles related to this matter of utmost importance.

In this particular framework, the concept of *Françafrique* illustrates a form of interaction and a symbiosis different from all the other forms of colonialism implemented by the former European colonialist states. *Françafrique* is relevant and very interesting from a theoretical point of view as it can be defined, understood and reinterpreted through IR Theories' lens and as it embraces new forms and manifestation and intensity if we take into consideration the different and numerous former French colonies from Western Africa.

Even if in the decades of history of relations between the former African colonies and the French Republic revealed new ways of cooperation and perception from the both sides on each other, emerging new concepts such as *Afrique-France,* for the purpose of this paper we will only consider the *Françafrique* concept.

The first part of the paper will mainly focus on defining the concept and setting up the framework in which it will be used for the analysis. The second part will merely describe the premises of International Regimes Theory and will highlight the landmarks of Stephen Krasner's theory on the matter. The last part of the paper will primarily concentrate on testing Krasner's definition of international regimes on French-African Relations.

Definitions

The concept of *Françafrique* has its own long-decades history as well as its uniqueness in the field. No other former great European power which had colonies in Africa has then defined its relations with its subordinates in

the way France did, nor has it known such a level of intensity in interactions.

The case of French- African relations is indeed unique and special. Moreover, it has been and still is an ongoing process of cooperation and adaptation that reaches new dimensions constantly and permanently. *Françafrique* itself emerged from the need of highlighting these particular French-African relations and is enshrined in decades of history of interactions between the former colonies and the former patron-state.

This is why, the concept bears two primary connotations, a positive one during the period of colonialism and a rather critique one, after the decolonization process. Both of them are relevant and defining for the period of time in which they emerged.

At first, in its initial form and interpretation, the concept was an African emulation and not an imposed term by the French Republic. It was first coined by Ivory Coast's first president, Félix Boigny in 1955" to encapsulate the close and amicable ties between his own country and the former colonial power, France, referring to the specificity in which the Franco-African relationship have proliferated" [1].

From this perspective, a positive connotation was granted to the term as it was meant to grasp the intensity and uniqueness of French-African relations. Considering this, Boigny's term was meant to define, in a positive way the partnership set up with France as a way to pursue Ivory Coast's own prosperity and economic development.

On the other hand, from the French point of view, the meaning of *Françafrique* also beared a positive connotation but with a special emphasis put on France's supremacy on the African colonies. This vision was portrayed by the doctrine of Jacques Foccart, the so-called "lord of Africa"

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[1] Maja Bovcon, "Françafrique and Regime Theory" in *European Journal of International Relations*, no. 1(19), 2013, pp. 5-26.

and can be summarized in the following way: "What is good for France is good as well for Africa"[2].

This positive meaning of the term prevailed even after the end of the decolonization process. A change occurred although starting with the 1990's when the new political, economic and institutional arrangements showed and brought a different perception of the concept.

In this context, the term received a negative connotation, especially after the publishing of François-Xavier Verschave's well-known book, "*La Françafrique, le plus long scandale de la République*".

In his work, Verschave claimed that *Françafrique* was, nevertheless a network of corruption between the French leaders and the African authoritarian leaders, meant to impose still France's rule on the former French colonies, and to exploit their resources. He defined the concept as "the secret criminality in the upper echelons of French politics and economy, where a kind of underground Republic is hidden from view" [3].

This pejorative definition of *Françafrique* was mainly used during the last years as has been seen that France helped in the survival of some authoritarian regimes in the former African colonies. This is why, the negative connotation is merely used even today in the main studies related to this subject.

Having defined these two perspectives, it is definitely clear that French-African relations have known a distinct path of intensity than other forms of colonialism. The concept of *Françafrique* is a vivid example of a particular form of cooperation and interaction that no other parent-state used in relation with its former African colonies neither in the colonialism period nor in the decades after the end of the decolonization process.

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[2] Antoine Glaser, *AfricaFrance. Quand les dirigeants africains deviennent les maîtres du jeu*, Paris: Pluriel, 2017, p. 11.

[3] François-Xavier Verschave, *La Françafrique, le plus long scandale de la République*, Paris: Stock, 2003.

International Regimes Theory

International Regimes Theory emerged from different approaches in the Theories of International Relations starting with realism, liberalism as well as the cognitive theories. Considering that the arguments and premises of the so-called theories of high-politics are insufficient to explain the realities and changes happening in the international arena (being preoccupied exclusively if the strategic dilemmas as well as of the armed conflicts), the Theory of International Regimes focused mainly on the causes and structural features of the international system [4].

Therefore, the Theory of International Regimes aimed to overcome and address the shortcomings of the main theories of international relations by "defining a central objective, which is neither as broad as the concept of international structure nor as narrow as the study of the formal organizations"[5]. The main merit of the theory is that it starts with the main concepts of the "classic" theories of international relations but it extends the framework of analysis to complement it with new concepts and fields of analysis that allow an in-depth study of the subjects.

Therefore, there are multiple schools of thought in studying international regimes: "realists that focus on the relations of power, the neo-liberals that focus their analysis on the constellation of interest and the cognitivists which emphasize the matter of knowledge dynamic, the communication and the identities " [6].

The Theory of International Regimes is not a state-centric theory, considering a distribution of power among different types of actors as: international organizations, multinational companies and other agent-actors, without focusing exclusively on the role of states in international

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[4] Stephan Haggard and Simmons A. Beth, "Theories of International Regimes" in *International Organization*, no. 3(41), 1987, pp. 491-517.

[5] *Ibidem*, p. 492.

[6] Andreas Hasenclever, Peter Mayer and Volker Rittberger, *Theories of International Regimes*, Cambridge: Cambridge University Press, 1997.

relations. It therefore pays attention to both the state-actors (as in realism) but extending the field of analysis to other categories of actors.

From a realist perspective, the approach of Kenneth Waltz is of particular importance. In his vision, in an anarchic system in which the main actors are the states acting in their own selfish interest, they can be constrained just by their own interaction with other states [7]. So, for Waltz "regimes are just small pieces deriving from the power capabilities that support them, that are their very basis" [8].

On the other hand, a liberal approach is offered by Keohane and Nye which define international regimes as "sets of governing arrangements" that include "networks of rules, norms and procedures that regularize behavior and   control its effects" [9].

In this way, international regimes are directly linked with the institution, which are essential elements in the international relations showing the will to cooperate, contrary to the arguments of the realists on this matter. At the same time, they emphasize the role of norms and procedures in the international arena, which can regulate and structure the behavior of states and other actors.

Moreover, Ernst Haas shows that "regime encompasses a mutually coherent set of procedures, rules, and norms" [10]. He, therefore, focuses as well on the role of norms in defining an international regime. Moreover, he considers the international regime "are arrangements created by the people (social institutions) to manage conflicts in a framework of interdependence as a part of the system, a part of the whole"[11].

Another important author of IR Theory, Hedley Bull appreciates that institutions help to secure adherence to rules by formulating,

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[7] Stephen D. Krasner (ed.), *International Regimes*, Ithaca and London: Cornell University Press, 1983.

[8] *Ibidem.*

[9] Andreas Hasenclever, Peter Mayer and Volker Rittberger, *op. cit.*, p. 12.

[10] Stephen Krasner, *op. cit.*, 1983, p.2.

[11] *Ibidem,* pp.26-27.

communicating, administering, enforcing, interpreting, legitimating, and adapting them [12].

At the same time, Bull pays attention to the concept of international order and emphasizes the importance of institutions in the international scene bringing a significant contribution in advancing the international regimes theory.

Stephen Krasner is the author which offered a consensus definition in IR Theory in an article published in 1983. He and other theoreticians advanced the most influential definition of international regimes which became a reference point in the IR Theories 'field: "Regimes can be defined as sets of implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations"[13].

The definition offered by Krasner can be therefore seen as an effort of reconciliation between realist and liberal theories and a balanced approach/ middle-way solution, granting a main role to norms and principles without neglecting the need of an international order within the international system. The main elements identified by Stephen Krasner as defining for an international regime are explicated as follows: "The principles are beliefs of facts, causation and rectitude. Norms are standards of behavior defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice"[14].

In this framework it is definitely clear that norms and principles are *a sine qua non* condition in the establishment of an international regimes. These elements are in fact the features and specific conditions of setting up this kind of arrangement in the international arena.

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[12] *Ibidem*, p. 3.

[13] Stephen Krasner, "Structural Causes and Regime Consequences: Regimes as Intervening Variables" in *International Organization*, no. 36(2),1982, p. 186.

[14] *Ibidem*.

Therefore, regimes can be created in times of fundamental discontinuity in the international system (like the end of major wars, such as World War II) by powerful states that want to enhance their interests.

What Krasner suggests is that international regimes are willingly and intentionally created structures of order in international arena. They emerge from the needs of powerful states which usually establish different kind of arrangements in order to properly reach their objects and follow their national interests.

Even though Krasner's definition of international regimes has reached a consensus among the scholars and theoreticians of international relations, it has also raised some critiques. The main discontents came from all the major theories of international relations, the premises and core-principles of Krasner's definition being contest through arguments of the other theories in the field.

The realists have mainly claimed the ambiguity and imprecision of the concept, considering that it doesn't have the same meaning within the discipline, as Susan Strange argued in 1983[15].

Oran Young continues the line of critiques against the Regime Theory both due to the ambiguous/imprecise character of the concept and referring also to some specific issues as: the elements lined up in the definition are concepts that are hard to differentiate and in this case the theory doesn't have enough conceptual consistency and fails in the attempt to connect the main concepts with a broader system of ideas or to another theory [16].

John Mearsheimer has also criticized the Theory of International Regimes bringing in attention the problem of the so-called false promise of international institutions considering that "the international system

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[15] Hasenclever, Mayer and Rittberger, *op. cit.*, p.8.
[16] *Ibidem*, pp. 11-12.

strongly shapes the behavior of states, limiting the amount of damage that the false faith in institutional theories can cause"[17].

Considering all these elements, we are going to use the definition offered by Stephen Krasner to further define the French-African relations. The last part of the paper will therefore focus on analyzing the *Françafrique* as a potential International Regime with a special emphasis on the French-Ivorian relations.

Françafrique as a regime of France

The particularity of the French-African relations evoked by the concept of *Françafrique* has many of the features of an international regime. It was built by France as a system in which the former patron-state held the necessary instruments to fulfill its objectives in all the areas of interest.

As we have seen that International Regimes appear in time of discontinuity of the international system, it is clear that the decolonization process marked a significant change in the usual way of French- African interactions. In this specific context, France has developed new ways of cooperation with the former colonies which embraced the form of an international regime.

From a general perspective, "France's foreign policy is characterized by exclusivity, stability and continuity". [18]Considering these premises, its policy towards Africa was founded on these elements of paramount importance for the French Republic.

Paying a particular attention to maintaining its status of great power in the aftermath of the Second World War, France seized an opportunity in the otherwise inevitable decolonization process, to preserve its own interest in the former African colonies. "De Gaulle's personal conception of *France-Afrique* was translated into his project of a

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[17] John Mearsheimer, "The False Promise of International Institutions" in *International Security*, no. 3(19), 1995, p. 49.

[18] Guy Martin, "Continuity and Change in Franco-African Relations" in *The Journal of Modern African Studies*, no. 1(33), 1995, p. 5 .

Communauté franco-africaine granting autonomy and internal self-government to African colonies, while France would retain control over such essential matters as defence and foreign affairs as well as economic, monetary and strategic-minerals policy".[19]

In this way, France assured a strong link with its former colonies and a privileged position which guided permanently their development and evolution The French- African relations continued to have a special form of interaction even after the decolonization process.

De Gaulle's proposal was then submitted to public vote of the African former colonies in 1958's referendum and by the end of 1960 all the French colonies became independent. [20] However, it is definitely clear that De Gaulle's proposal was actually meant to establish forms of interaction and cooperation with the former colonies that had a similar intensity to those from the colonialism period of time.

Therefore, after recognizing the independence of its former African colonies, France established a network of interdependent links, covering numerous issue-areas such as trade (trade agreements), the monetary system (CFA franc), security (defence agreements), the education system and so on. "The transition was smoothed before the formal granting of independence by the negotiation of comprehensive bilateral agreements covering defence and security; foreign policy and diplomatic consultation; economic, financial, commercial and monetary matters; and technical assistance". [21]

Indeed, these issue-areas, tying France to the newly established African states, were so tightly intertwined that together they could be perceived as constituting one great regime, *Françafrique.*

Following Stephen Krasner's definition of an international regime, we can see that *Françafrique* covers all the elements identified by Krasner as being the very basis of such an arrangement. The guiding principle of the

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[19] *Ibidem*, p. 3.

[20] *Ibidem*, pp. 3-4.

[21] *Ibidem,* p. 4

regime was General de Gaulle's overarching political ideology of preserving France's *grandeur*. After the Second World War and the process of decolonization, France needed to maintain a privileged position in the international arena and the relations with the former French colony have been one important solution to this matter. Having close links with its former sub-Saharan African colonies seemed to offer one way of restoring its image as a great power and imposing France onto the international stage as a counterbalancing force between the two Cold War superpowers, the United States and the Soviet Union.

The norms governing the regime were established in the framework defined by De Gaulle, *la Communauté franco-africaine* that entailed specific norms set up by France for its former African colonies. In this way, it assured exchanges between former colonies and France and helped establishing the framework of future cooperation.

The rules and decision-making procedures of the *Françafrique* regime involved institutional, semi-institutional and informal levels, and comprised political, economic, military and cultural spheres. The CFA imposed orders of economic rule and then the numerous troops that were preserved on the territory of the former colonies are a sign that the French influence prevails in these countries. [22] Moreover, the defence agreements had even a "secret clause" that ensured France's right to intervene and even the involvement in those countries 'internal affairs. [23]

The Republic maintained a significant number of troops developed in its former French colonies and has not refrained in the past years from intervening both politically and military when it saw its interests questioned in that region. We can therefore consider that France's influence on the African represents an important element of French relative amount of power in the international system and in its fight for maximising it, on

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[22] Guy Arnold, *Historical Dictionary of Civil Wars in Africa*, Lanham, Maryland: The Scarecrow Press, 2008, p. 177.

[23] Antoine Glaser and Stephen Smith, *Comment la France a perdu l'Afrique,* Paris: Calmann-lévy, 2005, p. 82.

one side, and it is meant to protect its international position, on the other side. Statistics are very relevant in this issue, showing a profound engagement at the military level. For example, in the period 1960-2006, France launched 37 major military operations in Francophone Sub-Saharan Africa.[24]

Moreover, France's military commitment to its former African colonies finds expression in the great number of French soldiers deployed permanently on African soil and used when necessary in missions of UN or EU, or independently, unilaterally, decided by the leaders from Elysée. France held 7800 troops engaged in military operations abroad in 2013.[25] 82% of these forces where deployed on the African continent, distributed in the following regions: 3085 in Sahel, 2260 in Central Africa, 810 in West Africa, and 270 by the Indian Ocean.[26] These numbers show the level of implication as well as the importance that France grants even today to the former African colonies.

The language and the French culture played, equally, a significant role in the foundation of the regime called *Françafrique*. Moreover, the concept that emerged in defining the space of speaking the French language was named "*francophonie*". This concept is essential in the framework of the French-buit international regime and is one of its most important principles. The concept itself, however reflects different marks of identification and levels of intensity: "For some this means only the use of French language; (…) most users of French see *francophonie* as an element of shared identity by which citizens of states with no indigenous national

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[24] Christopher Griffin, "French Military Interventions in Africa: Realism vs. Ideology in French Defense Policy and Grand Strategy" in *International Studies Association*, 48th Annual Convention, Hilton Chicago, 2007, p. 3,

[25] Ministère de la défense (2013) Carte des opérations extérieures <http://www.defense.gouv.fr/operations/rubriques_complementaires/carte-des-operationsexterieures> accessed on 1 December 2019.

[26] *Ibidem*.

language (…) can communicate (…) in its nationalistic extreme *francophonie* becomes *francité*; the distinguishing mark of French civilization". [27]

It is definitely clear that the French language and French culture are two paramount principles that are an important part of the *Françafrique* regime. Together with the economic and military dimension are part of the principles and norms that define the new way of interaction that emerged after the end of the decolonization process.

Other rules that played a crucial role in the functioning of the *Françafrique* regime were the conferences and meetings that the French leaders proposed and organized on a current basis. "At a lower level, a number of *ad hoc* conferences periodically bring together the French and African ministers who deal with similar areas of competence in their respective countries- foreign affairs, economy and finance, telecommunications, justice and culture, health, sports, etc.". [28] This was an important mean of ensuring a coordination in areas of keen interest and an efficient way to pursue France's own interests.

Regarding the decision-making process of the international regime we call *Françafrique*, we can notice it was founded on a well-established framework in which the African leaders had a special place- in the French Government. On this matter, France's policy towards Africa was actually a shared responsibility of the president and his advisers on African matters - the African cell. Moreover, the most significant part of the *Françafrique* regime was the salience of its informal component, which was put in place by Jacques Foccart, gathering together both French and African elites. Therefore, Franco-African diplomacy resembled domestic politics more than formal inter-state relations.[29]

Considering all these arguments, it is noticeable that, in its simplest sense, *Françafrique* can be interpreted within IR literature as meaning France's 'sphere of influence' or its 'pré carré' (backyard), which

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[27] Martin, *op. cit.*, p. 5.
[28] *Ibidem*, p. 8.
[29] Bovcon, *op. cit.*, p. 10.

presupposes the hierarchical order of an otherwise anarchical international system. "To this day, Francophone Africa is perceived as belonging to the French traditional sphere of influence by virtue of historical links and geographical proximity".[30]

The so-called changes that France promoted in the aftermath of the decolonization process, were actually new forms of preserving its interest which, by embracing all the main areas of cooperation, built up a genuine form of an international regime, *Françafrique*.

Conclusion

Starting from the need of finding the best theoretical approach in the IR Theory field when analyzing the French-African relations, the paper mainly focused on defining the genuine and very interesting concept of *Françafrique* and on identifying the theory that could bring important insights in studying this subject. It is definitely clear that IR theory offers an adequate framework in studying *Françafrique* and the Theory of International Regimes offers significant explanations in the efforts of understanding *Françafrique.*

From the perspective of the numerous schools of thought that payed attention to International Regimes 'formation, we consider that Stephen Krasner's definition of regimes encompasses a very complex approach to the concept. Therefore, we can notice that IR Theory brings new perspectives in studying complex phenomena as *Françafrique.* So, the future application of this theoretical framework on more study cases might bring new approaches in deepening the understanding on *Françafrique.* Considering all these elements, it is essential to deepen and test more often the hypotheses of both the so-called classic IR Theories and the new approaches on new areas/fields that were not so much subjected to study until now, as it is the case with the African continent.

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[30] Martin, *op. cit.*, p. 5.

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LES RESSOURCES NATURELLES EN CASAMANCE :
OBSTACLES OU VECTEURS DE PAIX?

NATURAL RESOURCES IN CASAMANCE:
OBSTACLES OR VECTORS FOR PEACE?

Arne Aerts[*]

Abstract

Recent insights in the field of peacebuilding and conflict transformation studies underline the importance of involving natural resources in conflict resolution. This research shows that, even in a pro-independence conflict that has been going on for over 37 years in southern Senegal, natural resource management can play a key role in conflict resolution. The local civil society confirms the involvement of natural resources in the conflict, but too often forgets them in its own activities as well as when making a list of key elements to achieve peace in the region.

Keywords: Casamance, peacebuilding, conflict resolution, natural resources, zirconium

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Introduction

A partir de la deuxième moitié du siècle dernier, l'humanité a commencé à travailler ensemble pour éviter de nouvelles situations atroces comme la Seconde Guerre mondiale dans l'avenir. Le monde a commencé à s'ouvrir et bon nombre d'accords interétatiques ainsi que des coopérations internationales ont vu le jour. Dès lors, les échanges internationaux renforcent la mondialisation et accélèrent de façon considérable le développement et la modernisation. Pourtant, cette mondialisation a apporté de nouveaux défis: parmi les grandes thématiques du 21ème siècle sont à citer le vivre-ensemble, c'est-à-dire la polarisation dans les sociétés modernes, et le changement climatique entre autres.

En raison de la croissance démographique, la demande des ressources naturelles augmente considérablement et l'accès aux produits de base et de survie devient parfois problématique. La demande accrue des ressources naturelles au niveau mondial est notamment sensible à la source, c'est-à-dire là où les ressources sont exploitées. L'humanité pèse lourd sur l'environnement et, dans un futur proche, cela posera sans doute des défis pour la bonne intelligence des peuples. Aussi dans des conflits déjà existants, la gestion des ressources naturelles s'implique considérablement. Ce travail examinera alors le conflit du Sénégal en Casamance à travers les ressources naturelles. Il se trouve parmi les premiers travaux à propos des ressources naturelles dans la consolidation de la paix en Casamance. Il veut en quelque sorte ouvrir la voie à des études plus approfondies sur cet aspect de la consolidation de la paix dans la région.

Contextualisation du conflit

Cette lutte qui fait objet de la recherche perdure déjà depuis plus de 35 ans et est la phase la plus récente d'une résistance armée passive et sporadique à un contrôle extérieur qui date de plus de 300 ans. Les premières phases de cette lutte prolongée ont impliqué la résistance contre

les envahisseurs portugais et les troupes coloniales français. Étant administrée séparément du reste du Sénégal entre 1854 et 1939, la Casamance actuelle n'est intégrée véritablement à l'Afrique occidentale française (AOF) que vers la fin de la période coloniale. Cela a pour conséquence que la région reste une partie du Sénégal au moment de son indépendance en 1960.

La Casamance a donc connu une expérience coloniale bien différente du reste du Sénégal et cela fait que bon nombre de Casamançais ne s'identifient pas comme étant des Sénégalais. En outre, la Casamance diffère à plusieurs égards du reste du pays, notamment par sa richesse en ressources agricoles et marines grâce à la pluie. Deuxièmement, la Casamance se voit écartée du reste du Sénégal par un autre pays, à savoir la Gambie. Cela pourrait donner facilement l'impression d'être autre. D'ailleurs, les groupes ethniques dans la région de la Basse Casamance - dont les Joolas forment le groupe ethnique dominant - sont des populations forestières avec un ensemble de valeurs et croyances très différent du Sénégalais du nord (Wolofs et Hal Pulaar entre autres) provenant des vastes zones arides du Sahel et du Sahara. La relation avec les Wolofs a empiré considérablement à l'époque coloniale: les troupes coloniales françaises envahissant la Casamance étaient notamment composées de recrues du Nord sénégalais.

L'arrivée des 'nordistes' - les Wolofs - dans cette région réputée pour sa richesse a pour conséquence qu'un discours identitaire casamançais commence à se nourrir. Dans cette situation de crise, une mobilisation populaire résulte en une proposition d'indépendance de la région. Comme bon nombre d'autres groupes sécessionnistes, le Mouvement des forces démocratiques de Casamance (MFDC) encadre sa lutte autour du particularisme régional et de l'autonomie historique de la province de Casamance. Le Mouvement a été fondé en 1947 comme un mouvement politique qui avait pour objectif principal de promouvoir l'identité régionale casamançaise. Au fil du temps, le discours du MFDC accentue l'autonomie régionale.

Le conflit oppose alors principalement le gouvernement central du Sénégal à une partie de la population de la Casamance dont le MFDC prend le devant. Après plusieurs pressions violentes sur les protestations politiques, le Mouvement a développé une force de guérilla en 1982. Plus précisément depuis le 20 décembre de 1982, quand une manifestation pacifique en faveur de l'indépendance organisée à Ziguinchor (capitale de la Basse Casamance), a été réprimée par les forces de l'ordre avec des morts et des emprisonnés comme résultat. La rébellion est née de cette situation de crise où la voix de la population locale n'est pas entendue par les autorités.

Le conflit du Sénégal en Casamance a déjà fait l'objet de nombreuses études sous des angles différents. En prenant l'implication des ressources naturelles dans le conflit en Casamance comme objet de recherche, cela permet de combiner en quelque sorte les deux grands défis du 21ème siècle déjà élaborés ci-dessus. Par le défi du vivre-ensemble dans le conflit du Sénégal en Casamance, il faut donc entendre les processus de consolidation de la paix dans la région.

La recherche analyse les ressources naturelles dans leur totalité, mais prévoit parallèlement une attention particulière à la controverse du zircon[1] dans les localités de Niafrang, Abéné et Kafountine. Cette controverse est née lors de l'annonce qu'un projet d'exploitation du zircon irait s'installer dans les environs de Niafrang, un village casamançais près de la frontière avec la Gambie. Cette exploitation du zircon sur le littoral de Niafrang aurait dû démarrer il y a dix ans déjà, mais l'opposition des populations locales au projet a retardé le lancement du projet. Elles se sont opposées par la crainte que l'exploitation détruirait la dune de sable qui protège actuellement leurs rizières. Dans cette controverse, nous trouvons une fois de plus les populations locales d'un côté et l'État sénégalais, qui a approuvé l'exploitation du zircon par Carnegie-Astron (multinationale

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[1] Le zircon est un minéral accessoire commun des gneiss, des granites et des pegmatites. Il est très demandé par le secteur des hautes technologies en offrant une gamme d'opportunités d'usage.

australienne et chinoise), de l'autre. Le résultat est alors une tension traditionnelle qui ne cesse de croître dans la région à travers ce nouveau défi.

Le domaine du peacebuilding

Avant d'entrer dans le sujet, d'abord une petite introduction à la théorie du *peacebuilding* ou la consolidation de la paix. Il est important que la paix ne soit pas considérée comme un moment précis mais plutôt comme le fruit d'une construction sociale dynamique. Comme Ronald Reagan disait: "La paix n'est pas l'absence de conflit, c'est la capacité de gérer les conflits par des moyens pacifiques." Dans ce sens, le *peacebuilding* englobe une approche holistique à facettes multiples dans la gestion des conflits violents, et cela dans toutes ses phases. Le terme signifie un processus continu de changement des relations négatives à positives, le comportement, les attitudes et les structures. Il inclut notamment des activités qui ont lieu non seulement après mais également avant la formalisation d'un véritable accord de paix. Il inclut notamment des activités qui ont lieu non seulement après mais également avant la formalisation d'un véritable accord de paix.

Dans les études sur la transformation du conflit et la consolidation de la paix, beaucoup de chercheurs ont souligné l'importance d'inclure les ressources naturelles[2].

Il s'agit souvent de conflits à propos de la possession, l'accès ou encore la distribution des revenus concernant les ressources naturelles et ces problèmes peuvent avoir un impact sur la vie des millions de gens. Tout d'abord, elles peuvent simplement contribuer à l'éclatement d'un conflit. Dans un deuxième temps, elles peuvent également financer le conflit quand les acteurs s'en servent afin de s'enrichir et de poursuivre leur lutte. Troisièmement, les aspects économiques des ressources

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[2] Ici, le terme 'ressources naturelles' réfère tout simplement à toute ressource que l'on peut trouver dans la nature et qui peut être exploitée pour des raisons économiques.

naturelles peuvent poser un obstacle aux processus de consolidation de la paix.

Le potentiel des ressources naturelles

Les ressources naturelles peuvent non seulement contribuer à l'éclatement d'un conflit, mais également financer le conflit et même poser un obstacle aux processus de consolider la paix. Cependant, c'est exactement par la compréhension du fait que les ressources naturelles risquent de déstabiliser les relations entre les peuples, que l'on comprend également leur potentiel; notamment quand elles sont utilisées pour prévenir - ou résoudre - les conflits par la création d'une plateforme pour leur bonne gouvernance. Les ressources naturelles et l'environnement incarnent donc la possibilité de dialogue et d'enjeux économiques pour les différentes parties concernées, ce qui peut aider à apaiser les tensions et mettre fin au conflit en question.

Depuis quelques années, la communauté internationale vient de se rendre compte de ce potentiel par l'implication des ressources naturelles dans les processus de paix et de les considérer comme un véritable vecteur de paix durable. Pourtant, les organismes internationaux ont beau à stimuler l'inclusion des ressources naturelles dans les négociations de paix si les vrais acteurs de paix sur le terrain n'en tiennent pas compte. La recherche est partie de cette idée et a eu pour objectif d'analyser spécifiquement à quel point des organisations non-gouvernementales (ONG) perçoivent le potentiel des ressources naturelles dans la transformation des conflits. Plus spécifiquement, la recherche s'est focalisée sur les ONG actives dans la consolidation de la paix en Casamance, au sud du Sénégal, où le conflit indépendantiste à la base perdure déjà depuis 37 ans.[3,4]

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[3] Parmi les interviewés, il figure des représentants d'organisations non-gouvernementales (Agada, Casamance Horizons, Dynamique de Paix, Jeunes de Kabonketoor, Femmes de Kabonketoor, Plateforme des Femmes pour la Paix en Casamance, USOFORAL, Visions citoyennes) avec des intérêts et points de vue intéressants et parfois discordants.

Selon ces ONG locales actives dans la consolidation de la paix, les principales causes du conflit en Casamance se situent à plusieurs niveaux: d'abord, la façon hiérarchisée d'administrer était inconnue chez les Casamançais dont le système était basé sur l'égalitarisme. De plus, l'administration de la région était gérée par des nordistes. De ce fait, les Casamançais n'avaient pas de responsabilité administrative ou, s'il y en avait, il jouait un rôle secondaire ce qui a empêché aux Casamançais de gérer leur propre territoire. Un deuxième aspect est alors la question du foncier: à cause de cette administration 'nordiste', bon nombre d'entre eux utilisaient ce pouvoir afin d'acheter et de revendre des terrains. Ce sont exactement les frustrations liées à cet accaparement de terre qui sont à l'origine de la marche à Ziguinchor en 1982.

Il est à noter que les avis sont partagés sur la place des ressources naturelles au début du conflit en Casamance. La gestion des ressources naturelles ne se posait pas encore de façon aussi cruciale bien que le MFDC commençait à le dénoncer et accuser les populations venant du Nord du Sénégal de piller les ressources de la Casamance. Au début du conflit, l'accent était vraiment mis sur l'indépendance. De l'autre côté, les ressources naturelles étaient bien présentes au moment de l'apparition du conflit, notamment à travers la question de la forêt et du foncier. Dans ce sens, la loi de domaine nationale peut être considérée comme un des facteurs déclencheurs du conflit en Casamance. Il s'agit ici d'une divergence entre les lois modernes et les lois traditionnelles qui permettait aux administrateurs 'nordistes' d'attribuer des permis pour couper du bois en Casamance. Voilà quelque chose de perturbant pour les Joolas qui n'arrivent pas à comprendre qu'un inconnu peut réclamer un terrain en Casamance tandis que les Joolas eux-mêmes ne peuvent pas toucher à leurs propres arbres.

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[4] Cette recherche se base sur leurs témoignages et perceptions des différents aspects du conflit en Casamance et l'implication des ressources naturelles.

Que ce soit dès le début ou pas, tous les participants sont d'accord que les ressources naturelles sont considérablement impliquées dans la situation actuelle du conflit. L'instabilité de la situation ensemble avec la peur de braquages, viols et autres a fait que beaucoup de villageois n'allaient plus exploiter leurs ressources naturelles. Ainsi, l'insécurité d'accès aux ressources affecte les populations économiquement quand ils abandonnent leurs champs d'exploitation. A partir de cette crise, beaucoup de gens viennent alors exploiter la Casamance parce que, comme à tout égard dans tous les autres pays du monde, une situation de crise représente le terreau idéal pour des pratiques illégales. L'instabilité de la région permet donc aux gens malintentionnés de piller les ressources naturelles. Dans le cas de la Casamance, surtout le déboisement de la région est mentionné comme un facteur clé étant donné que la coupe illicite commence véritablement à défier l'accalmie. L'événement à Bofa-Bayotte, où treize exploitants forestiers ont été tués en janvier 2018, semble être le dernier de ce genre qui a fait publicité.

Quant à la controverse du zircon, la perception globale montre un manque de prévention, d'information et de communication de la part de l'État et la multinationale envers les populations locales. Les populations se demandent notamment ce que l'exploitation du zircon pourrait leur apporter en termes économiques. Cette question joue bien clairement un rôle dans l'acceptation d'exploiter le zircon dans leurs localités. Une question encore plus importante se situe au niveau de l'impact environnemental pour cette région-là. Est-ce qu'on va mettre des mesures en place pour atténuer l'impact négatif que cette exploitation peut avoir sur l'environnement? En effet, l'endroit où on veut exploiter le zircon est une dune de sable qui évite actuellement que la mer s'avance vers les rizières.

Le plus grand soupçon réside peut-être encore dans l'étude environnementale qui a été faite par un client de la multinationale elle-même sans qu'il y ait une étude contradictoire. Cette suspicion a contribué à la discréditation de l'étude et l'idée qu'elle a été faite à la louche. Toute initiative de la part de la multinationale est dès lors reçue avec très peu

d'enthousiasme auprès les populations car un climat de méfiance s'est installé après la suspicion de l'étude environnementale qui a l'air partial pour beaucoup de gens. En revanche, ils ont l'impression que tout un système de corruption a été installé par la multinationale et l'État afin de pouvoir continuer avec l'exploitation. Ce sentiment est aussi à retrouver dans la question de la coupe illicite du bois qui est peut-être encore plus répandue dans la région.

La controverse du zircon a renforcé davantage ce climat instable dans le contexte plus large du conflit en Casamance. En effet, le MFDC a commencé à s'investir dans la controverse du zircon et s'oppose au projet. Dans ce cadre de corruption potentielle et de suspicion des non-dits, les Casamançais sont en train de faire sortir leur colère: les frustrations du conflit global - avec l'accaparement des terres et l'exploitation du bois par des inconnus - cherchent à se ventiler dans cette controverse du zircon car elles n'ont pas encore été réglées. Or, ce ne serait qu'à partir du moment où l'on s'engage à impliquer les populations locales dans ces processus d'exploitation, de façon transparente, qu'il est possible d'apaiser les tensions.

La société civile

Pour la consolidation de la paix en Casamance, la fragmentation actuelle de la société civile dans la région constitue également un obstacle à l'atteinte des résultats clairs et constructifs. En conséquence, sa présence et ses intentions sont mises en question par des membres de la population locale. Néanmoins, les associations interrogées restent généralement d'accord que les ONG peuvent jouer un rôle important au niveau macro en organisant des rencontres constructives et d'y représenter les préoccupations des populations locales recueillies par leur présence au niveau local.

Il convient de constater que les associations interrogées confirment l'implication des ressources naturelles dans la situation actuelle du conflit

et affirment qu'un accord par rapport à elles peut aider à apaiser les tensions entre les populations et les différentes parties concernées par le conflit. Par contre, il faut souligner qu'il existe encore une grande distance entre la compréhension de leur importance ainsi que leur poids dans le conflit actuel d'un côté et l'utilisation ou la mise en pratique de cette idée de l'autre côté. En effet, les ressources naturelles sont souvent impliquées dans les activités des associations interrogées mais il s'agit plutôt d'une protection et non d'une gestion concertée qui pourrait activer la coopération entre les différents acteurs du conflit.[5] Paradoxalement, ces associations qui se vantent des acteurs de paix ne traduisent pas - ou n'ont pas encore traduit - ces idées dans la pratique, même si elles confirment son importance. Nous pouvons en conclure que la société civile elle-même a toujours une marge d'amélioration dans ses interventions.

Éléments pour un accord de paix

Pour arriver à une paix durable en Casamance, il faut qu'il y ait des négociations multipartites, inclusives et participatives. L'idée qui ressort de la recherche est alors celle d'un déficit de volonté politique de la part de l'État pour résoudre le conflit. Il y a la conviction que l'organisation des négociations inclusives, sincères et transparentes devrait se faire justement par l'État et non par la société civile elle-même. Mais une fois que ces rencontres sont organisés et les négociations sont mises en place, le débat va être focalisé sur quels aspects?

Selon les participants de cette recherche, le conflit en Casamance est né d'un problème d'accaparement de terre et de sentiments de frustrations liés à l'administration dans laquelle le Casamançais jouait le second rôle. Ici, l'accaparement des terres coïncide en quelque sorte avec l'exploitation des ressources naturelles par les permis qui ont été délivrés principalement à des 'nordistes'. En suivant le raisonnement, il est conseillé d'adopter des

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[5] L'exception ici est peut-être Dynamique de Paix qui organise des rencontres aux zones frontalières pour traiter les problèmes liés à la gestion des ressources naturelles.

mesures par rapport aux ressources naturelles si l'on veut vraiment arriver à un accord de paix. Pourtant, les associations interrogées ne voient pas encore de lien entre les ressources naturelles et l'idée d'un vecteur de paix. A savoir par la possibilité qu'elles incarnent de rassembler les différentes parties autour de la table pour parler justement d'une gestion concertée ainsi que d'une distribution des richesses pour tout le monde.

Dans ce sens, la question de savoir si les ressources naturelles sont déjà considérées comme un élément clé pour atteindre un véritable accord de paix en Casamance reste sans réponse claire. Cela est principalement dû à cette obsession des acteurs de paix d'atteindre un dialogue constructif pour arriver à un accord, tout en oubliant le vrai contenu de ce dialogue tellement souhaité. Quoi qu'il en soit, on peut constater dès le début du conflit que les Casamançais réclament en fait plus de considération pour les populations locales. Cela pourrait déjà contribuer à une meilleure stabilisation et restituer la dignité des populations. Car c'est la population de la Casamance qui en fait les frais: n'ayant aucun moyen de se défendre, elle souffre du côté de l'armée mais également du côté des bandes armées. Quant à la gestion des ressources naturelles et particulièrement le cas de l'exploitation du zircon, il s'agit de vérifier quels seraient les bénéfices pour la population autochtone. Si on arrive à obtenir un compromis autour de la question - que ce soit exploiter ou non - par la voie d'une bonne communication à propos des risques et avantages, cela pourrait déjà constituer la base d'un accord de paix. Car si les Casamançais peuvent bénéficier des ressources naturelles ensemble avec l'État, il y a déjà une dynamique de paix.

Conclusion

Les ressources naturelles peuvent constituer la base d'un accord de paix mais elles peuvent également approfondir la crise. Voilà pourquoi il faut veiller à une bonne répartition des dividendes et ouvrir le dialogue avec les populations. La recherche a montré une forte implication des

ressources naturelles dans la situation actuelle et ce serait contre-productif de les mettre à côté en pensant que ce sont des choses à régler après. Encore mieux, partir d'un accord concernant les ressources naturelles pourrait faciliter les processus d'arriver à une paix globale et durable dans la région. Malheureusement, cette idée-là n'est pas encore très présente parmi les acteurs de paix en Casamance. D'un côté, ils confirment bien clairement que les ressources naturelles et le foncier jouent un rôle important dans ce conflit, mais partir d'un accord par rapport à elles pour régler les frustrations casamançaises de citoyens de seconde zone et en finir avec les conflits de terre ne passe pas vraiment par la tête. La conclusion paradoxale est donc que les associations interrogées confirment l'implication des ressources naturelles dans le conflit mais qu'elles les oublient dans leurs propres activités ainsi qu'au moment de faire la liste des éléments clés pour aboutir à la paix en Casamance.

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DETERMINANTS OF CORPORATE SOCIAL RESPONSIBILITY EXPENDITURE AMONG SELECTED FIRMS IN OIL AND BANKING SECTORS IN NIGERIA

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Abstract

Orientation: Findings have shown that some organizations in Nigeria prefer to be less socially responsible due to the financial implications among others. Analysis of factors that determine corporate social responsibility (CSR) expenditure can shed more light on the reason why this is happening. Objectives: The study investigates the determinants of corporate social responsibility CSR spending among some selected banking and oil firms in Nigeria. Motivation: The continued emergence of different conclusions on the impact of CSR on performances of firms prompted the investigation of factors that influence a firm decision to be socially responsible. Methods: Secondary data approach is used. Nine and seven leading commercial banks and oil/gas firms respectively were selected for the survey. Data on CSR expenditures, return on asset, total asset, leverage, competition, legal environment and inflation are used. Panel data analysis is applied. Results: The results show that all these variables are important determinants of CSR but total asset remains the only factor that exhibit the highest influence on CSR expenditure of the firms. In addition, it was found that there is no significant difference in factors that determine CSR in both banking and oil industries. Significance of the study: The study revealed that the size of organizations is an important factor that affects CSR in both oil and banking sectors therefore, while improving on the efforts to make firms more socially responsible, efforts should be more directed to the smaller firms.

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Introduction

With growing scrutiny of business operations, organizations are increasingly being driven to satisfy the expectations of opinion formers, governments and customers in order to thrive. In essence, businesses adopting CSR principles believe that by operating ethically and responsibly, they have a greater chance of success. Businesses are demonstrating that well managed corporate responsibility actually supports business objectives, especially amongst large corporations where improved compliance, reputation and relationships have been shown to increase shareholder value and profitability.

Again, it has been argued that some firms are more socially responsible than others and that the reason behind this might not be unconnected with the fact that different factors account for a firm being socially responsible. Factors that are responsible for a firm being socially responsible are very important to assessing the gains that a firm can derive from being socially responsible. Apart from the fact that the determining factors play important role in categorizing an organization to belong to CSR group on non-CSR group, these factors are also important in determining the areas of CSR or CSR project the organizations will channel their funds to if they belong to CSR group. All these factors consequently have implications on the level of impact CSR will have on the organization performance. According to Hsiang-Lin Chin *et al.*[1], it is important to assess these factors that account for the decision to belong to CSR group or the areas of CSR to invest before the effect of CSR on an organisation performance can be thoroughly examined.

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[1] C. Hsiang-Lin, C. Hsiang-Hsuan and C. Tzu-Yin, "On the Determinants of Corporate Social Responsibility: International Evidence on the Financial Industry", *Journal of Business Ethics*, no. 93, 2010, pp. 115-135.

Again, there has been these debates that firms which activities constitute hazards to their environments are more CSR inclined and hence factors that influence their CSR is different from organizations with services that are less hazardous to their environments.[2] For instance, oil firms that their activities pollute their environments are believed to be more CSR inclined than banks hence factors that determines their CSR might be different. However, these opinions are yet to be empirically tested.

In addition, there have been studies on determinants of CSR in recent periods but most of them made use of firms from developed economies as their case studies.[3] Notwithstanding, few studies on Nigeria such as Adeyemo, Oyebamiji, & Alimi[4] made use of a few quantitative variables as those factors that constitute determinants of CSR neglecting qualitative variables such as legal, geographical and business environments which are well captured in studies outside Nigeria and found to play germane roles in determining CSR expenditure of organisations. Again on methodology, quite a number of the study mainly applied primary data analysis, which has been termed as highly subjective approach especially for a study like this that can be investigated with data from the annual reports and other relevant books of the organisations[5].

Taking all these gaps into consideration the major focus of this study is to investigate the determinants of CSR expenditure among banks and oil firms in Nigeria. The focus on these two sectors is borne out of the fact that they account for almost 70% of CSR projects in Nigeria. This on its

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[2] C. Rael, *Effects of Corporate Social Responsibility Spending on a Firm's Performance: A Survey of Banks in Nakuru County*, unpublished MBA Research project, 2012, Kisii University, Kenya.

[3] C. Hsiang-Lin, C. Hsiang-Hsuan and C. Tzu-Yin, *op. cit.*, among others.

[4] S. A. Adeyemo, F. F. Oyebamiji and K. O. Alimi, "An Evaluation of Factors Influencing Corporate Social Responsibility in Nigerian Manufacturing Companies in *International Journal of Academic Research in Economics and Management Sciences*, no. 2(6), 2013, pp. 54-63.

[5] *Ibidem.*

own has contributed immensely to the infrastructural development of the country.[6]

The rest of the paper is divided into literature review, methodology, results and discussion, conclusions and recommendations.

Literature Review

There exist some literatures on determinants of CSR expenditure. These studies are carefully and briefly discussed under this section of the paper. Hsiang-Lin Chin et al.[7] assessed the determinants of corporate social responsibility and particularly investigated whether corporate social responsibility (CSR) is affected by financial and institutional variables. A total of 520 financial firms in 34 countries, between the years 2003 and 2005 were selected. Findings were: (i) firms with larger size are more CSR minded, and the financial performance and CSR are not related; (ii) firms would actually act in more socially responsible ways to enhance their competitive advantages when the market competitiveness is more intense; (iii) financial firms in countries with stronger levels of legal enforcement tend to engage in more CSR activities. However, interestingly and rather strikingly, those firms in countries with stronger shareholder rights tend to engage in less CSR activities; (iv) self-regulation within the financial industry has a significantly positive effect on CSR, with firms being found to act in more socially responsible ways in those countries which have more cooperative employer–employee relations, higher quality management schools, and a better macroeconomic environment.

Adeyemo, Oyebamiji and Alimi[8] examined factors influencing corporate social responsibility in Nigerian manufacturing companies. The population of the study covered all the staff of the selected manufacturing companies in Ibadan (Nigerian Breweries, Nigerian Bottling Company,

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[6] P. A. Akanbi and O. E. Ofoegbu, "Impact of Corporate Social Responsibility on Bank Performance" in *Journal of US-China Public Administration*, no. 9, 2012, pp. 374-383.

[7] Hsiang-Lin, Hsiang-Hsuan and Tzu-Yin, *op. cit.*

[8] Adeyemo, Oyebamiji and Alimi, *op. cit.*

Procter and Gamble, Yale Nigeria limited and Eagle Flour Mill). Purposive sampling method was used to select ten (10) respondents from each organization totaling 50 respondents. Multiple regression was used to analyze the data with the aid of SPSS version 20. The result identified factors that influenced CSR practices as competition, employees demand, government policy, organizational culture, and customer demand.

Ombugu (2016) investigated determinants of corporate social responsibility among some conglomerates in Nigeria. It employed quantitative data from 2009 to 2013 which were sourced from the Annual Reports of seven (7) sampled companies. With the use of multiple linear regression models, the study selected explanatory variables such as profitability, firm size, firm growth and leverage in order to establish a functional relationship with CSR; the explained variable. The findings revealed that profitability and firm size are positively and significantly influencing CSR of conglomerates in Nigeria. While firm growth was found to be negative and insignificant in influencing CSR of conglomerates whereas, leverage showed a negative and significant effect in explaining and predicting CSR of conglomerates in Nigeria. The study concludes that profitability and size of firms determine CSR.

Farouk and Hassan (2013) analysed the determinants of CSR of listed Deposit Money Banks DMBs in Nigeria for the period of 2005-2011. The listed DMB‟s are twenty-one (21) in numbers out of which a sample of thirteen (13) were used for the study. The study adopted multiple regression techniques and data were collected from secondary source through the annual reports and accounts of the firm. The findings reveal that Dividend paid, Institutional ownership, Firm growth, and Leverage is positively, strongly and significantly influencing the CSR practice of listed Deposit Money banks in Nigeria, while the Economic profit and Firm size have a positive impact on CSR of Banks but at 10% level of significance.

Obasi, Okey and Akinleye (2015) examined the determinants of corporate social responsibility in the Nigerian business environment. Some selected companies across four different sectors in the Nigerian Stock

Exchange were used. Secondary data were collected from the companies' annual reports. The Eview statistical tool was used to analyze the data and test the hypotheses. The result of the study shows that altruistic donation, regulatory requirements and political donations all have indirect relationship with CSR. The study, therefore, concludes that political donations, regulatory requirements and philanthropic or altruistic activities are the three determinates of CSR in Nigerian listed companies.

Methodology

This aspect of the paper discusses research methods adopted which includes the model specification, estimating techniques and sources of data.

Model Specification

The model here examines the determinants of CSR in the quoted firms in both oil and banking sectors in Nigeria. The formulation of the models is built on the works of Hsiang-Lin Chih *et al.* (2010) who based their work mostly on external factors and Omugbu (2016) who based his work primarily on internal factors. This study combines both the internal and external factors to examine the determinants of CSR. The model is consequently stated as follows:

$$TCSRS_{it} = f\ (ROA_{it},\ TOA_{it},\ LEV_{it},\ COM_{it},\ INF_{it},\ LEG_{it})\ldots\ldots\ldots\ldots..\ldots.\ (1)$$

And in linear form the model is presented thus:

$$TCSRS_{i,t} = \alpha_0 + \alpha_1 ROA_{i,t} + \alpha_2 TOA_{i,t} + \alpha_3 LEV_{i,t} + \alpha_4 COM_{i,t} + \alpha_5 INF_{i,t} + \alpha_6 LEG_{i,t}\ (2)$$

Where: TCSRS=Total Corporate Social Responsibility Spending, ROA = Return on asset TOA = Total Asset (measure of firms size), LEV = Leverage ratio (Debt equity ratio which is a measure of capital structure/ firm's leverage ratio), COM = Competition, INF = Consumer price index Inflation rate (measures the economic environment), LEG = Legal environment, $\alpha_1,\ \alpha_2,\ \alpha_3\ \ldots\ldots\ldots\ldots\ \alpha_6$ = Coefficients, μ (s) = stochastic error terms, i = cross section unit, t = time period.

Estimation Technique

The study adopts panel data regression analysis to analyze the determinants of CSR in some selected firms in Nigeria. The panel data procedure starts from the panel unit root test because it is important that all the variables included in the panel model are stationary.

Panel Unit Root Test

The conventional unit root tests no longer hold sway in the face of the advantages inherent in the panel unit root test. Levin, Lin and Chu (2002) show that there is a considerable improvement in the power of Unit Root tests when using panel data other than the univariate testing procedures. The panel unit root test explores the data characteristics of the panel before proceeding to the panel co integration test. The idea is to test for stationarity of each variable used in the study. According to Engel and Granger (1997), a variable may not be stationary but a linear combination of the non-stationary variables may be stationary hence the need for co integration.

Another method of panel unit test adopted for this study is Im, Pesaran and Shin (IPS) test. The test has been proven to be suitable in verifying stationarity of variables in panel data (Im, Pesaran) and Shin, 2003), (Maddala and Wu, 1999). The basic IPS specification is given by:

$$\Delta Y_{i,t} = a Y_{i,t-1} + \sum_{j=1Y_{ij}}^{Pi} \Delta Y_{i,t-j} + \beta_0 + \beta_{1t} + \beta_1 x_{i,t} + \varepsilon_{i,t}$$

............(3)

Where β_0 is the constant, $X_{i,t}$ represents the explanatory variables, $\Delta Y_{i,t}$ is the explained variable, β_{1t} is a time trend and P is the required lag length. The null hypothesis to be tested for the IPS is $H_0 : \alpha_1 = 0$ for all "i"s while the alternative hypothesis is $H_1 : \alpha_i < 0$, for at least one i. The lag lengths are selected using the Akaike Information Criterion.

The Panel Data Models

There are four possibilities and options when it comes to panel data regression which are reviewed here under. However, it should be noted that our series in this research that is T 16 years while our cross-sectional unit N is 17.

The Fixed Effect Model

The term "fixed effect" is due to the fact that although the intercept may differ among firms, each firm's does not vary overtime, that is time-variant. This is the major assumption under this model. It is divided into various types namely; within group, first difference and least square dummy variable

Random Effect Model

Another alternative approach known as the random effects regression model subject to two conditions provide a solution to a problem in which a fixed effects regression is not an effective tool when the variables of interest are constant for each firm and such variables cannot be included.

The first condition is that it is possible to treat each of the first unobserved Z_p variables as being drawn randomly from a given distribution. This may well be the case if the individual observations constitute a random sample from a given population.

Robustness Tests for panel data

In line with Ujunwa (2012), Sangosanya (2011), and in other to make our finding robust both fixed effect and random effect will be employed in estimating the data set and a Hausman-test conducted to determine the most appropriate for the study.

a) The Hausman Test

The significant problem for the fixed effects model (FEM) is that the estimator cannot accommodate time-invariant variables since it cannot

recover the coefficients on time invariant attributes. If the assumption of no correlation between the individual error and independent variables holds, then Random Effects should be used. Auspiciously there is a way of testing which estimator is more suitable in any given circumstance. This is because under the null hypothesis of random individual effects the estimators should give coefficients that are common. The Hausman test can be implored to compare the estimates from the two models. If the p-value is significant (for example <0.05) then use fixed effects, if not use random effects (Green, 2008; Reyna, 2010).

b) Serial Correlation

Situation where residuals are correlated across time is referred to as serial correlation. Disregarding serial correlation where it actually existed causes consistent but inefficient estimates and biased standard errors. Significant inference of independent variables may be incorrect under conditions of serial correlation (Jager, 2008).

When using panel data it is always reasonable to suspect that the errors ε_{it} of a person i are correlated over time (*autocorrelation*). Therefore the Durbin-Watson test is going to be performed to test for serial correlation. If serial correlation is present, Newey-West standard error adjustment will be used to correct for serial autocorrelation.

c) Heteroscedasticity

Equally important is the need to test whether errors have constant variance, i.e. the assumption of homoskedasticity, or else statistical inference becomes unreliable, even if the coefficients are unbiased. If Heteroscedasticity is found to be present, one could then use the Newey-West (1987) standard error adjustment.

Sources of Data/Data Collection Techniques

Secondary data are used in this study. From the Published Annual Reports and Statements of Accounts of the selected firms are data collected for variables such as profit after tax, total assets, total deposit liability for banks, the numbers of network spread (Proxy for market share) and CSR

spending covering the period between 1999 and 2015. The data collected from the Annual reports and statement of accounts of the Central Bank of Nigeria (CBN) and Nigeria Deposit Insurance Corporation (NDIC) include the total number of banks with operation license. From the Nigeria Stock Exchange (NSE) data collected include the list of the quoted oil and gas firms listed on the Exchange. Other information are also extracted from the Statistical Bulletins of CBN, and NDIC. The data for inflation rate was collected from the Federal office of statistics covering the same period. This period is considered broad enough to be able to make a reasonable comparison between the two industries to ascertain the degree of their involvement in CSR.

Results and Discussion

This section of the study analyses the data, interprets is and makes necessary inferences as it affects the major objectives of the study. As explained under the methodology, the major estimating techniques to be utilized here is the panel data. It begins with panel unit root test.

Table 1. Panel Unit Root Test Result

Variables	TEST AT LEVEL			TEST AT FIRST DIFFERENCE		
	LLC	IPS	ADF	LLC	IPS	ADF
TCSRS	-2.95947**	-1.47903*	60.3818**	--	--	--
CGR	-6.76203*	-4.24062*	72.8127*	--	--	--
OPE	-5.11417*	-2.2694**	53.8657**	--	--	--
PAT	-5.75397*	-4.33151*	90.0585*	--	--	--
ROA	-5.15701*	-4.33625*	74.9269*	--	--	--
TOA	-3.69565*	-1.36259	45.2442	--	-7.7251*	115.931*
COM	-9.15026*	-6.70601*	101.850*	--	--	--
INF	-11.1225*	-6.05907*	89.8100*	--	--	--
WC	-4.03189*	-0.55787	40.7137	--	-8.8508*	127.474*
LEV	-45.5912*	-17.1513*	104.495*	--	--	--

*(**) connote rejection of unit root hypothesis at 1% (5%) level of significance level
*Source***:** E-view Computation (2017)

Table 1 present results of Levin-Lin-Chu test (LLC), Im-Pesaran-Shin test (IPS) and ADF fisher Chi-square test statistics of unit root for continuous variables used in the study in the quest to describe stationary property of each of the variables. The test statistics is reported at level and first difference. Result showed that there is evidence to reject the null hypothesis of no unit root at level for all the variables used, based on all the three unit root test conducted, except in the case of total asset, and working capital which shows rejection of null hypothesis at level base on Levin-Lin-Chu test only. The results show that all the variables are either stationary at levels or at first difference which is the requirement for proceeding to panel data estimation.

After the successful panel unit root test, the panel data is estimated. It presents the analysis showing the relationship between corporate social responsibility and selected determinants. Analysis conducted in this section is pooled OLS estimation, fixed effect estimation, random effect estimation alongside post estimation test used for validating the consistency, and efficiency of the estimations. Results are presented in *Tables 2–6* and interpreted accordingly

Table 2. Pooled OLS Estimation Result
Series: TCSRS ROA TOA LEV COM INF LEG

Variable	Coefficient	Std Error	T-Test	Probability
C	-5.975334	35.30999	-0.17	0.866
ROA	.1906443	1.738619	0.11	0.913
TOA	.0002702	.0000144	18.76	0.000
LEV	.7563501	.7658662	0.99	0.324
COM	70.49813	37.89856	1.86	0.064
INF	-1.966576	2.453419	-0.80	0.423
LEG	6.745624	21.30554	0.32	0.752

R-square=0.6279, Adjusted R-square=0.6199, F-statistics=79.30, Prob(F-stat) = 0.0000
(*) connotes significance at 5% level of significance.
Source: E-view Computation (2017)

Estimation result presented in *Table 2* revealed the impact of return on asset, total asset, leverage, competition, inflation and legal environment on corporate social responsibility of the sampled firms. Result showed that all the variables identified as determinant of CSR exert positive impact on corporate social responsibility of firms sampled in the study save for inflation rate that showed negative impact. Estimation result presented in table 2 reported coefficient estimates of 0.1906443 (p=0.913 > 0.05) for return on asset, .0002702 (p=0.000 < 0.05) for total asset, .7563501 (p=0.324 > 0.05) for leverage, 70.49813 (p=0.064 > 0.05) for competition, -1.966576 (p=0.423 > 0.05) for inflation rate, 6.745624 (p=0.752 > 0.05) for legal environment. Reported R-square stood at 0.6279, which implies that about 63% of the systematic variation in corporate social responsibility spending of firms sampled in the study can be explained jointly by return on asset, total asset, leverage ratio, competition, inflation rate, and legal environment. However, due to the problem of heterogeneity, the results of the pooled regression might not be reliable hence, the study proceeds to fixed effects estimation.

Fixed effect estimations incorporate heterogeneity effects across firms over time into the analysis to account for variations in corporate social responding spending due to effect across firms and/or over time. This study separately incorporated firm's heterogeneity effect and period effect into the model using least square dummy variable (LSDV) approach in which each firm and year period is assigned an intercept term as a dummy variable. Results of the least square dummy variable estimations (cross section and period specific) for investigating the relationship between CSR spending and its determinants are presented in *Table 3*.

Table 3. Fixed Effects Estimates

CROSS-SECTIONAL SPECIFIC EFFECT			TIME SPECIFIC EFFECT		
Variables	**Coefficients**	**Prob**	**Variables**	**Coefficients**	**Prob**
C	-60.08013	0.203	C	49.75173	0.615
ROA	.0813023	0.964	ROA	.9838804	0.591
TOA	.0002514	0.000	TOA	.0002716	0.000
LEV	.7687059	0.285	LEV	1.002797	0.204
COM	60.03864	0.108	COM	75.55997	0.049
INF	-2.385458	0.282	INF	-14.30563	0.168
LEG	62.30857	0.201	LEG	6.878748	0.760
Effects			**Effects**		
DIAMOND BANK	155.7648	0.001	2000	11.53553	0.822
FIRST BANK	189.0859	0.000	2001	181.4163	0.106
GTBANK	50.05501	0.297	2002	95.12006	0.121
FCMB BANK	142.7857	0.004	2003	115.1231	0.098
UBA BANK	-47.06253	0.329	2004	124.8016	0.107
UNION BANK	-37.848	0.429	2005	158.5982	0.120
ZENITH BANK	247.2068	0.000	2006	21.68546	0.643
WEMA BANK	54.84809	0.267	2007	7.328035	0.903
FIDELITY BANK	-.9489123	0.984	2008	85.62651	0.095
TOTAL NIG PLC	10.86954	0.824	2009	188.5664	0.000
MRS PLC	8.680716	0.857	2010	90.84036	0.160
OANDO PLC	22.51852	0.640	2011	84.6815	0.080
FORTE OIL	-2.192142	0.964	2012	47.93831	0.381
CONOIL	.0158841	1.000	2013	57.96667	0.221
MOBIL	10.64908	0.830	2014	76.10904	0.122
ETERNAL OIL	7.94115	0.456	2015	61.1516	0.432
R-square= 0.7151 Adjusted R-square=0.6927 F-statistics=31.91 Prob(F-stat)= 0.0000			R-square=0.6502 Adjusted R-square=0.6227 F-statistics=23.63 Prob(F-stat)= 0.0000		

Sources: E-view Computation (2017)

Fixed effect cross sectional specific estimation result presented in table 3 revealed that when heterogeneity effect across firms is incorporated into the model all the variables except inflation rate exert positive impact on corporate social responsibility. With the coefficient estimates of 0.0813023 (p=0.964 > 0.05) is for return on asset, 0.0002514 (p=0.000 < 0.05) for total asset, 0.7687059 (p=0.285 > 0.05) for leverage, 60.03864 (p= 0.108 > 0.05) for competition, -2.385458 (p=0.282 > 0.05) for inflation rate, and 62.30857 (p=0.201 > 0.05) for legal environment, inflation remains the only variables with negative impact.

Furthermore, estimates reported in table 3 for fixed effect period specific showed that all explanatory variables except inflation rate exert positive impact on corporate social responsibility spending. With coefficient estimate of 0.9838804 (p=0.591 > 0.05) for return on asset, 0.0002716 (p=0.000 < 0.05) for total asset, 1.002797 (p=0.204 > 0.05) for leverage, 75.55997 (p=0.049 < 0.05) for competition, -14.30563 (p=0.168 > 0.05) for inflation rate, 6.878748 (p=0.760 > 0.05) for legal environment, there seems to be consistency in our result. R-square statistics showed that about 72% of the systematic variation in corporate social responsibility spending can be explained jointly by the explanatory variables when cross sectional heterogeneity effect is incorporated into the model, while about 65% can be explained when period specific effect is incorporated into the model.

Across the specific effects analysis, four out of nine banks exhibit specific characteristic, namely Diamond bank, Frst Bnak, FCMB and Zenith Bank. For the oil firms effect of specific characteristics is not conspicuous. The implication of the results is that, there is more uniformity in what determine CSR expenditure among the oil firms than the Banks.

The study also uses random effect method for the panel data analysis in order to know the suitable method for our study. The results are presented in *Table 4.*

Table 4. Random Effect Estimation

Series: TCSRS ROA TOA LEV COM INF LEG

Variable	Coefficient	Standard Error	Z-Test Values	Probability
C	11.27279	41.26886	0.27	0.785
ROA	.1013375	1.735742	0.06	0.953
TOA	.0002549	.0000144	17.75	0.000
LEV	.7668193	.7099097	1.08	0.280
COM	62.19715	36.48677	1.70	0.088
INF	-2.307174	2.200817	-1.05	0.294
LEG	-3.493446	44.08449	-0.08	0.937

R-square=0.6274, Wald chi^2 (5) = 356.19 , Prob> chi^2 = 0.0000

Sources: E-view Computation (2017)

Random effect estimation result presented in table 4. revealed that all the determinant variables exert positive impact on corporate social responsibility spending except inflation and legal environment. The coefficient estimates are   0.1013375 (p=0.953 > 0.05) for return on asset, 0.0002549 (p=0.000 < 0.05) for total asset, 0.7668193 (p=0.280 > 0.05) for leverage, 62.19715 (p=0.088 > 0.05) for competition, -2.307174 (p=0.294 > 0.05) for inflation rate, and -3.493446 (p=0.937 > 0.05) for legal environment. This is another confirmation of consistency in our result as these results are almost similar to what we obtained under the fixed effects. R-square value stood at 0.6274 which implies that about 63% of the systematic variation in corporate social responsibility spending of the sampled firms can be explained by return on asset, total asset, leverage, competition, inflation rate and legal environment, when heterogeneity effect across firms over time is incorporated into the error term.

Post estimation Test

Some diagnostic tests are carried out to evaluate the validity of the estimates from the panel data results. The HAUSMAN test tells the one that is more suitable for our analysis between random and fixed effect. The result is presented in *Table 5*.

Table 5. HAUSMAN Test

Null hypothesis	Chi-square stat	Probability
Difference in coefficient not systematic	29.53	0.0000

Sources: E-view Computation (2017)

Table 5 reported chi-square statistic of 29.53 and probability value of 0.0000. This result showed that there is enough evidence to reject the null hypothesis that differences in coefficients of fixed effect estimation and random effect estimation is not significant. Thus making fixed effect cross-sectional specific estimation presented in table 3 the most consistence and efficient estimate for analyzing the impact of return on asset, total asset, leverage, competition, inflation rate and legal environment on corporate social responsibility among the selected firms. Other post estimation test are summarized in *Table 6*.

Table 6. Other Post Estimation Test

Wald test		
Null hypothesis	**Statistics**	**Probability**
Panel homoscedasticity	582.6560	0.5216
Pesaran test		
Null hypothesis	**Statistics**	**Probability**
No cross sectional dependence	12.525	0.2116
Wooldridge test		
Null hypothesis	**Statistics**	**Probability**
No AR(1) panel autocorrelation	14.6695	0.5415

Sources: E-view Computation (2017)

Table reported result of post estimation test conducted to confirm if the specified model is in tune with basic assumptions underlining panel estimation. The result showed that there is no evidence to reject null hypothesis on panel homoscedasticity, null hypothesis of no cross sectional dependence and null hypothesis of no AR (1) panel autocorrelation, given

the reported probability statistics of 0.5216 > 0.05 for Wald test and 0.2116 > 0.05 for Pesaran test, 0.5415 > 0.05. Hence, it can be established from the result of the post estimation tests reported that the assumptions of equal variance of residual terms, cross sectional independence and absence of serial autocorrelation indicate that the model is fit for inferential analysis

Conclusions and recommendations

The result established that though all the identified determinants except inflation rate, exert positive impact on corporate social responsibility of all firms sampled in the study, only total asset reflected significant impact. Thus, it can be concluded form the study that among other things increase in total asset unlike other determinants (return on asset, total asset, leverage, competition, legal environment) has the capacity to significantly spur corporate social responsibility spending of firms in Nigeria. It is therefore evident that among all determinants identified only total asset can individually influence significantly the CSR spending among the sampled firms.

Notwithstanding, all the various estimations confirmed the joint significant powers of the variables as important determinants of CSR spending. Consequently, it can be also be concluded that there is enough evidence to reject the null hypothesis that the determinants of CSR does not significantly affects spending of the selected firms hence is established that return on asset, total asset, leverage, competition, legal environment and inflation are important determinants of CSR expenditure. However, while other determinants show positive relationship inflation show negative relationship. This is an indication that rising inflation trend tends to reduce CSR expenditure among the firms. The reason for this is not unconnected with the fact that inflation increases costs of goods and services therefore it reduces CSR expenditures.

Finally, there is a slight difference in terms of the results on Oil and Banking firms. Findings from the study show that there is a higher degree

of uniformity in what determine CSR expenditure among the oil firms as against the banks.

It is recommended that firms need to be more focused on these variables identified if they intend to be more socially responsible. Again, effort should be made by regulatory authorities to bring up policies that will make CSR a compulsory and important task that firms should engage in. this will promote uniformity among firms in respect to how they attend to issues relating to CSR and it will be easier for the regulatory agencies to monitor their CSR activities.

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L'APPLICATION DU DROIT ELECTORAL PAR LE JUGE CONSTITUTIONNEL GABONAIS ET CONGOLAIS : UN RENDEZ-VOUS MANQUE POUR L'ÉTAT DE DROIT EN AFRIQUE CENTRALE

APPLICATION OF ELECTORAL LAW BY THE GABONESE AND CONGOLESE CONSTITUTIONAL JUSTICE: A MISSING APPOINTMENT FOR THE RULE OF LAW IN CENTRAL AFRICA

Valéry Ntwali Nantondo Iragi[*]

Abstract

This study attempts to describe the partisan and dangerous role that the electoral judge plays in order to regulate the litigations related to the electoral disputes of the presidential and legislative elections in French-speaking Africa and particularly in Gabon and DR Congo. Attention was paid to the litigation of the presidential and legislative elections of 2016 in Gabon and those of 2011 and 2018 in DR Congo. The general economy of the electoral law in the two aforementioned countries, recognizes the competence of the Constitutional Court in the litigations

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related to presidential and national legislative elections. However, the work of the constitutional courts presented above, really denotes an appointment missed in a state of law, the finding remains mixed with respect to the contribution of the electoral judge in the legitimization of the electoral process and final results. As a result, the judgments of two Courts evoked only amplified post-election violence alongside political speeches fuelled by protests and popular manipulation, which caused massive violations of human rights through a bloody crackdown on protesters, and the endorsement of electoral push in Gabon and the DRC.

Keyswords : application, electoral law, constitutional judge

Introduction

        Le Centre Carter, soutient « qu'un consensus existe désormais au plan international sur le fait que des élections démocratiques honnêtes sont indispensables pour affirmer la légitimité des gouvernements[1] ». Notons que le vent de démocratisation qui devait emporter les régimes autoritaires de l'Europe de l'Est devait embraser les régimes autoritaires africains sous l'impulsion d'autres facteurs, notamment internationaux, économiques et financiers[2]. Il est vrai qu'aujourd'hui, le recours aux élections est consacré par les textes constitutionnels, et la communauté internationale, donne un privilège au régime démocratique, mais en Afrique francophone, ces élections rencontrent un grand nombre des problèmes, qui suscitent une appréhension de la part des chercheurs en droit et en sciences sociales[3].

        Pour Jean du Bois de Gaudusson « les difficultés semblent parfois empirer si l'on en juge par la gravité des crises liées à l'organisation de récents scrutins (Côte-d'Ivoire depuis 1999 et 2011, Madagascar en 2001-2002, Gabon en 2016, RDC en 2011 et 2018, etc.). Les critiques des élections

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[1] Centre Carter, *Obligations et normes électorales : manuel d'évaluation*, Centre Carter, Atlanta, 2014, p. 8.

[2] El Hadj Mbodj, « Les garanties et éventuels statuts de l'opposition en Afrique » *in mandat, rôles et fonctions des pouvoirs constitués dans le nouveau système politique de la République démocratique du Congo »*, modules de formation du PNUD, Kinshasa, 2007, p. 40.

[3] Jean du Bois de Gaudusson, « Les élections à l'épreuve de l'Afrique », in Cahiers du Conseil Constitutionnel n° 13 (dossier : la sincérité du scrutin) - janvier 2003, p. 1.

africaines se multiplient et, souvent exprimées en termes vifs sinon virulents, instruisent des procès sans appel. N'a-t-on pas pu voir dans les consultations électorales de véritables impostures se réduisant à de « simples formalités administratives dominées par des acteurs politiques se livrant » à un banditisme électoral plutôt qu'à une compétition loyale[4]. Au côté du développement du processus démocratique en Afrique francophone, il s'est également développé du côté juridique, un droit électoral, qui étale la manière d'exercer le droit de vote, le processus électoral d'un État, son organisation à travers un code électoral, etc.[5], ce droit électoral, se trouve soutenu par le droit constitutionnel, qui lui, fait référence à l'organisation politique d'un pays, au mode d'acquisition du pouvoir, son exercice et sa fin, et une reconnaissance des droits fondamentaux[6]. Le même droit constitutionnel règlemente surtout l'exercice de la souveraineté nationale et les limites d'un tel exercice où s'émerge la question de la légitimité. Cette dernière se différencie de la légalité qui, néanmoins, doit la créer et la soutenir. Or la légitimité dans nos régimes démocratiques, découle du principe de la représentation : le peuple souverain est représenté par les élus qui exercent ainsi la souveraineté nationale. C'est donc ces deux droits, électoral et constitutionnel, qui donnent compétence au juge constitutionnel de pouvoir connaitre du contentieux électoral, plus spécifiquement le contentieux de l'élection présidentielle et législative nationale. Le droit électoral trouve ses racines dans la constitution, qui garantit les droits civils et politiques[7].Et encore une fois, plus que cela, la souveraineté nationale et

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[4] *Ibidem*.

[5] Commission De Venise, *Le droit électoral*, Editions du Conseil de l'Europe, Strasbourg, 2008, p. 5.

[6] Jacques Chevallier. « Droit constitutionnel et institutions politiques : les mésaventures d'un couple fusionnel », *in HAL*, Mélanges en l'honneur de Pierre Avril, Montchrestien, p.184.

[7] « Introduction au droit électoral », in <https://le-politiste.com/introduction-au-droit-electoral> consulté le 15/06/2019.

son exercice, autrement dit, l'émergence de l'autorité politique et son encadrement.

Au Congo Kinshasa comme au Gabon, la Cour constitutionnelle connait du contentieux électoral de l'élection présidentielle et législative nationale. De manière plus concrète, la constitution gabonaise, prévoit « *que la Cour Constitutionnelle est, entre autres, juge de la régularité des élections. Elle est également l'organe régulateur du fonctionnement des institutions et de l'activité des pouvoirs publics. Aux termes des dispositions des textes suscités la Cour Constitutionnelle[8] :*

- *nomme le Président de la CENAP ;*
- *reçoit le serment des membres du Bureau de la CENAP et de ses démembrements locaux avant leur prise de fonction ;*
- *connaît du contentieux relatif à l'éligibilité des candidats aux élections ;*
- *connaît du contentieux relatif aux résultats électoraux ;*
- *proclame les résultats des différentes consultations électorales* ».

En République démocratique du Congo, la Cour constitutionnelle, exerce les mêmes compétences en matière électorale. De ce fait, « *la Cour constitutionnelle connaît des recours en interprétation de la Constitution sur saisine du Président de la République, du Gouvernement, du Président du Sénat, du Président de l'Assemblée nationale, d'un dixième des membres de chacune des Chambres parlementaires, des Gouverneurs de Province et des Présidents des Assemblées provinciales. Elle juge du contentieux des élections présidentielles et législatives ainsi que du référendum[9]* ». L'expérience électorale de ces deux pays de l'Afrique francophone, démontre que les cours constitutionnelles jouent trois rôles en matière électorale, l'examen du contentieux électoral, la validation des résultats proclamés par la commission électorale nationale indépendante et la proclamation des résultats définitifs des élections présidentielles et législatives. Il est à constater que ces juridictions constitutionnelles sont des actrices importantes de l'alternance

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[8] Lire à ce sujet l'article 83 de la Constitution du Gabon de 1991, révisé à ce jour.

[9] Cfr. Art. 161 de la Constitution de la RDC.

démocratique, ayant reçu la mission principale d'entériner le choix du peuple. Toutefois, le bilan ne semble pas être bon, au regard des derniers contentieux électoraux qu'ont connus les cours constitutionnelles du Gabon et de la RD Congo, la tendance est la négation de la souveraineté populaire.

Cette portion de compétence reconnue à la Cour constitutionnelle, peut dans certaine circonstance entériner ou se passer du choix du peuple et pour des raisons non élucidées, en proclamant vainqueur, la personne autre que celle qui a été élue par le peuple[10]. Ce qui compliqué davantage encore la tâche, est que, « les arrêts de la Cour constitutionnelle ne sont susceptibles d'aucun recours et sont immédiatement exécutoires. Ils sont obligatoires et s'imposent aux pouvoirs publics, à toutes les autorités administratives et juridictionnelles, civiles et militaires ainsi qu'aux particuliers[11] ».

Ce qui reste une réalité en Afrique francophone, est que « les élections ont été des lieux de contestations entre les acteurs politiques. Ces contestations, conséquences des accusations de fraude et de malversations qui surviennent au lendemain des scrutins, tournent souvent à l'émeute électorale systématique si bien que l'on assiste à des menaces de rupture de la paix sociale étroitement liées aux conditions de légitimité et d'acceptation des résultats des élections et du contentieux électoral[12] ». Ce cycle infernal de contestation électorale, suscite un intérêt de jeter un regard analytique sur les solutions qu'apporte le juge constitutionnel aux questions électorales :

- le juge constitutionnel participe-t-il à une meilleure application du droit électoral dans les États d'Afrique francophone ?

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[10] Lire à ce sujet les arrêts de la Cour constitutionnelle congolaise intervenus au mois de juin 2019, et qui ont invalidé l'élection de plus de 23 députés de l'opposition (Lamuka) au profit du camp Kabila (FCC). Le comble est que ces arrêts sont intervenus en violation du délai de la loi électorale qui est de 3 mois après la tenue des élections, ceux-ci, sont intervenus 6 mois après, mais aussi, il y'a une insuffisance presque totale de motivation.

[11] Esprit de l'article 168 de la Constitution congolaise du 18 février 2006, telle que révisée en 2011, in *J.O.* /RDC, 47ème année, n° spécial du 18 février 2006.

[12] Jean du Bois de Gaudusson, *op.cit*, p. 2.

- Le contentieux électoral contribue-t-il dans les pays d'étude à la légitimation des élections ?

A ces questions, il est judicieux de démontrer, que le juge constitutionnel est le juge électoral des élections présidentielles et législatives nationales, mais l'état actuel de la jurisprudence électorale au Gabon et en RD Congo, reste laconique sur une bonne application du droit électoral (I), en outre, les limites dans l'application du droit électoral abouti dans la plus part de cas à des crises post-électorales (II). En gardant en tête que l'idéal de ce droit électoral et la mission du juge électoral, est de trouver le juste équilibre entre droit et démocratie. Le droit encadre l'expression du peuple pour plusieurs raisons afin de permettre d'abord que conformément à l'idée de la démocratie représentative, la décision de la majorité soit respectée mais aussi pour que les minorités ne soient pas trahies et puissent etre éviter les conflits sociaux qui s'en créeraient. Il sied donc de mentionner que la tâche du juge constitutionnel n'est pas donc simple et demande une critique nuancée.

I. L'application du droit électoral par le juge constitutionnel au Gabon et en RD Congo

Il sied de noter qu'en droit public, la compétence est d'attribution. Dans l'architecture judiciaire du Gabon et de la RD Congo, le juge constitutionnel est le juge électoral de l'élection présidentielle et des législatives nationales (A). Toutefois, bien qu'ayant la compétence de ce contentieux électoral, un certain nombre d'éléments limitent l'action du juge constitutionnel (B), ce qui donne lieu à une application mitigée et partisane du droit électoral.

A. La compétence électorale reconnue au juge constitutionnel

Comme nous l'avons indiqué dans la partie introductive, le juge constitutionnel en RD Congo et au Gabon, est le juge électoral des élections présidentielles et législatives nationales. Dans cette fonction, il juge le contentieux électoral, valide ou invalide les résultats provisoires, et

proclame, enfin, le résultat définitif13. A la même occasion, il reçoit le serment du gagnant à l'élection présidentielle. Ce qui fait du juge constitutionnel, non seulement un juge du contentieux électoral, mais un véritable acteur important de la continuité de la démocratie et sa pérennisation. De la même manière, l'exercice corrompu de sa compétence, ne peut que ruiner la démocratie. Dans l'exercice de sa compétence, le juge constitutionnel du Gabon et de la RD Congo, connaît certaines limites, qui entachent son action, et qui la rend moins performante, par rapport à la volonté réelle exprimée par l'électorat, les exigences de la démocratie et de l'État de droit. Et encore une fois surtout l'équilibre entre ces exigences.

B. Les éléments mettant à mal les actions du juge constitutionnel en matière électoral au Gabon et en RD Congo

Nous devons admettre avec modestie, qu'un certain nombre d'éléments légaux et illégaux, limitent la valeur de l'action du juge constitutionnel, dans la mise en œuvre du droit électoral. Il s'agit, entre autres, des éléments matériels préalables à la tenue d'une élection (a), le changement du mode de scrutin (b), la fraude électorale (c), la nature même du contentieux électoral (d) et la modalité de désignation des juges constitutionnels (e).

(a) Les préalables à la tenue d'une élection (enrôlement des électeurs et mode de scrutin ou son changement).

Il faut noter que l'élection connaît une préparation forte et minutieuse pour son organisation. Ainsi, il y'a exigence des outils juridiques, car ceux-ci, concourent à la bonne organisation des élections. Il s'agit ici, des lois électorales, qui sont votées au parlement et qui donnent l'essentiel sur la manière dont les élections doivent être organisées dans la globalité. C'est vrai que la cour constitutionnelle a la compétence dans l'examen de la constitutionnalité des lois, et a le pouvoir de déclarer une loi inconstitutionnelle, en raison de tel ou tel grief de non-conformité à la

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[13] Art. 83 de la Constitution du Gabon et 161 de la Constitution de la RD Congo, complétés par les dispositions de lois électorales de deux pays.

constitution, mais, la réalité dans les pays d'étude est autre. En RD Congo, par exemple, la nouvelle loi électorale de 2017, a instauré un recours au seuil légal de représentativité. Il s'agit pour le législateur de 2017 « d'un correctif du système proportionnel des listes, par le regroupement des acteurs et partis politiques en des grandes composantes. Le seuil consiste en un pourcentage de suffrage valablement exprimé déterminé par une nonne juridique que chaque liste ou candidat indépendant doit atteindre pour être admis à l'attribution des sièges. Il s'applique au niveau national, provincial, municipal et local, selon qu'il s'agit des élections législatives, provinciales, municipales et locales[14] ».

L'objectif de cette innovation malheureuse a été d'écarter les candidats indépendants, et les partis politiques à faible représentation, pour les amener de gré ou de force à intégrer le FCC (Front commun pour le Congo de Kabila), ou de se regrouper dans d'autre plate-forme de l'opposition. Il s'est à git ici, d'une limitation du droit à l'éligibilité des candidats indépendants. Les mêmes causes produisant les mêmes effets, cette loi électorale précitée dispose que « *les députés nationaux sont élus au suffrage universel direct, pour un mandat de cinq ans renouvelable, dans les conditions suivantes[15]:*

- *le nombre total de suffrages valablement exprimés est déterminé pour l'ensemble du territoire national;*
- *un seuil de représentativité de 1 % du nombre total de suffrages valablement exprimés est déterminé au niveau national;*
- *il est attribué d'office un siège au candidat ayant obtenu la moitié de suffrages valablement exprimés dans la circonscription;*
- *seules les listes des partis et regroupements politiques ou des indépendants ayant atteint ou dépassé ce seuil national de 1 % sont admises à l'attribution des sièges* ».

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[14] Cfr. Exposé des motifs de la loi électorale de 2017 en RD Congo.
[15] Art. 118 de la loi électorale de 2017 en RDC.

Il est à noter que lors de l'examen de la constitutionnalité de cette loi, la Cour constitutionnelle, ne l'a pas frappée d'inconstitutionnelle, pour avoir apporté d'une manière ou d'une autre des limitations à la jouissance des droits politiques, à savoir le droit à l'éligibilité. Cela s'explique par l'absence d'indépendance de ladite cour constitutionnelle vis-à-vis du régime de Kabila. Il s'agissait là, d'une stratégie bien réfléchie, qui a permis au FCC de Kabila de gagner plus de 350 sièges sur 500 sièges à l'Assemblée nationale, en écartant les petits partis politiques et les candidats indépendants et en créant des regroupements politiques prêtant à confusion dans la tête des électeurs, sur leur plate-forme d'appartenance, tels que (AABC, AAA, etc., en RD Congo). Bien sûr que l'on peut trouver des opinions contraires à cette critique, allant dans le sens que la limitation du droit d'éligibilité serait admissible, étant donné que les seuils existent dans d'autres pays, avec comme objectif, d'éviter une polarisation des assemblées élues qui rendraient très difficile la constitution d'une majorité claire même dans le cadre d'une coalition, pourtant nécessaire pour former un gouvernement stable. Cet argument a évidemment son pesant d'or, mais le mobile cherché jadis par le FCC (Frond commun pour le Congo), été de se défaire des partis de l'opposition, qui sont en grande partie sans ressource financières suffisantes, et qui ont du mal à avoir une représentativité sur l'ensemble du territoire national, le Congo étant très vaste et enclavé.

Au-delà de la loi électorale qui participe déjà à l'élimination préalable des certains candidats, qui du reste seront absents du contentieux électoral, il y'a aussi, les opérations d'enrôlement des électeurs. L'enrôlement d'électeurs est le prélude de toute élection sérieuse, dans un objectif de constituer la masse électorale, dans ce que l'on appelle fichier électoral. Une fois de plus, le juge constitutionnel ne participe pas à ces opérations, alors que le fichier corrompu pour servir de fraude électorale se construit à ce niveau. La conséquence, est que la cour constitutionnelle, sera amenée à examiner le contentieux électoral, sans avoir la maitrise du fichier électoral, et ne se fiera qu'aux données techniques lui apporté par la CENI,

sachant tout naturellement que celle-ci, n'est pas toujours indépendante dans beaucoup d'États d'Afrique francophone, tels que la RDC et le Gabon. La CENI joue dans la plupart de cas le jeu du pouvoir en place, et elle est une institution privilégiée pour la réalisation de la fraude électorale par le parti au pouvoir.

b) Le changement du mode de scrutin

D. Kokoroko soutient fort justement que « les lois électorales faussent les résultats du suffrage universel et aboutissent à mettre au pouvoir une majorité parlementaire opposée à la majorité des citoyens. Le moyen le plus utilisé par les pouvoirs politiques est l'adoption de lois constitutionnelles modifiant le mode de scrutin[16] ». En effet, l'adoption des lois constitutionnelles échappe à la compétence du juge constitutionnel africain, sauf au Bénin, au Mali et au Burkina Faso où le juge adopte une interprétation extensive de ses compétences. Les lois constitutionnelles permettent aux chefs d'États en exercice, avec la complicité de leur Parlement, de modifier le mode de scrutin lorsque le contexte politique, économique et social ne leur est pas favorable[17]. Ainsi, en République Démocratique du Congo, pour l'élection du président de la République prévue par la Constitution de 2006, le président Joseph KABILA a remplacé le mode de scrutin à deux tours par un mode de scrutin à un seul tour pour l'élection présidentielle de 2011, ce qui lui a permis d'être élu au premier tour avec 48,9 % des suffrages, devant Etienne Tshisekedi wa Mulumba. Cette modification de la constitution, a été obtenue à travers une loi constitutionnelle de 2011, par révision de la constitution de 2006, par la bénédiction d'un parlement totalement acquis à Kabila[18].

c) La fraude électorale

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[16] D. Kokoroko, "Les élections disputées : réussites et échec", *Pouvoir, Revue d'étude constitutionnelle et politique*, nᵒ 129, Avril 2009, p. 118.

[17] M. Sene, « Le juge constitutionnel face au défi de la continuité démocratique en Afrique noire francophone », *in Presses de l'Université de Toulouse 1 Capitole*, 2014, p. 3.

[18] V. Ntwali, *Le Rôle de l'opposition politique dans une démocratie représentative : le système multipartiste congolais*, Ed. Universitaires Européennes, Berlin, 2015, p. 32.

Fabrice Lehoucq définit la fraude électorale comme des « efforts clandestins déployés en violation des règles établies dans le but d'influencer les résultats de scrutins électoraux »[19]. Cette fraude relève de la stratégie politique « machiavélique »[20]. Il s'agit des actes de truquage dont les auteurs essaient toujours de cacher, nient même en cas de découverte ou de reproche. Ainsi, la clandestinité ou l'intention de cacher et l'illégalité sont deux conditions importantes, pour établir de façon objective le caractère « frauduleux » d'un acte en jeu compétitif comme les élections.

Pour nombreux d'analystes et d'observateurs de la politique africaine, la principale stratégie qu'emploient les partis au pouvoir afin de conserver celui-ci, est la fraude électorale. Ils soutiennent que les partis au pouvoir en Afrique ont développé des techniques de fraude électorale très sophistiquées et subtiles, rendant difficile la détection de certaines pratiques aussi bien par le chercheur que par les observateurs électoraux[21]. Selon une déclaration de Pascal LISSOUBA, l'ancien président congolais, « les régimes africains au pouvoir n'organisent pas les élections pour les perdre[22] ». L'on se pose dès lors la question de savoir si les élections qui se déroulent dans certains pays africains constituent des moyens crédibles et susceptibles de promouvoir l'alternance démocratique et politique.

Daniel Calingaert en illustrant les actes de fraude électorale pense que, « le découpage arbitraire de circonscription électorale, réduction ou élargissement illégal ou non consensuel de certaines circonscriptions électorales, la manipulation des listes électorales, le truquage et manipulation des résultat, à travers le bourrage d'urnes, le vote de fantômes, consignes erronées sur l'emplacement des bureaux de vote, la clôture hâtive des opérations de vote avant l'heure de la fin du scrutin, annulation de voix défavorables, rectification des résultats, disparition des

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[19] Issaka Souare, *Les partis politiques de l'opposition en Afrique de l'Ouest et leur quête pour le pouvoir d'Etat : cas du Guinée, Ghana, Benin, Thèse de doctorat en science politique*, Université du Québec à Montréal, 2010, p.196.
[20] Fabrice Lehoucq cité par Issaka Souare, *op.cit.*, p.197.
[21] Ninsin, Schedler Calingaert, Case, Beber et Scacoo cités par Issaka Souare, *op.cit,* p. 98.
[22] Pascal Lissouba cité par Issaka Souare, *op. cit.*, p. 197.

urnes défavorables, participent activement à la fraude électorale[23] ». L'ensemble de ces stratégies a été utilisé aux élections présidentielles et législatives au Gabon en 2016, particulièrement dans la province natale de l'actuel Président de la République du Gabon, Ali Bongo, à savoir la province du Haut-Oogoué, province qui a constitué le bastion du bourrage d'urnes. De la même manière, en RD Congo lors des élections de 2011 dans l'ancienne province du Katanga, ce qui a permis à Kabila de se faire élire massivement dans cette province. En 2018, ces stratégies ont été utilisées, mais les carottes semblaient être cuites pour le régime Kabila, qui n'avait plus de crédibilité aux yeux d'une majorité des Congolais, ce qui a fait que l'opposition a gagné les présidentielles et le camp Kabila, les législatives à travers la stratégie de seuil électoral[24].

Au regard de cette réalité, force est de constater que le juge constitutionnel reste sans outil, face au cheminement procédural et matériel de la fraude électorale, étant donné qu'il n'intervient pas lors des préludes à la tenue des élections. Son pouvoir reste fort au regard de la compétence qui lui est reconnue en matière de contentieux électoral. Malgré cela, il est presque désarmé vis-à-vis de la CENI et des acteurs politiques, surtout ceux du pouvoir sortant, dans la mesure où, dans le règlement du litige, il aura du mal à retracer les éléments ayant constitué le fichier électoral, même dans la logique où, on procéderait un recomptage des voix, le fichier a considéré ou la masse électorale, sera toujours celle ou celui tenu (e) par la CENI.

d) La nature même du contentieux électoral

Les principes constitutionnels tels que l'universalité du suffrage, l'égalité des candidats, le droit au vote sont souvent violés sous le regard passif du juge électoral. C'est pourquoi A. FALL soutient qu'il y a « autant d'éléments importants et souvent déterminants quant à l'issue du scrutin, mais qui échappent très souvent au contrôle du juge constitutionnel

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[23] Daniel Calingaert cité par Issaka Souare, *op.cit*, p.198.

[24] V. Ntwali, *op.cit*, p. 26.

rarement saisi à leur sujet, alors qu'ailleurs, ils constituent une source importante du contentieux[25] ». Dans la plupart de cas, le juge constitutionnel n'est saisi que du contentieux relatif à la validation ou l'invalidation des résultats, et celui relatif aux candidatures et aux listes de candidatures. Les éléments qui sont aisément et stratégiquement utilisés pour servir à la fraude électorale, ne sont pas dans la pratique en RD Congo et au Gabon, sujets au contentieux électoral, et le juge électoral n'en maitrise pas non seulement le contenu, mais aussi et surtout, les contours. Il s'agit de l'ensemble des opérations d'enrôlement des électeurs, le découpage des circonscriptions électorales, le fichier électoral, etc.

e) La modalité de désignation des juges constitutionnels

Mamadou SENE note « qu'une des stratégies utilisées par l'autorité politique pour assurer son succès aux échéances électorales est la maîtrise de la nomination du juge constitutionnel. Ainsi, dans certains États africains, l'autorité politique dispose du monopole du pouvoir de nomination, surtout quand il s'agit de la nomination d'un président d'une Cour ou d'un Conseil constitutionnel, les cas sénégalais et ivoiriens l'attestent[26] ». Ce monopole de la nomination permet aux pouvoirs politiques de faire du juge constitutionnel une marionnette qui entérine toutes les manœuvres frauduleuses. Il engendre un discrédit du juge constitutionnel et il constitue une entrave à son action[27]. De ce fait, il est

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[25] A. Fall, "Le processus de démocratisation en Afrique francophone : le juge de l'élection dans l'impasse ?" (Essai de prospective), in *Démocratie et élections dans l'espace francophone*, Bruxelles, Bruylant, 2010, p. 556.

[26] M. Sene, *op. cit.*, p. 5.

[27] Au Sénégal, tous les membres du Conseil constitutionnel sont nommés par le président de la République ; au Burkina Faso et au Gabon, le pouvoir de nomination est partagé entre les autorités politiques, notamment le président de la République, le président de l'Assemblée Nationale, le président du Sénat. Au Burkina Faso, aux membres nommés s'ajoutent les anciens présidents de la République. En République démocratique du Congo, le président de la République nomme seul 3 juges, le parlement 3 et 3 autres sont nommés par le Conseil supérieur de la magistrature. Cela fait que déjà le président a la majorité au parlement et les 3 juges qui y sont nommés, lui sont aussi favorables, ce qui fait automatiquement qu'il a déjà

rare, en Afrique francophone, de voir une cour constitutionnelle, qui invalide l'élection d'un candidat au pouvoir, la validation pure et simple est toujours la tendance. Du côté anglophone de l'Afrique, rappelons qu'en 2017, une sorte d'éveil du juge constitutionnel du Kenya s'était affirmé, étant donné que la cour constitutionnelle kenyane avait rejeté le résultat provisoire de la CENI, ayant placé Uhuru Kenyatta en tête devant Railla Odinga, en appelant au recomptage des voix. Mais curieusement, c'est le même Uhuru Kenyatta qui a été proclamé définitivement comme gagnant, ce qui a donné lieu à une grave crise post-électorale.

II. L'interprétation laconique du droit électoral par le juge constitutionnel au Gabon et en RD Congo : gage des crises post-électorales

L'examen du point I de cette étude, permet de constater que le juge constitution dans la pratique au Gabon et en RD Congo, exerce une compétence limitée. Sur l'ensemble du contentieux du processus électoral, celui-ci ne parvient pas à faire une bonne application du droit électoral, étant de manière pratique en situation de manque des preuves, ce qui l'expose habituellement à la corruption. Son action dans les pays d'étude précités, semble se limitée aux contentieux nés des opérations de vote le jour du scrutin et les résultats affichés par la CENI, sachant que la CENI, est, dans la plupart de cas, corrompue.

Le développement de ce deuxième point repose sur le contentieux électoral de 2016 au Gabon, et celui de 2011 et 2018 en RD Congo. Ainsi, la démarche consiste à jeter, en premier, un regard sur les tendances jurisprudentielles du juge électoral au Gabon et en RD Congo (A), ce qui prouvera l'application limitée du droit électoral, avant d'examiner les

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6 juges sur 9 qui lui sont favorables. L'on doit noter que même ceux qui sont désignés par le Conseil supérieur de la magistrature, n'échappent pas à cette règle, étant entendu bien évidemment que les magistrats du Conseil supérieur de la magistrature sont nommés par ordonnance présidentielle. On assiste donc à des cours constitutionnelles inféodées au pouvoir.

conséquences de ces tendances jurisprudentielle sur la confiance des acteurs et la stabilité socio-politique des deux pays d'étude. Enfin, nous verrons s'il y'a une réponse constitutionnelle à l'application lacunaire du droit électoral, réservée au peuple pour sauver sa volonté exprimée lors d'un vote (B).

A. Tendances jurisprudentielles du juge électoral au Gabon et en RD Congo

Comme indiqué dans la partie introductive, notre analyse ne concerne que le contentieux des élections présidentielles et législatives nationales dans les deux pays d'étude.

1. Le juge électoral gabonais face à la requête de Jean Ping du 8 septembre 2016

Le développement de ce point nécessite une étude de cas, ce qui fait qu'il évoque en premier le contenu de la requête, la position de la Cour et enfin, une observation.

a) *Contenu de la requête de Jean Ping*

Il est judicieux de rappeler que la saisine de la Cour par Jean Ping, ne semble pas avoir été faite dans la joie, elle est intervenue après beaucoup d'hésitations liées à une certaine manque de confiance du requérant vis-à-vis de la Cour constitutionnelle. Il a « attendu le dernier moment mais il n'a pas reculé. L'opposant à Ali Bongo a déposé, jeudi 8 septembre 2016, un recours devant la Cour constitutionnelle du Gabon pour contester les résultats de l'élection présidentielle du 27 août 2016, remportée par le président sortant Ali Bongo Ondimba. Sa principale demande consiste au recomptage des voix dans la province du Haut-Oogoué, bureau de vote par bureau de vote, à travers la confrontation des procès-verbaux détenus par la Cenap (Commission électorale nationale) et toutes les parties[28] ». A rappeler que cette province est le fief familial d'Ali Bongo, dans laquelle il a

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[28] « Jean Ping saisit la Cour constitutionnelle pour contester les résultats de la présidentielle », disponible sur <https://www.france24.com/fr/20160908-gabon-mediation-union-africaine-reportee-sine-die-nouvel-ordre-ping-bongo> consulté le 17/06/2019.

obtenu 95% des voix avec 99,99% de taux de participation, chiffre qui sont difficilement réalisable dans une démocratie multipartiste.

b) *Position de la Cour*

La décision no. 50/CC du 23 septembre 2016 peut être résumée en ces termes :

« Article premier : les requêtes présentées par messieurs Gérard Ella Minthoghe et Jean Ping sont recevables en la forme.

Article 2 : Lesdites requêtes sont rejetées quant au fond.

Article 3 : La demande reconventionnelle formulée par monsieur Ali Bongo Ondimba est recevable.

Article 4 : Les résultats de 21 bureaux de vote du 2ème arrondissement de la commune de Libreville, province de l'Estuaire, sont annulés.

Article 5 : En dépit de cette annulation, Monsieur Ali Bongo Ondimba conservation toujours une avance sur les autres candidats.

Article 6 : La présente décision sera notifiée aux parties, au Premier Ministre, au président du Sénat, au président de l'Assemblée Nationale et publiée au Journal officiel de la République gabonaise ou dans un journal d'annonces légales

Est proclamé élu : Ali Bongo Ondimba172 990 voix, 50,66% [29] ».

c) *Observations :*

La décision précitée de la Cour soulève, à notre avis, deux observations capitales pour matérialiser l'application mécanique du droit électoral par le juge constitutionnel gabonais :

1érè observation : nous fondant sur les arguments de parties, Ping, Bongo et la position de la Cour, nous constatons rapidement que pour l'annulation des résultats de 21 bureaux du deuxième arrondissement de Libreville, qui du reste étaient favorables au requérant premier Jean Ping, la Cour s'est plutôt fondée sur les procès-verbaux prétendument raturés par Ping et présenté à l'occasion du procès par Ali Bongo. Ce qui est aberrant, la Cour n'a pas sollicité les procès-verbaux de la CENAP, qui elle, devait

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[29] Décision n.50/CC du 23 septembre 2016 rendue par la Cour constitutionnelle du Gabon dans la requête en reformation des résultats de l'élection présidentielle introduite par Jean Ping.

dire la vérité à la Cour en lui présentant l'ensemble des procès-verbaux à la forme originale et signés par tous les témoins et observateurs, pouvant, à notre avis, éclairer la mémoire de la Cour. Ce qui consolide encore une fois de plus la démarche limitée de la Cour, est que si les fameux procès-verbaux raturés, présentés par Ali Bongo, avaient été les vrais, la CENAP n'en aurait pas tenu compte dans les procès-verbaux de proclamation des résultats provisoires. Or, en aucun moment la CENAP n'a fait part de ces fameux procès-verbaux raturés et surchargés[30].

　　2ᵉᵐᵉ observation : dans « la province du Haut-Ogooué, la Cour constitutionnelle a dénombré et proclamé 71 642 inscrits, 70 660 votants, 314 bulletins blancs ou nuls, 70 346 suffrages exprimés et 98,62% de taux de participation[31] ». Pour les avocats de Ping, « ces résultats ont l'évidence été calculés sur la base de fausses pièces ». Sinon comment comprendre que selon les procès-verbaux authentiques en possession de Jean Ping, la commune de Moanda à elle seule totalise 454 bulletins blancs ou nuls et si l'on ajoute celle de Mounana où on en compte 147, cela fait déjà 601 bulletins blancs ou nuls ; alors que la Cour constitutionnelle n'en dénombre que 314 pour toute la province du Haut-Ogooué[32] ». Nous constatons que la Cour a procédé au recomptage des voix bureau de vote par bureau de vote, en tenant seulement compte des procès-verbaux de la CENAP, alors que celle-ci, n'a pas joué un jeu d'impartialité et de neutralité. Il y'a eu donc absence d'une confrontation des procès-verbaux détenus par les deux parties et ceux de la CENAP, dans la démarche de la Cour. Cela justifie la différence entre les chiffres trouvés par la Cour, par rapport aux résultats contenus dans les procès-verbaux détenus par les parties. En définitive, le recours de Jean Ping n'a pas bouleversé la tendance par rapport à l'ordre

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[30] Cfr. Considérant 51 de la Décision n.50/CC du 23 septembre 2016 rendue par la Cour constitutionnelle du Gabon dans requête en reformation des résultats de l'élection présidentielle introduite par Jean Ping.

[31] *Ibidem.*

[32] Lire à ce sujet la requête de Jean Ping en révision de la Décision no. 50/CC du 23 septembre 2016 rendue par la Cour constitutionnelle du Gabon dans requête en reformation des résultats de l'élection présidentielle introduite par Jean Ping.

d'arriver des candidats mais, par la démarche peut orthodoxe de la Cour, ledit recours a permis l'annulation des procès-verbaux favorables à Ping, ce qui a diminué son pourcentage à 47,24% et l'augmentation du pourcentage d'Ali Bongo de 49% à 50,6%.

En toute impartialité et dans un sens d'objectivité, la Cour aurait dû examiné « le dossier lui soumis par la CENAP qui comprenait outre les procès-verbaux des bureaux de vote, ceux des commissions électorales départementales, communales, provinciales, diplomatiques et consulaires ainsi que le procès-verbal de centralisation établi par la CENAP, en les confrontant, à ceux détenus par les parties[33] ». Une telle démarche aller un tant soit peu, donner du crédit à la décision de la Cour, mais hélas, les intérêts semblent avoir été autres, qu'une application orthodoxe du droit électoral gabonais. Le juge électoral congolais, a-t-il fait le contraire ?

2. Le juge électoral congolais face au contentieux de 2011 et 2018

Pour illustrer l'approche du juge constitutionnel congolais au contentieux électoral de l'élection présidentielle et de législative nationale, nous allons faire recours à deux arrêts. Il s'agit de l'arrêt sous R.E 007 du 22 décembre 2011 en contestation des résultats provisoires proclamés par la CENI pour les élections présidentielle et législative du 28 novembre 2011 et l'arrêt RC 001/PR rendu le 19 janvier 2019 sur la requête en contestation des résultats de l'élection présidentielle et législative du 30 décembre 2018 de l'opposant Martin Fayulu.   Ces deux arrêts démontrent également l'application laconique, mécanique et partisane du droit électoral par le juge constitutionnel congolais.

a) *Contenu de la requête de l'Union pour la nation congolaise (UNC) de Vital Kamerhe*

Par sa requête datée du 12 décembre 2011, introduite devant la Cour suprême de justice faisant office de la Cour constitutionnelle, l'Union pour la nation congolaise de Vital Kamerhe, avait saisi ladite Cour en contestation des résultats de l'élection présidentielle du 28 novembre 2011.

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[33] Requête en révision de Jean Ping, *op. cit.*, p. 2.

A l'appui de sa requête, la requérante soutenait « que le processus électoral qui a conduit à la proclamation des résultats provisoires contestés était émaillé de plusieurs irrégularités, ayant influé de manière déterminante sur ceux-ci[34] ».

Elle prétend ainsi « d'une part que la loi électorale a été violée à savoir l'article 8 par la CENI, à travers les actes suivants : non publication des listes des électeurs provinces par province avec leurs identités complètes 30 jours avant la date du scrutin, la CENI l'ayant fait seulement deux jours avant la date du scrutin, ce qui a participé au faible taux de participation, les bulletins de vote ne prévoyant pas de place pour la signature de plus de 5 témoins dans le bureau de vote, le non-accompagnement du transfert des procès-verbaux des centres de vote au bureau de compilation par les témoins de l'UNC, à travers les manœuvres de la CENI, l'interdiction d'accès au centre national de traitement des résultats pour les témoins UNC, d'autre part, que les résultats proclamés par la CENI manquent de sincérité et mérité annulation en raison de la circulation entre les mains de caciques du MP des bulletins de vote déjà cochés en faveur de Kabila, du cas de Néron Mbungu : des bulletins de vote insuffisants par rapport au nombre d'électeurs enregistrés dans les provinces acquises à l'opposition, de l'exemple du Sud-Kivu et le Nord-Kivu : résultats provisoires de la CENI non conformes aux résultats publiés après le dépouillement dans les bureaux de vote[35] ». En lisant la requête de l'UNC, l'on constate qu'elle avait fait un effort considérable dans l'énumération de l'ensemble d'actes de violation de la loi électorale et la fraude électorale au profit du candidat Kabila. Toutefois, dans son arrêt la Cour est totalement passé à côté.

b) *La position de la Cour*

La Cour dans sa motivation, soutient que « ne doivent être retenues que les irrégularités susceptibles de fausser les résultats de l'élection, eu

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[34] CSJ, Arrêt R.E 007 du 28 décembre 2011.

[35] Lire à ce sujet requête de l'UNC en contestation des résultats provisoires de la CENI à l'élection présidentielle du 28 novembre 2011.

égard notamment à l'écart des voix entre les candidats. Il est dès lors évident, soutient la Cour, que la simple violation de la loi n'entraine pas nécessairement l'annulation de l'élection, le juge pouvant confirmer celle-ci, s'il estime non seulement que les faits allégués ne sont pas de nature à modifier le résultat, en dépit d'une irrégularité constatée dans le déroulement de la campagne électorale ou des opérations électorales[36] ». En outre poursuit la même Cour dans sa motivation, « les moyens de preuve qu'elle prend en compte dans l'appréciation de la régularité du scrutin sont principalement le procès-verbal de dépouillement, les observations des membres du bureau de vote ou des témoins des candidats, le constat des irrégularités qu'elle aurait relevées par elle-même, ainsi que les réclamations des électeurs annexées aux procès-verbaux [37]».

Relativement à la violation de la loi électorale, la Cour argue que « le requérant n'apporte pas la preuve démontrant à qui ladite violation aurait profité, de même, la requérante ne démontre pas en quoi ladite violation à travers une preuve, aurait influé sur le taux de participation. Elle poursuit en indiquant que quand bien même la violation aurait été rapportée, il est clair que les violations susvisées de la loi électorale, n'auraient eu aucune incidence sur les résultats du scrutin eu égard à l'écart des voix entre les candidats ». Curieusement sur le 100% des suffrages exprimés dans la circonscription électorale de Malemba-Nkulu et dont Kabila a renflé en totalité, la Cour a relevé qu'il n'est pas nullement interdit à un candidat à une élection de remporter l'ensemble des voix des électeurs, dans le respect des lois et procédures en la matière ». En plus, concernant les résultats revendiqués par la requérante dans le Nord-Kivu, le Sud-Kivu et l'Ituri, provinces totalement acquises à l'opposition, la Cour a souligné « qu'ils ne sont confirmés par aucun élément de preuve, les vérifications opérées confirmant plutôt des chiffres publiés par la CENI ». En définitive, la Cour a jugé le recours de l'UNC non fondé et par

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[36] Cfr. CJS, Arrêt R.C.E. PR.009 du 27 novembre 2006 et l'arrêt R.E. 007.
[37] *Ibidem.*

conséquent, elle a proclamé Kabila Joseph gagnant du présidentielle de 2011.

c) *Observations*

Deux observations sautent également aux yeux par rapport à cette interprétation lacunaire de la Cour :

1éré observation : la Cour dans sa motivation admet la violation de la loi électorale à ses articles 8, 56, 48 mais refuse d'appliquer les sanctions, qui devaient impérativement aboutir à l'annulation des résultats proclamés par la CENI. Elle adopte, par contre, une démarche partisane en soutenant abusivement « *que même si la preuve a été rapportée, les violations de la loi électorale n'auraient eu aucune incidence sur le résultat du scrutin, eu égard à l'écart des voix entre les candidats* ». La Cour semble soutenir ici l'écart entre candidats, comme moyen pouvant couvrir les violations de la loi électorale, oubliant que ces violations de la loi, ont été à l'occasion de la construction frauduleuse des résultats évoqués. Ce qui est encore grave, ladite Cour souligne encore que « *les faits allégués ne sont pas de nature à modifier le résultat, en dépit d'une irrégularité constatée dans le déroulement de la campagne ou des opérations électorales* ». Ici la Cour admet également l'existence des irrégularités, mais on ne sait pas par quelle magie, elle affirme que ces irrégularités ne sont pas de nature à modifier l'ordre d'arriver des candidats. Il s'agit ici, d'une contradiction totale, dénotant une interprétation laconique du droit électoral par le juge électoral congolais.

2émé observation : Alors qu'elle rappelle « *qu'en matière de contentieux des résultats électoraux, le juge électoral vérifier l'authenticité et la sincérité du scrutin, en cherchant les incidences des irrégularités constatées sur les résultats*[38] », elle s'est tout de même, limité à fonder son argument sur les seuls procès-verbaux de la CENI, sur la base desquels, les résultats contestés ont été fabriqués, en mettant de côté les preuves de la requérante. Elle aurait dans une démarche objective, faire une confrontation des procès-verbaux ou du moins, procéder au recomptage des voix. A l'opposé, elle a

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[38] Arrêt R.C.E. PR.009 du 27 novembre 2006 et l'arrêt R.E. 007, Cour suprême de Justice.

préconisé aller sur la défensive, en soutenant « *qu'il n'est pas interdit à un candidat de remporter l'ensemble des voix des électeurs soit 100% du suffrages exprimés[39]* », sans se poser la question de savoir s'il n'y a pas eu d'abstention, des bulletins nuls, ou des voix favorables à l'opposition, dans la mesure où, il n'est pas facile de réaliser un score de 100% dans une démocratie. Qu'en est-il de l'arrêt Fayulu devant la même Cour constitutionnelle.

3. Contenu de la requête de Fayulu (Dynamique de l'opposition) candidat de Lamuka

L'opposant Martin Fayulu a déposé son recours devant la Cour constitutionnelle contre les résultats proclamés par la CENI à l'élection présidentielle et législative du 30 décembre 2018, qui ont placé Felix Tshisekedi du Cap pour le changement (CACH) en tête avec 38%, suivie du requérant Martin Fayulu de la plate-forme Lamuka avec 34% et avec 24% pour le dauphin de Kabila, Emmanuel Ramazani Shadary[40]. Ledit recours a été enregistré sous RCE 01/PR, et visé l'annulation des résultats proclamant Felix Tshisekedi président de la RD Congo, le requérant arguant qu'il fallait procéder au recomptage des voix, étant donné que les résultats contestés de la CENI, n'étaient pas conformes à la vérité des urnes, et étaient totalement contraires au résultat recueilli par la mission d'observation de la CENCO qui mettait en tête Fayulu avec plus de 60% de voix.

a) Position de la Cour

Par son arrêt sous RC 001/PR du 19 janvier 2019, la Cour constitutionnelle a rejeté la requête de Martin Fayulu, la déclarant non-fondée[41]. La Cour s'est fondée sur les procès-verbaux déposés par la CENI, soutenant que le requérant n'avait pas apporté des preuves soutenant ses

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[39] *Ibidem.*.

[40] « Contentieux électoral en RDC : la Cour constitutionnelle examine la requête de Fayulu », <https://fr.africanews.com/2019/01/14/contentieux-electoral-en-rdc-la-cour-constitutionnelle-examine-la-requete-de> consulté le 20/06/2019.

[41] CC, RC 001/PR du 19 janvier 2019.

allégations lui plaçant en tête de la présidentielle du 30 décembre 2018, avec plus de 61% de voix.

b) Observations

Le contour de cette affaire, soulève deux observations.

1ére observation : au niveau de la Cour et les arguments de sa motivation, il sied de noter que celle-ci, n'a fondé son arrêt que sur les fichiers de centralisation des résultats de la CENI, qui sont électroniques et que la loi électorale ne prévoit pas, et les procès-verbaux de la CENI. A noter que la Cour n'a pas procédé au recomptage des voix, tel que solliciter par la requérante de la Dynamique de l'opposition. Ce qui a fait que sans aller plus loin, la Cour n'a fait que confirmer les résultats provisoires proclamés par la CENI, alors que ces élections connaissaient des nombreuses contestations de la part des acteurs et des observateurs ayant participé à ces élections.

2émé observation : il est également important d'indiquer qu'un dossier judiciaire, se prépare. Au regard du déroulement de l'affaire sous RCE 01/PR, il est vrai que l'opposant Martin Fayulu n'a pas bien préparé son dossier de recours, surtout en ce qui concerne les preuves. Il sied de rappeler qu'en droit l'allégation d'un fait, nécessité nécessairement une preuve à ce sujet et dans le cadre de cette affaire, le requérant Fayulu de la Dynamique de l'opposition, allégué avoir gagné les élections à plus de 60%, mais devant la Cour constitutionnelle, ce dernier n'est pas parvenu à prouver ses affirmations, étant donné qu'il n'avait pas des preuves, dans le cas d'espèce, les procès-verbaux de bureaux de vote. Cela s'explique par le fait que la plate-forme Lamuka, qui portait Fayulu à la présidentielle de 2018 en RD Congo, n'avait pas affecté des témoins dans tous les bureaux de vote au niveau de l'ensemble du territoire national. Les allégations du requérant, sont restées des affirmations gratuites sans aucune preuve matérielle, se fondant uniquement sur le rapport d'observation de la

CENCO[42], alors que celle-ci, avec le statut d'observateur des élections, n'a pas de compétence légale, en RD Congo, de détenir les procès-verbaux des bureaux de vote.

Toutefois, il sied de noter que le juge constitutionnel étant le juge du contrôle de la régularité et de la sincérité de l'élection présidentielle et législative nationale, aurait dû, procéder au recomptage des voix, cela donnerait encore une fois de plus une crédibilité aux élections du 30 décembre 2018, et une sorte de légitimité pour le gagnant. Sa position dans cette affaire, n'a fait qu'alimenter une crise post-électorale.

B. Le mécanisme constitutionnel du rétablissement de la vérité des urnes

L'examen de ces trois recours en contestation des résultats des élections présidentielles et législatives au Gabon en 2016 et en RDC en 2011 et 2018, permet de constater que dans l'application du droit électoral, les juges électoraux dans ces deux pays étudiés, sont simplement à la commande du pouvoir, ce qui fait qu'ils n'appliquent pas correctement le droit électoral, étant totalement inféodés à l'exécutif sortant. Ces juges bénéficient de la valeur juridique et la force obligatoire immédiate que la constitution accorde aux arrêts de la Cour constitutionnelle[43]. Rappelons

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[42]Selon le rapport de la CENCO (Commission Episcopale nationale du Congo) « A chaque fois, c'est le même candidat qui arrive en tête : Martin Fayulu loin devant sur chacun des comptages, avec 62% des voix sur l'échantillon le plus large, puis Félix Tshisekedi deuxième et Emanuel Ramazani Shadary troisième avec, sur ce même échantillon, respectivement 16,88% et 16,93% des voix. Un écart de voix très important sépare donc le premier du deuxième, trop important pour être rattrapable même en incluant les près de 29% de votants restants dont les voix n'ont pas été décomptées par la CENCO ». Ces chiffres sont basés sur un échantillon de vérification des résultats sur 71,53 % des votes, et donc, la CENCO n'a pas eu connaissance de résultat de 29% de vote. La grande difficulté est que légalement la CENCO ne pouvait pas avoir en possession des procès-verbaux de vote de chaque bureau, étant un simple observateur. Elle a, toutefois, recueilli ses informations, à travers des Smartes phones reçus de l'UE, pour aller plus loin, visiter <http://www.rfi.fr/afrique/20190118-elections-rdc-rapport-detaille-cenco-resultats-ceni> consulté le 21/06/2019.

[43] A ce sujet, l'article 168 de la Constitution de la RDC dispose que « Les arrêts de la Cour constitutionnelle ne sont susceptibles d'aucun recours et sont immédiatement exécutoires.

que dans les deux pays étudiés, les arrêts de la cour constitutionnelle ne font l'objet d'aucun recours, s'exécutent immédiatement et s'imposent à tous. Toutefois, il est important de relever, que la Constitution, qui prévoit la Cour constitutionnelle et ses compétences en matière électorale tout comme dans d'autres matières, contiendrait, en plus, un certain nombre de mécanisme capable de rétablir la vérité des urnes, face à une Cour constitutionnelle totalement inféodée. Il s'agit de la voie révolutionnaire et de la voie institutionnelle.

1. Le rétablissement de la vérité des urnes par la voie révolutionnaire

Devant un push électoral, entériné par les juges de la Cour constitutionnelle, la constitution congolaise, par exemple, a prévu la voie révolutionnaire comme remède. Ainsi, son article 64 consacre un « droit à la révolution ou à la rébellion[44] » contre toute forme de dictature. Selon André Mbata, cet article « se serait inspiré de la Conférence nationale souveraine et la Constitution du Bénin. Il est l'un de plus importants articles de la Constitution congolaise[45] ». Pour lui, « contrairement à l'interprétation étriquée qui en est généralement donnée, cet article est de nature à s'appliquer au Président de la République, au gouvernement (national, provincial ou local), au parlement (national ou provincial), et à tout service public qui exerceraient le pouvoir en violation des dispositions

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Ils sont obligatoires et s'imposent aux pouvoirs publics, à toutes les autorités administratives et juridictionnelles, civiles et militaires ainsi qu'aux particuliers », il s'agit d'une même formulation avec l'article 92 de la Constitution du Gabon qui prévoit également que « Les décisions de la Cour constitutionnelle ne sont susceptibles d'aucun recours. Elles s'imposent aux pouvoirs publics, à toutes les autorités administratives et juridictionnelles et à toutes les personnes physiques et morales ». Cette valeur juridique accordée par la constitution aux arrêts de la Cour constitutionnelle, devrait appeler les juges constitutionnels et électoraux à plus de responsabilité, en faisant une application orthodoxe de la Constitution et de la loi électorale.

[44] Art. 64 al. 1 de la Constitution de la RD Congo du 18 février 2006.

[45] A. Mbata, « Arrêt de la Cour constitutionnelle : nomination des commissaires spéciaux, respect de la Constitution, l'élection présidentielle, de la Cour constitutionnelle et de l'article 64 », *in Social Science Research Council*, New York, 28 avril 2016, pp. 2-6.

de la Constitution[46] ». L'on doit donc savoir que la Constitution n'a pas octroyé un « pouvoir absolu aux juges » même si les arrêts de la Cour ne sont susceptibles d'aucun recours et sont immédiatement exécutoires[47]. La Constitution a établi un gouvernement du peuple, qui seul est souverain et exerce cette souveraineté par voie des élections libres, régulières et transparentes ou par voie de référendum, il serait donc inacceptable, qu'une Cour constitutionnelle, s'inscrive à contre-courant du choix électoral exercé par le peuple.

De ce fait, à la recherche de la vérité des urnes expression de sa volonté électorale, « *le peuple pourrait aussi lui brandir l'article 64 si ses membres exerçaient leur pouvoir en violation de la Constitution en interprétant de manière tendancieuse les dispositions de la constitution et en appliquant de manière partisane le droit électoral, pour changer la vérité des urnes exprimée par le peuple.. A notre avis, un tel arrêt serait un « coup d'État contre la Constitution et la démocratie » qui serait l'œuvre de la Cour et qui appellerait la même réponse que le peuple réserverait à tout coup d'État* ». Le peuple a aussi le devoir de s'opposer à une Cour constitutionnelle qui se réduirait à un groupe d'individus ou de putschistes contre la Constitution et la vérité des urnes exprimée par le peuple. Pour A. Mbata, « ce serait le cas, par exemple, dans nos pays où toutes les folies sont possibles au nom du pouvoir et de l'argent, si la Cour constitutionnelle décidait de transformer les hommes en femmes ou le contraire en se fondant sur le fait que ses arrêts sont sans recours ! Personne n'obéirait à un tel arrêt[48] ».

Il convient de signaler, comme le mentionne bien le Professeur André Mbata que « par rapport à cette situation que l'histoire récente de la RDC est jalonnée des crises politiques nées des difficultés d'interprétation

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[46] *Ibidem.*

[47] Esprit de l'art. 5 de la constitution congolaise du 18 février 2006, telle que révisée en 2011.in *J.O*/RDC, 47ème année, n° spécial du 18 février 2006.

[48] A. Mbata, *op. cit.*, pp. 2-6.

des textes juridiques[49]. Certains de juristes congolais même ceux appartenant à des institutions publiques telles que les universités, la Cour constitutionnelle, la Cour Suprême de Justice et le Parquet général de la République font, de temps en temps, preuve des insuffisances quant à l'interprétation de la Constitution. De plus, les difficultés d'interprétation accroissent lorsque la disposition en question protège un intérêt politique donné ou elle le menace[50] ». Tel est le cas du droit électoral, qui une fois

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[49] A. Mbata note qu'en 1960, le Chef de l'Etat Joseph KasaVubu révoqua le Premier ministre Patrice Emery Lumumba sur fond d'une interprétation erronée de l'article 22 de la Loi fondamentale. Trente-cinq ans après, la famille politique du Président Mobutu et l'Union sacrée de l'opposition s'opposaient quant à la compréhension de l'article 78 de l'ACT du 9 avril 1994. La Constitution de transition du 05 avril 2003 a engendré des controverses autour de deux articles. Il s'agit de l'article 76 relatif à la nomination des hauts fonctionnaires de l'État, des gouverneurs et vice-gouverneurs de province, des gouverneurs de la BCC, des ambassadeurs, des magistrats et des mandataires publics. L'article 196 concernait le délai de la transition. Cette disposition stipulait que « La durée de la transition est de vingt-quatre mois. Elle court à compter de la formation du Gouvernement de transition et prend fin avec l'investiture du Président de la République élu à l'issue des élections marquant la fin de la période transitoire en République Démocratique du Congo. Toutefois, en raison de problèmes spécifiquement liés à l'organisation des élections, la transition peut être prolongée pour une durée de six mois renouvelable une seule fois, si les circonstances l'exigent, sur proposition de la Commission électorale indépendante et par une décision conjointe et dûment motivée de l'Assemblée nationale et du Sénat ». Les controverses nées à l'occasion de l'interprétation de cette disposition sont résumées par Minani Buhuzo R, « République Démocratique du Congo : La démocratie à l'épreuve de la géopolitique et la bonne gouvernance », *Congo-Afrique*, n° 423, mars 2008, pp. 220-221. Il notait en ce sens que « Les querelles dues à l'insatisfaction des uns et des autres dans la gymnastique compliquée du 'partage équitable et équilibré des responsabilités', relégué le chronogramme des élections au second plan. C'est cet état de choses qui a fait que le calendrier de la transition soit lui-même élastique. Deux ans n'ont pas suffi à faire aboutir la période de transition. Cette question du délai constitutionnel de la fin de la transition a d'ailleurs alimenté le débat politique et menacé la paix sociale. Les acteurs politiques ont souvent adopté un double langage. Tout en prétendant vouloir des élections dans l'immédiat, ils essayaient, à chacune de ses phases, d'en prolonger le délai, de réorienter le processus, de le requalifier ou tout simplement, de le saboter ».

[50] Cfr. Arrêt (R.A. 320) du 12 août 1996 dans l'affaire USOR. Dans le meme sens, Mbata Betukumesu Mangu A., *The Road to Constitutionnalism and Democracy in Post-colonial Africa.The Case of Democratic Republic of Congo,* Doctoral Thesis, University of South Africa, 2002, pp. 452-453. Lire aussi EsamboKangashe J.-L., « Le Président Mobutu et le Premier

violé, sans application correcte par la Cour constitutionnelle (ici juge électoral), ne porterait directement atteinte aux intérêts du régime sortant, celui-ci, usant, dans la plupart de cas, de la fraude électorale.

Relativement au Gabon, ce mécanisme de révolution est prévu à l'article 1 point 21 de la constitution gabonaise, qui prévoit que « *chaque citoyen a le devoir de défendre la patrie et l'obligation de protéger et de respecter la Constitution, les lois et les règlements de la République*[51] ». Sur base de cet article 1 point 21 de la Constitution gabonaise, à l'instar de l'article 64 de la constitution congolaise, le peuple à travers une révolution peut aboutir au rétablissement de la vérité contre un push électoral entériné par le juge électoral. L'exercice d'une révolte par le peuple, peut pousser le juge électoral à une rectification d'erreur matérielle ou d'interprétation.

2. La rectification d'erreur matérielle (RDC) et procédure en révision (Gabon)

Étant une œuvre humaine, la justice électorale est confrontée à l'exemple de la justice pénale, civile, etc., à des erreurs matérielles ou d'interprétation, ce qui fait que l'arsenal juridique de la RD Congo et celui du Gabon, a prévu une possibilité pour le juge électoral, de revenir sur son œuvre et de pouvoir corriger les erreurs matérielles ou liées à une interprétation erronée. De ce fait, l'article 93 al. 4 de la loi portant organisation et fonctionnement de la Cour constitutionnelle en RDC, dispose que « *les arrêts de la Cour ne sont susceptibles d'aucun recours, sauf interprétation ou rectification d'erreurs matérielles*[52] ». Au Gabon, c'est par contre une procédure en révision qui est prévue à ce sujet. Ainsi, l'article 87 de la loi organique sur la Cour constitutionnelle dispose que la révision n'est ouverte que dans les cas suivants : « *s'il y a eu fraude de l'une des parties*

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ministre sous l'Acte constitutionnel de la transition : duel ou duo ? », *Afrika Focus,* vol. 14, n° 2, 1998, pp. 161-178.

[51] Lire l'art. 1 point 21 de la Constitution Gabonaise de 1991 telle que révisée actuellement.

[52] Art. 93 al. 4 de la loi organique portant organisation et fonctionnement de la Cour constitutionnelle, in J.O/RDC, Numéro spécial d'octobre 2013.

de nature à avoir déterminé la conviction de la Cour ; s''il y'a eu faux témoignage reconnu par une décision de justice, si la décision considérée a été rendue sur des pièces fausses, si, depuis la décision, il a été recouvré des pièces décisives détenues par l'adversaire. Le recours est exercé dans le délai de quinze jours à compter de la notification de la décision attaquée[53] ». Toutefois, il est important de mentionner que l'exercice de cette procédure en révision, dans le cadre du droit Gabonais, n'est pas suspensif de l'exécution de l'arrêt attaqué. Voilà donc deux moyens que la victime du push électoral soutenue par le peuple, peut se servir en RD Congo (rectification d'erreur matérielle) et au Gabon (procédure en révision) pour pouvoir amener le juge électoral à revoir sa décision.

Conclusion

Nous avons essayé, dans cette étude, de décrire le rôle partisan et dangereux que joue le juge électoral dans le règlement des litiges relatifs au contentieux électoral de l'élection présidentielle et législative en Afrique francophone et particulièrement, au Gabon et en RD Congo. Le regard a été fixé sur le contentieux de l'élection présidentielle et législative de 2016 au Gabon et celles de 2011 et 2018 en RD Congo. L'économie générale du droit électoral dans les deux pays étudiés, reconnaît la compétence de la Cour constitutionnelle en matière de contentieux de l'élection présidentielle et législative nationale. Mais le travail de ces Cours constitutionnelles en matière des contentieux électoraux de l'élection présidentielle et législative, dénote véritablement un rendez-vous manqué dans un État de droit, le constat restant mitigé par rapport à l'apport du juge électoral dans la légitimation du processus électoral et des résultats finaux.

Ce qui fait que les arrêts de deux Cours évoquées, n'ont fait qu'amplifier les violences post-électorales au côté des discours politiques animés par des contestations et la manipulation populaire, qui ont donné lieu, à des violations massives des droits de l'homme à travers une

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[53] Art. 87 de la loi organique sur la Cour constitutionnelle au Gabon.

répression sanglante des manifestants, et à l'entérinement des push électoraux au Gabon et en RDC. L'indépendance du juge électoral, reste la seule garantie pour la sauvegarde de la souveraineté du peuple au Gabon et en RD Congo. Une réforme sur le mode de désignation des animateurs de la Cour constitutionnelle, serait un gage pour aboutir à une justice électorale et constitutionnelle indépendante clé de voute de l'État de droit dans une démocratie. Cette réforme viendrait nécessairement d'une simple volonté politique des acteurs, ayant pour idéal de pouvoir placer l'État de droit au-dessus des enjeux politiques d'accession ou de conservation du pouvoir.

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FUNDAMENTALS OF DIPLOMATIC PROTOCOL

Gabriel C. Gherasim [*]

Abstract

Every so often indistinctly designated as both ceremonial and etiquette, diplomatic protocol has come to encapsulate all the formal ingredients bearing on practices of diplomacy and which are not their substantive or factual constituents. Albeit rather decorative, pretentious and ostentatious, protocol in diplomacy has had the commanding role of facilitating diplomatic encounters, communications and negotiations. However, beyond its undeniable merit as the very environment of common sense pertaining to good manners, appropriate behavior and deferent courtesy, diplomatic protocol could be analytically comprehended distinguishing between the variety of nuances and connotations so frequently amalgamated within the conventional nomen of 'protocol'. The present study attempts at clarifying and discerning the plethora of its significances and appropriations. Accordingly, a cautious understanding of protocol references should carefully delineate between protocol and etiquette, protocol and ceremonial, and protocol as precedence, in addition to looking for the proper functions and applications of diplomatic protocol.

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Formal diplomacy: protocol and etiquette

In a sense, the status of protocol in diplomacy in relation to diplomatic actions properly follows the auxiliary role of 'knowing how' type of epistemological claims in relation to the substantive nature of 'knowing that' ones. Pushing forward the analogy, one could argue that the same as 'knowing how' dimension of knowledge is a complementary attachment of the whole process of knowledge and yet detached from its substantial texture, the protocol dimension of diplomacy only supplements the actual practices pertaining to its field. Arguably, the vast literature dedicated to the theory and practice of diplomacy concedes a junior status at best to aspects of diplomatic protocol, ascertaining for its merely formal and regulating functions. Albeit separated and inconsequential in regard to the factual consistency of diplomatic phenomena, diplomatic protocol has, nevertheless, certain objectified meanings and references, beyond its pejorative rendering as 'solemn frivolity' (Cambon). In broad terms, one could find certain incorporated references of diplomatic protocol - as a set of rules guiding formal conduct - grounded on the empirical observation of reciprocal attitudes of respect, deference, courtesy and a shared commonsensical system of norms in the service of good practices of diplomatic international relations. Furthermore, diplomatic protocol also touches upon certain features of elegance and artifice when it comes to exchanging gifts between high-level officials, recognition of titles and statuses, use of emblems and decorations, etc.[1] As deeply entrenched in the traditional diplomatic culture[2] and truly making both non-verbal and

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[1] Alice Hecht, Jean-Marc Boulgaris and Idriss Jazairy, *Practices of Diplomatic Protocol in Geneva*, Geneva: UNITAR, 2015, p. 18.

[2] Fiona McConnell and Jason Dittmer, "Diplomatic Culture" in Costas M. Constantinou, Pauline Kerr and Paul Sharp (eds.), *The SAGE Handbook of Diplomacy*, London: SAGE Publications, 2016, p. 104.

verbal communication easier even when strong ties between the actors preexist and render the protocol rules superfluous,[3] the diplomatic protocol role is essentially that of closing the gap between power status and ceremonial conventions, i.e., between the factual and the formal in diplomacy, respectively. In fact, in regard to standard behavior in diplomacy, deviations from protocol norms and etiquette are solely tolerated in cases of warm reciprocal relations and amicability.

On the other hand, beyond the consideration of protocol as a regulating function of diplomacy codifying a set of rules and norms specific to formal interactions, the term is frequently used interchangeably with 'etiquette'. It is probably fair to retrieve one of the most appropriate meanings of diplomatic protocol as consistently characteristic for the institutionalization of diplomacy, apart from the wide-ranging scope of diplomatic etiquette. Accordingly, while the latter expands over various manners, courtesy rules and appropriate behaviors in various occurrences of diplomatic settings, protocol should be specifically understood as an institutional ingredient of diplomacy pointing at shared symbols and references (such as the standardization of language), alongside precise mutual regulations and procedures (such as immunity and precedence) and formalism and professionalization (plainly reflected in the establishment of hierarchical diplomatic ranks).[4] If protocol meaningfully involves certain guiding rules for the preparation of international meetings, summits and conferences, circumstantial procedures for the recognition of new states in the multilateral system of international relations and strict regulations for the admission of non-professional diplomats, diplomatic etiquette rather points at decorum and symbolic gestures, such as meal

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[3] Adrian-Gabriel Corpădean, "Assessing Romania's Strategic Partnerships – Recent Endeavours in Romanian-Moldavian Relations" in *Der Donauraum, Zeitschrift des Institutes für den Donauraum und Mitteleuropa*, no. 56 (25 Years of Development in the Post-Soviet Space: Civil Society and Participatory Democracy), Vienna, 2018, pp. 107-121.
[4] Christer Jonsson and Martin Hall, *Essence of Diplomacy*, New York: Palgrave Macmillan, 2005, pp. 40-42.

regulations, greetings and appropriate language, among other mannerisms. However, there are some important etiquette requirements regarding business cards (engraved and never signed), invitation cards (specifying the occasion and the dress wear), courtesy calls (following a certain order and never before the presentation of credentials), correspondence (imposing mandatory rules of address), meals regulations (pointing at seating arrangements, menus, table manners), receptions, introductions (always of lower to higher ranks) and general courtesy codes.[5] Both protocol and etiquette, albeit restrictive and regulative in nature, allow for uniqueness while simultaneously guaranteeing equality of treatment, and creativity while requiring respect for minimum standards.[6]

Thus, protocol incurs much more explicit meanings in comparison with etiquette; in fact, protocol has acquired more and more institutionalized significances, being integrated into the complex fabric of diplomatic actions, mechanisms and procedures. Contrary to the recent postulate that the dissolution of aristocratic diplomacy has prompted not only the "erosion of older values"[7] but also the simplification of diplomatic procedures and, consequently, the relaxation of protocol constrictions,[8] it is precisely the expansion of multilateral diplomacy[9] and the need to

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[5] Alice Hecht, Jean-Marc Boulgaris and Idriss Jazairy, *op. cit.*, pp. 67-73.

[6] Kishan S. Rana, *21st Century Diplomacy: A Practitioner's Guide*, London and New York: Continuum, 2011, p. 230. Protocol and etiquette regulations and conventional norms remain mandatory and restrictive in new practices of diplomacy as well; for instance, certain constrictions are imposed on internet protocol, as follows: e-mails should not substitute formal and direct invitations; 'undisclosed recipients' approach should be used in group mailing situations; signature lines, prompt replies and 'out-of-office replies' are mandatory; the sender should provide a subject title, and the use of formality, conciseness and discretion are appropriate (Mary Mel French, *United States Protocol: The Guide to Official Diplomatic Etiquette*, Lanham: Rowman & Littlefield, 2010, pp. 327-330).

[7] Kishan Rana, *op. cit.*, p. 245.

[8] Yolanda Kemp Spies, *Global Diplomacy and International Society*, Springer: Palgrave Macmillan, 2019, p. 68.

[9] Adrian-Gabriel Corpădean, „The State of the Union Address – A Useful EU Communication Endeavour under American Inspiration?" in Iulian Boldea (ed.),

maintain permanent diplomatic missions abroad that has further complicated issues of diplomatic protocol, etiquette and ceremonial. The 1961 Vienna Convention on Diplomatic Relations sanctified a set of protocol rules, privileges and immunities specific to all official diplomatic actors, attaching well-defined norms and regulations to the broader field of international legislation. The next section puts forward further specificities of diplomatic protocol as regards its definition, functions and applications; moreover, I will argue that one of the best exemplifications of protocol application is illustrated by ceremonial events, while the rules of precedence and ranking in diplomacy stand for the functional character of protocol. Accordingly, protocol as ceremonial and protocol as precedence, respectively, will constitute the subject matters of the last two sections.

Definition, functions and applications of diplomatic protocol

In the vocabulary of diplomacy, one could hardly notice the existence of a comprehensive definition of diplomatic protocol; instead, one could rather discover ostensive and working definitions, circumstantial to the topic under examination. By and large, the most wide-ranging - albeit too general and minimalist - definition simply identifies protocol with rules of diplomatic procedures.[10] As such, the understanding of protocol is both flexible and overarching: regulations themselves should not be sanctified as immovable, but rather contextualized, both spatially and temporally. As far as diplomatic procedures are concerned, the diversity of diplomatic facts quite often imply careful scrutiny of local customs which bring specificity and refinement of diplomatic rules of protocol. For the sake of exemplification, Ministries of Foreign Affairs in several countries issue the so-called 'protocol handbooks' and appoint protocol departments to

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[10] Even the etymology of the Greek term 'protocol' might look far-fetched and obsolete; its recurrence within the present-day practices of diplomacy has a limited reference only, pointing at letters of credentials (Hecht, Boulgaris and Jazairy, *op. cit.*, p. 18).

familiarize foreign diplomats with the specificities and peculiarities, yet convergent of local diplomatic procedures.[11] Apparently, protocol is a distinct function, an embedded part of the Ministries of Foreign Affairs activities, alongside all its political, legal and administrative issues;[12] this is probably the reason why, at the state level, there is a special service of state protocol and the official responsible with carrying out tasks of protocol is unambiguously called chief of protocol. Moreover, according to article 17 of the Vienna Convention, a procedural rule of protocol requires that the heads of missions have to submit to the Ministry of Foreign Affairs in their receiving country a hierarchical list following the order of precedence criterion applicable to their staffs for pure protocol presentation reasons; additionally, the staff members of diplomatic missions have to send their visiting cards to those members of the Ministry of Foreign Affairs in the receiving country with whom they expect to have contacts, with the initials 'pp' (*pour presentation*).[13] These are but two examples of the complex web of relations between diplomats, not to mention the privileges and duties of their personnel and families; bottom-line is that, from a procedural standpoint, diplomatic protocol is required on any occasion marking the beginning and termination of diplomatic missions. The procedure of formal acceptance, arrival and presentation of credentials, arrival visits and/or the end of diplomatic missions – all engage specific protocol events. Among the most usual occurrences, it is worth mentioning the presentation of letters of credence by the new diplomat (in which case the original is handed in to the head of the receiving state and a 'true copy' to the Ministry of Foreign Affairs), the exchange of cabinet letters (between the corresponding Ministries of Foreign Affairs through charge d'affaires), the arrival visits (preceded by the presentation of credentials and letters to

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[11] Rana, *op. cit.*, p. 238.

[12] Yolanda Spies, *op. cit.*, p. 150.

[13] John R. Wood and Jean Serres, *Diplomatic Ceremonial and Protocol: Principles, Procedures & Practices*, London: Palgrave Macmillan, 1971, pp. 32-33.

homologous persons), and rituals marking the end of diplomatic missions (including private ceremonies, decorations, souvenirs, farewell dinners).[14]

In accordance to well-established rules and procedures which define the diplomatic protocol and provide for its ultimate *raison d'etre*, there are certain general functions traceable to specific roles of protocol services, as follows: i) the provision of general regulations for diplomatic representatives by the protocol departments of foreign ministries; ii) the ordering of rules of precedence; iii) the annual management of the list of diplomats; iv) the admission of flying flags on diplomatic buildings and cars; v) the defense of diplomatic privileges and immunities, and vi) the regulation of written communication, personal etiquette, table and seating arrangements, gifts and other diplomatic rituals.[15] The functional character of diplomatic protocol allows for equidistance and eliminates contingent misunderstandings and frictions; in other words, it simply facilitates diplomatic proceedings and provides for the smooth work of diplomatic institutions and their daily operations. In this respect, protocol might be conceived as the guardian of functional egalitarianism between states and actors involved in diplomatic encounters, attempting at reducing diplomatic discrimination and contributing to making interactions predictable.[16]

Eventually, apart from protocol's procedural/ regulative and functional meanings, there is a large array of events and occurrences which reveal, so to say, diplomatic protocol at work. This complementary meaning of protocol encompasses numerous applications, regulative as well, such as: 1) participation at ceremonials, processions, parades and official visits in the receiving state; 2) participation at religious ceremonies, including funeral events and church arrangements for the diplomatic corps; 3) adherence to rules of collective precedence for the diplomatic corps,

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[14] *Ibidem*, pp. 39-43.
[15] Rana, *op. cit.*, pp. 232-234.
[16] Spies, *op. cit.*, pp. 202-203.

according to the basic principle of seniority at the post; 4) compliance to rules of individual precedence, in keeping with deference for grade, seniority at the post and age; 5) acceptance of institutionalized internal precedence; 6) recognition of consular precedence, including formal distinctions between career and honorary consuls and between identical consular grades by considering the order of exequaturs; 7) specification of regulations for flying the national flag in the receiving country; 8) conventions for the decreeing of official mourning, including the signing in the official registry; 9) invitations to receptions, including rules of appropriate conversation and official speeches; 10) respect for the hierarchical ranking of nobility titles and official ones; 11) conventionality regarding the form of visiting cards; 12) requirements in regard to ceremonial dress and wearing decorations, etc.[17]

Protocol and ceremonial

The above-mentioned applicative component of diplomatic protocol is a fundamental tenet of its institutionalized facet, apace with the procedural, regulative and functional characteristics. One enduring challenge for testing the applicative efficiency of protocol has been put to work on ceremonial occasions. Ceremonies, festivities, funerals and other events associated with the general etiquette of ceremonial stand for the complementary tool of institutionalized diplomatic protocol, i.e., the ritualization of protocol. Essentially, any ritual involves symbols, repetition, formality and fixity;[18] in the case of ceremonial rituals, they point at decorum and basic etiquette, address and greeting phrases, status, deference, courtesy, exchange of gifts, etc. Some of the most popular events of diplomatic ceremonial are clearly marriage ceremonies, funerals, presidential inaugurations, awards and decorations festivities, ceremonies for the presentation of military personnel, etc. A very appealing and

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[17] John Wood and Jean Serres, *op. cit.*, pp. 90-101, 116-157.
[18] Christer Jonsson and Martin Hall, *op. cit.*, pp. 42-43.

distinguished occurrence of diplomatic ceremonial is the monarchical ceremonial, covering the officializing of alliances, marriages, coates of arms rituals; the protocol and pomp on such occasions are notoriously high and sometimes criticized for their display of aristocratic grandeur and anachronistic mannerism.

The subtle interconnectedness between protocol and ceremonial in diplomacy could be illustrated by postulating that "protocol codifies and puts into practice the rules of ceremonial and supervises their application".[19] The extraordinary display and significance of ceremonies resides not only on their public character contrasting the secrecy of traditional diplomatic endeavors, but also on the historical awareness regarding their prestige and impact upon the legitimacy of international encounters and interactions. For instance, the importance of ceremonial could be traced back to the medieval period: the Byzantine emperor, Constantine Porphyogenius wrote a detailed *Book of Ceremonies*, and, later, official receptions in Venice were advised by a *Libro Ceremoniale*.[20] Nowadays, protocol within ceremonial is mostly visible in multilateral diplomacy, international visits, signing of treaties and speech-making practices. In order to highlight the prominence of conducting and organizing ceremonials, the vocabulary of diplomacy generated two technical and professional denominations, i.e., maître des ceremonies in France and master of ceremonies in the English-speaking world. However, under the impact of the French Revolution's egalitarian ideas and the rational and utilitarian orientation of modern diplomacy, critics started to dismiss ceremonials as pompous grandiloquence, ridiculous excesses and irrelevant misrepresentations of diplomatic phenomena.

Still, funeral diplomacy outweighs other forms of ceremonial as regards opportunity and effectiveness in the current practice of diplomacy. Alternatively called working funerals, death ceremonies have become

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[19] Wood and Serres, *op. cit.*, p. 18.
[20] Jonsson and Hall, *op. cit.*, pp. 47-48.

prominent public diplomatic events especially after the 1960s; commonly occurring as impromptu summits, funeral ceremonies are operational 'side consultations', amplifying the consequential roles of diplomatic encounters. Their peculiar advantages are either auspicious or momentous: from the opportunity to meet a new government or the favorable occasion of receiving an enemy as a compassionate mourner, up to situations facilitating negotiations, follow-up developments, rapprochement and reconciliation, funeral diplomacy may consistently contribute to augmenting outcomes of commonplace diplomatic conjunctures. Moreover, they are favorable circumstances to be exploited in the benefit of searching for peaceful solutions or compromises under the solemnity of the moment, and solemnizing or strengthening previous fragile international agreements. Risks and disadvantages are notable as well: the host countries have usually to confront the task of calibrating the attendance level and eliminating possible disparities, the time pressure for optimal organization of the event is high and they have to minimize the effects of uncomfortable head to head meetings between high-level representatives of unfriendly states. The most notorious and impactful funeral ceremonies in the second half of the twentieth century were prompted by the deaths of the Egyptian president Gamal Abdel Nasser in 1970, of the three Soviet presidents in the 1980s and of the Japanese Emperor Hirohito in 1989.[21]

Protocol as precedence. Privileges and immunities.

Diplomatic protocol reveals its full-fledged functional character in matters of statuses; thus, precedence, ranking, prerogatives, privileges and immunities are governed by protocol standardization of hierarchies and granting of diplomatic rights. In no other sector of diplomacy, the functionality of protocol is more obvious; in fact, functions in diplomacy are the result of codified international standards in regard to i) precedence

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[21] G. R. Berridge, *The Counter-Revolution in Diplomacy and Other Essays*, New York: Palgrave Macmillan, 2011, pp. 103-119.

(official state hierarchy of dignitaries, ranking of similar positions within the diplomatic corps, ordering of seats at international conference tables, order of signatures on collective treaties, etc.), ii) privileges and immunities of diplomats (inviolability from killing, robbery or detention, extraterritoriality of embassies' buildings, diplomatic asylum, exemption from taxation, etc.), and iii) ranking (system of classification and order of diplomatic ranks).

Precedence has been the most typical norm of social protocol since early modernity.[22] In the medieval era, up to the end of the 15th century, papal representatives came first, preceding the dignitaries of the Holy Roman Empire; moreover, precedence was regulated by the papal ranking of European monarchs.[23] During the 16th and 17th centuries, it incorporated a series of symbolic functions and expressions of competition, power, reputation, dignity, honor and authority. More precisely, precedence has stood for socialization of diplomatic relations, covering and being indicative for a multitude of daily practices in international relations, such as the regulation of guests' entry order at the city gates, the preeminence on receiving rather than making visits, the ordering of signatures, the organization of receptions and coronations, etc. In the 'status-conscious age' of the 17th century, peace negotiations could be gravely endangered by neglecting strict consideration of precedence rules.[24] For instance, medieval and modern history depicted at length the enduring conflict between France and Spain on issues pertaining to precedence, until its 1761 settlement due to a bilateral agreement. Most recently, it has been decided that mere alphabetical order should prevail in cases of precedence irresoluteness or confusions.[25]

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[22] Harry W. Kopp and Charles A. Gillespie, *Career Diplomacy: Life and Work in the US Foreign Service*, Washington DC: Georgetown University Press, 2011, p. 69.

[23] Jonsson and Hall, *op. cit.*, p. 57.

[24] Matthew S. Anderson, *The Rise of Modern Diplomacy 1450-1919*, London and New York: Routledge, 1993, pp. 15-18, 64-65.

[25] Jonsson and Hall, *op. cit.*, p. 57.

Privileges and immunities have resulted out of controversies between states regarding the protection of their officials on the territories of the receiving states; originating in the Roman code of *ius gentium*, the fact that foreign diplomats are exempted from the receiving country's legislation has been under criticism for generating the so-called 'legal bubble' phenomenon.[26] The debatable status of diplomats was solved by a series of international conventions on prerogatives, privileges and immunities. First, article 105, paragraph 1, of the United Nations Charter – adopted June 26, 1945 – stipulated a principled respect for certain privileges and immunities which should be guaranteed to United Nations members. Second, the above-mentioned resolution further prompted the adoption by the General Assembly of the Convention on Privileges and Immunities of the United Nations, on February 13, 1946, granting certain diplomatic and functional immunities. Then, on November 21, 1947, the General Assembly moved towards the ratification of Convention on Privileges and Immunities of Specialized Agencies, expanding the individual prerogatives of the kind to specific agencies of the United Nations. Finally, the two Vienna conventions on diplomatic and consular relations (adopted 1961 and 1963, respectively) amalgamated all previous efforts with the goal of finding reasonable solutions to privileges and immunities dilemmas.[27] Articles 29-39 of the Vienna Convention on Diplomatic Relations listed and enumerated precise privileges and immunities of diplomatic agents. The most important of them point at the inviolability of the person, communications and premises, the ascertaining of criminal and civil jurisdictional immunities, the courtesy prerogatives on immigration, religious freedom, tax exemptions, customs and social security issues, war immunities and the issuing of diplomatic passports.[28]

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[26] Harry Kopp and Charles Gillespie, *op. cit.*, pp. 66-67.
[27] Hecht, Boulgaris and Jazairy, *op. cit.*, pp. 24-25.
[28] Wood and Serres, *op. cit.*, pp. 48-63.

The establishment of *diplomatic ranks* completes the functional distinctions between statuses, dignities, prestige and merits, further refining the diplomatic professional hierarchies. The idea of awarding individual ranks has deep-rooted origins in ancient Greece, where formal ranking distinctions were made between heralds, envoys, messengers and proxenoi (consuls). Later in the 17th century, the procurator, who was not only assigned to mere deliverance of messages, but also to negotiate a treaty, was awarded the rank of 'plenipotentiary'. In the end, the 1815 Congress of Vienna and the 1961 Vienna Convention, respectively, reached clear-cut distinctions and classifications of ranks, generally distinguishing between ambassadors, ministers, charges d'affaires and secretaries.[29]

Coda

Advanced reflection upon the in-depth meanings and references of functions and applications of diplomatic protocol, and – more challenging – upon its institutionalization and ritualization would be necessarily conducive to adopting an overall distinction between what I would call *protocol in diplomacy* and *protocol on diplomacy*, respectively.

Protocol in diplomacy consistently points at its roles, functions and placement within the comprehensive system of diplomatic facts. Accordingly, it enters the structural configuration of integral diplomacy, being a substantial component of the system per se. Following the line of the argument, it means that protocol in diplomacy is one of the instruments of diplomacy, operating in conjunction with other 'branches' of diplomacy; consequently, it would be consistent with its functional and procedural attributes and would bear upon certain institutional arrangements specifically created in the service of diplomatic ends. The present study approached protocol functions and protocol as precedence, prerogatives, privileges and immunities as meaningful instantiations of protocol in diplomacy.

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[29] Jonsson and Hall, *op. cit.*, pp. 64-65.

Protocol on diplomacy would be the auxiliary add-on to substantive diplomacy by essentially attempting at formalizing diplomatic facts and phenomena. Accordingly, it overtly performs administrative duties in relation with diplomatic events and carefully supervises on the display of smooth and good practices in the field. In order to ensure the rigorous progress of diplomatic events, protocol on diplomacy would be about the enforcement of regulations and commonsense rituals codified in symbolic gestures, good manners and courtesy conduct. Being external to substantive diplomacy, it applies a set of norms and regulations as guiding formalities with the specific aim of securing the success of diplomatic interactions. Protocol as etiquette and protocol as ceremonial are explanatory references of protocol on diplomacy.

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